

the spark



REDUNDANCIES IN ESTATES

The University has declared a redundancy situation in the Projects Team in Estates and is seeking a reduction of nine staff - 4 Project managers, 2 Building Engineers, the Head of Projects - all of whom are academic-related staff and so represented by UCU and two secretarial and clerical staff who are represented by Unison.

The reason for this is the uncertainty around future funding for capital funding and the likelihood of substantial cuts in such funding. The university plans to substantially run down its buildings programme during 2010.



A voluntary severance package has been opened and the University has stated its wish to achieve these staff reductions by voluntary means. However the university has caused considerable concern by circulating widely some draft compulsory redundancy criteria, well before they should be considering compulsory redundancy. These criteria included issues around the manner in which staff had participated in CDSA - but those parts of the criteria have been withdrawn by management after UCU pointed out this would be in breach of national and local agreements on CDSA. UCU has made it clear that we will only comment on compulsory redundancy criteria if and when all measures to avoid any need for compulsory redundancy, including voluntary severance, have been exhausted - and that the university must stick to the agreed procedure which requires a 3 month period for the consideration of such measures.



Following discussion of this issue at the branch AGM where the branch negotiators were given a mandate to take a strong line on this matter, a robust discussion took place at the Joint Negotiating Committee the following day, when UCU representatives objected strongly to a number of breaches of the procedure for dealing with redundancies, including the instigation of measures before Council had declared a redundancy situation and the failure to consult UCU on the processes to be followed. We have made it very clear that the energies of both the management and the union should be concentrated on achieving a resolution by voluntary means and that we will firmly resist any attempts to introduce compulsory redundancy or to short cut the agreed procedures. Management has indicated its wish to avoid compulsory measures if possible and this is a commitment which we will hold them to.

The particular circumstances which have led to redundancies in this part of Estates are unique because the buildings programme is separately funded from the main Funding Council grant. However since there is every possibility of further redundancy measures elsewhere in the university in the future - though we are assured that none are currently planned in the immediate future - it is vital that the University follows its own procedures rigorously and in particular does everything it possibly can to avoid compulsory redundancies - in Estates and elsewhere.

INSIDE THIS ISSUE:

CDSA & Salary sacrifice	2
President's news	3-4
IPR Open Meeting report	4-5
Quick crossword	5
USS pension update	6
Direct debit subscriptions	7
AL pay - time for transparency	8-9
New Executive Committee info	10

MANAGEMENT STUBBORNESS LOSES MONEY FOR UNIVERSITY

Figures released to UCU by the University indicate that more than a third of academic staff and almost a quarter of academic-related staff have opted out of the University's salary sacrifice scheme known as OpenSmart. UCU asked members to boycott this scheme after the University unilaterally introduced it and refused to endorse a negotiated agreement, which would have provided for a measure of union involvement in decisions on the use of University savings. The University also estimates that it is losing over £200,000 a year as a result of staff opting out.

The University can ill afford, in the current financial climate, to lose that sort of money but has rejected a union proposal to reopen negotiations on this matter, with as a starting point, the agreement reached but not implemented last year.

This leaves the union with no choice but to continue to urge members to boycott this scheme, until the University recognises that it just cannot afford to throw away that sort of money.

CDSA

The UCU branch continues to receive all too frequently examples of breaches of the 2007 agreement between the branch and the university. Main features of this agreement, which can be accessed at http://intranet.open.ac.uk/human-resources/info_cdsa.htm (Local agreement with OUBUCU 2007), include the right to request an alternative appraiser to that proposed by the management, the lack of any link with rewards or promotions, except that any group considering rewards can receive a CDSA report provided it is jointly agreed by appraiser and appraisee or, if they are unable to agree, two separate reports, and confidentiality provisions which restrict access to CDSA records.

Breaches of this agreement have occurred in many departments, mainly but not entirely academic related, and although these are routinely referred to Human Resources, they are not always dealt with and resolved quickly if at all.

One of the main problems is that although the university wide agreement was drawn up after painstaking negotiations between the university and the branch, some units take it upon themselves to rewrite this agreement and in so doing, omit or get wrong key features, and sometimes they add things that have never been agreed. UCU has called for the end of all unit level agreements so that there is one and only one CDSA policy, which should be applied consistently across all academic, academic-related and research staff. UCU has also asked for statements in University policy statements on rewards, which suggest that you cannot get a reward unless you have completed a CDSA, to be changed to make clear that this only applies if someone has unreasonably refused to have a CDSA, since it is often the case that the lack of a CDSA is not the fault of the member of staff and so they should not be penalised.

Please take time to look up the university policy and tell us if your unit is not abiding by it by emailing ucu@open.ac.uk



New Branch Administrator



The UCU office is open once again, Deb Shann joined as the new Branch Administrator on 3rd August 2009. Deb previously worked part-time at the Open University on the LTS Computing Helpdesk and also had another part-time job with Milton Keynes Labour Party. Prior to that she worked for Laing Homes/George Wimpey for 8 years in IT support and then as their Website manager. Deb is a keen gardener looking after a 500' garden and has been a Girl Guide leader for almost 20 years.

REVIEW OF RESEARCH STAFF

The UCU branch is in discussion with the University about its proposals to change the terms and conditions of research staff, proposals which seem to be mainly driven by considerations around the Research Assessment Exercise and its successor, the Research Excellence Framework, which have a critical bearing on research funding. One of the union's concerns is that the university has apparently pre-empted these discussions by introducing some changes without agreement with UCU, including the introduction of a new title of Research Associate which is a breach of the terms and conditions of service of research staff.

The branch organised an open meeting for all research staff in September which was addressed by the Pro Vice Chancellor, Research and Enterprise, Brigid Heywood, and is now consulting its members among the research staff to inform further negotiations with the University.

RESTRUCTURING OF COURSE MANAGERS

Two broadly similar reviews of how course managers are organised are taking place - in Health and Social Care and in Social Sciences. The former review is further advanced.

In both cases and following consultation with affected members, UCU pressed for an extension of the timetable to consider the proposals and the university agreed to this. At the time of writing discussions on both reviews are continuing.

NATIONAL NEGOTIATIONS

Discussions on a pay settlement for the year starting August 2009 are deadlocked. UCU has rejected the employers paltry and "final" offer of 0.5%, but there is no evidence of any wish among members to take industrial action. Meanwhile there are talks about talks with the employers, about the UCU proposal for a national agreement on avoiding redundancies but little sign of anything concrete emerging.

FIXED TERM CONTRACTS

The branch is increasingly concerned about the number of fixed term contracts, which are terminated with little or no apparent effort to try and find permanent employment for the staff concerned. UCU has reached, in principle, agreement with the University on the revival of a former process which has ceased to be implemented. That process would allow for regular discussions between the university and the union on all fixed term contract terminations, so that the possibility of contained employment for the staff concerned is more thoroughly explored.



NEW VICE CHANCELLOR

Officers of the branch have met with Martin Bean, the University's new Vice Chancellor, and established a good working relationship. The Vice Chancellor has offered regular meetings which UCU welcomes. Among issues discussed with the Vice Chancellor were co-operation on issues around institutional funding including maintaining opposition to the ELQ policy and influencing government policy away from its current discrimination against the part time sector, and the need for the University to stop under-valuing Associate Lecturers and treating them as distinct from other categories of staff.



DISPUTE ON ALLOWANCES FOR OFFICE HOLDERS

The branch has had a long standing dispute with the university over its refusal to negotiate over the level of allowances payable to people, who take on temporary offices, such as Associate Deans. The procedure agreement makes clear that any remuneration is a matter of negotiation, but the University has stubbornly refused to negotiate on this. UCU exercised its right to seek arbitration on this after due internal processes had been exhausted, but the University prevaricated for seven months about the procedure before finally agreeing to refer this matter to ACAS. The union and the University have agreed to a proposal from ACAS to explore conciliation measures before proceeding to arbitration should this not resolve the dispute.

THREAT TO REGIONAL CENTRES LIFTED

The University announced in October that, following an initial feasibility study, it would not proceed to have a full review of the number of university locations, in other words exploring possible savings by closing down some Regional Centres. This was because the university had realised that such measures would not lead to savings in the short to medium term, because any savings made would be offset by additional costs, including those for staff redundancies - something which UCU stressed in discussions with the University. The branch also made clear that it would resist any compulsorily redundancies resulting from any such closures and whilst the University has not stated that this was a consideration in its decision not to proceed with such a review, it would be surprising if concern about this was not a factor.

MILEAGE RATES

UCU and the University have had numerous discussions about the standard University mileage rate. When the OU introduced the current standard rate, this had been preceded by repeated attempts on the part of the union to get management to agree to linking the OU's rate to an external rate such as those recommended by the AA or RAC. This linkage would have meant an automatic increase in the OU's mileage rates as the external rate went up, but the OU refused to agree to this.

UCU has registered a formal "failure to agree", which means that we can instigate arbitration procedures if the deadlock is not broken. After the breakdown of discussions on this, which led to UCU taking the first step in a process which might have led to arbitration, the University has now indicated its willingness to discuss a formula to allow for variations in the mileage rate, in the light of changes in motoring costs but detailed discussions on this have not yet taken place.

Intellectual Property Rights (IPR) Open meeting - 12th November 2009

The branch recently held an open meeting designed to advise staff what they could and should do to protect their intellectual property rights, which are under increasing threat due to the ready availability of material on the web and the increasing activities of a number of private and profit making organisations which are getting a foothold in UK higher education. A webcast of this meeting is available on the OU stadium website which can be accessed at: <http://stadium.open.ac.uk/webcast-ou>

The meeting was addressed by Paul Cottrell, national Head of Public Policy, who is the senior official responsible for dealing with issues around IPR.

Paul Cottrell spoke about a more avaricious management style regarding IPR because of the current financial pressures. He referred to the patenting of staff ideas and the creation of spin-off companies without benefit to those who had created the ideas in the first place. Legally management might own the copyright, but there were ethical concerns arising from this as well but which were not taken into account by the employers.

He said that it was important to defend the rights of members, and in these difficult times there was need to respond to changes. A national working group had been set up by UCU to consider these issues. The national working party would set up an e-mail network and would hold a conference in the Spring.

The example of MIT in the USA, and the Open University here, in making materials freely available online had implications for IPR and for members' rights. For example, material available online could be changed by the institutions without the involvement of the authors. Also, 70% of visitors to the OU's online materials were not from the UK.

....continued over

IPR Meeting discussion:

Question: External funding bodies or agencies often impose conditions including academics assigning copyrights to them, so how does that affect an individual's rights?

A: Paul suggested that academics could use license agreements to permit funding bodies to use work produced, whilst the academics would retain their copyrights. It was pointed out that if the academics did not have this sort of agreement, then they could not legally use their own work without permission. To illustrate this point, the example was used of a recent request by an external academic to use copies of material he had written for the D102 Foundation Course during its production phase between 1979 and 1982. He had had to ask because the OU owned the copyright of his work.

Paul Cottrell used the example of an academic who had had the idea for a more efficient tyre pump whilst using the air pump at a petrol station. After developing this idea he was surprised when his university had tried to claim the copyright to it. The situation had been complicated by the fact that the academic had used some university facilities to develop a prototype, but the idea had been his, and it was not part of his university duties to develop such gadgets. Paul said that a related issue would be the idea of a university claiming the copyright for novels written by academics, for example, those employed in literature departments. Also, Paul pointed out that where a university had charitable status, making a profit was incidental, not part of the objectives.

The issue of software developed by a member of staff at home, but not on duty, was raised. It was noted that full-time staff at the OU had more protection than AL staff did, or staff elsewhere might have. Also, the OU's copyright was limited only to materials used for course production. Paul Cottrell advised that if there was any doubt over IPR, an individual should seek legal or professional advice.

Question: What should staff do when faced with difficulties over third party use, and what can UCU do to help?

A: Paul advised that staff must be prepared to retain their rights in the face of third party use. As for legal assistance from UCU, the legal aid budget was small, and IPR actions were very expensive, so there was not a lot UCU could do. Indeed, one action might well wipe out the budget. One strategy would be to negotiate new Terms & Conditions of Service which better protected the IPR of the individual. The staff present at the meeting were asked to check the IPR part of their Terms & Conditions of Service and to send their comments to Paul and the branch.



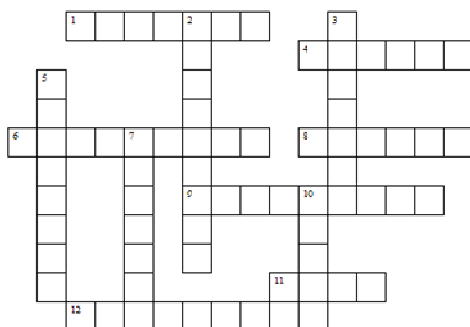
NB: It was made clear that IPR issues were not simply about money, but about protecting the interests of members.

Alma Hales, Intellectual Property Manager, said that the moral rights of an individual were powerful, and Paul added that these should not be infringed. Ideally, academics and others should retain their IPR, but have the right to give this away.

The meeting concluded with a summing up the discussion. It was noted that though there were a few new faces present, it was disappointing how few academics had turned up for such an important issue.

John Bennett, Immediate Past President

Spark Nov 2009



ACROSS	
1	Name of Xfactor twins (7)
4	Firstname of new European President (6)
6	Which rock band could Roger have been in? (4,5)
8	Surname of academic recently retired, known for his special tie (6)
9	UCU members get free personal contents insurance with which company? (9)
11	Colour of wellies on new UCU application form (4)
12	Age of Girl Guides in 2010 (7)
DOWN	
2	Old museum just refurbished (9)
3	Name of Mr Benn's road (old Children's TV show) (7)
5	Dance in Limerick? (5,3)
7	Room number of UCU office (7)
10	Regional official's first name (5)

USS Pension update

In the current economic climate, many members are concerned about the security of their pension scheme. It is worth emphasising, therefore, that your pension scheme (USS) remains in robust good health – though not without some challenges!

USS is the second biggest private pension scheme in the UK. It is underpinned by a multi-billion pound investment fund and by positive cash flow of around £800 million per year. The combination of earnings from investments and contributions from active members far exceeds payments to pensioners. This will remain the case for many years before there is any need to liquidate assets.

At the most recent scheme valuation (2008), USS was fully funded on “technical provisions” (the test set by the Pensions Regulator). However, the USS Board, made up of members nominated by UCU and UUK together with a number of agreed “independents”, recognised that there were cost pressures on the scheme resulting primarily from improved longevity. In consequence, employer contributions were increased from 14% to 16% with effect from October 2009. The member contribution to USS is fixed by rule and cannot be varied without the agreement of the UCU/UUK Joint Negotiating Committee. The Board has the duty to fix the employer contribution at the level necessary to meet the “balance of costs” and to ensure that our pensions are safeguarded for the future.

USS was jointly created by AUT (now UCU) and UUK. Your Union is absolutely committed to defending your pension scheme as a permanent, attractive and affordable feature of employment in HE. UUK has signed up to the same commitment. UCU has, therefore, been working with UUK in a Joint Review Group (JRG) to address current challenges:

LONGEVITY

We are all living longer – good news for us but not so good for pensions’ actuaries! The increased employer contribution rate addresses this problem for the immediate future but future increases may be necessary.

SALARY INCREASES

In recent years, believe it or not, pay increases have exceeded actuarial assumptions. The best current evidence indicates that this appears to have been a temporary “blip” caused by the pay “Framework Agreement” and an increase in the number of promotions. The JRG will keep this under review. Agreed action, if required, will take full account of the causes and the beneficiaries of any continuing pay increases.

INVESTMENT

USS is heavily invested in equities which, in the medium to long term, can be expected to out-perform gilts.* Recent volatility in the markets has caused some concern because there is a possibility that the scheme may not be fully funded on its technical provisions at the time of the next triennial valuation due in 2011. If this turns out to be the case, the Pensions Regulator would require a recovery plan to be put in place which would impose additional contribution requirements on the employers. However, markets are now recovering. It should be stressed that any move to gilts to reduce investment volatility would come with a very hefty price tag in the form of increased employer contributions.

The Joint Review Group will continue to examine these issues in the light of the best available evidence and to consider appropriate solutions. It must be emphasised, however, that there is no emergency and no cause for undue concern. The object of the Review is neither to reduce costs nor to reduce benefits. It is to decide how best to manage and control the volatility which is inevitable in a market economy and to secure and safeguard your defined benefit pension scheme for the future.

Alan Carr

UCU National Treasurer

*Equities: Common stocks (shares) traded in a securities market

Gilts: Fixed income debt security (bond) issued by government and traded on the stock market.

USS

Direct debit subscription

Many of you pay your union subscription by direct debit, and this is a very convenient method of payment for all concerned. Subscriptions are automatically adjusted each year, and the system runs smoothly.

Unfortunately, the system cannot detect when your salary moves out of the band you were originally in, and we can tell statistically that too many people are paying in salary band 2 and too few in salary band 1. To remind you, here are the current subscription bands:

Salary band	Annual Salary	Monthly subs including local sub	Monthly subs in Northern Ireland including local sub
1	£40,000 and above	£18.87	£18.72
2	£20,000 - £39,999	£16.58	£16.44
3	£10,000 - £19,999	£9.42	£9.34
4	£5,000 - £9,999	£3.90	£3.87
5	below £5,000	£2.23	£2.21

Most long-standing academic staff working full-time should be paying at the top rate, as should many academic-related staff. If you can see that you are paying in the wrong band, please email ucu@open.ac.uk and we will arrange for your direct debit to be adjusted. If you would like to change to salary deduction, where this problem does not arise, we can arrange that instead.

We won't be trying to collect arrears, but we should remind you that if you ever need legal advice from the union, a check will be made that you have been paying the right subscription.

David Knowles
Hon Treasurer



! WANTED !

MORE REGIONAL REPS

We are looking for any regional staff members who would like to become active at a regional level by handing out UCU application forms, updating a UCU notice board in the regional office & other union tasks.

If you are interested then please contact Deb Shann on 01908 653069 or ucu@open.ac.uk

HAVE YOU BEEN OFF WORK?

When a member, for whatever reason stops getting pay for a short time - e.g. due to unpaid sick leave, unpaid leave, secondment elsewhere, unpaid maternity leave - when he or she then starts getting paid again, it has sometimes been the case that their salary deduction for their union subscription is not reinstated. If you think this might have happened to you, then please check and notify us, we can get your subscriptions re-instated.

Tel: 01908 653069 or email ucu@open.ac.uk

AL Pay — Time for Transparency

How many of our AL members know how to check the calculation that allocates their course to a salary band? Not many, we believe. Moreover, we suspect there is an equivalent degree of ignorance amongst many of the full-time staff who determine the parameters (or "drivers") for the salary bands.

There is a considerable element of luck at the low pay end of the scale, since the gap between each salary band (currently about £450) is quite large compared to the actual salaries.

Point (£)	Band												
	1	2	3	4	5	6	7	8	9	10	11	12	13
1st	£1,069	£1,480	£1,891	£2,302	£2,713	£3,124	£3,535	£3,946	£4,357	£4,768	£5,179	£5,590	£6,001
2nd	£1,101	£1,524	£1,947	£2,371	£2,794	£3,217	£3,641	£4,064	£4,487	£4,911	£5,334	£5,758	£6,181
3rd	£1,134	£1,570	£2,006	£2,442	£2,878	£3,314	£3,750	£4,186	£4,622	£5,058	£5,494	£5,930	£6,367

The OU is no longer deliberately seeking to hide the mechanisms for determining AL pay, as it did in the early years of the current contract, but the calculations involved are fiddly, and the SRPs for courses (see below) are not readily available.

You need to know the current values for the TMA fee, a contact hour or a student support hour, and the Student Related Parameter (SRP), and the generic expenses which are calculated on the basis of the number of TMA scripts marked. All of these have been inherited from the old piecework system but (apart from the expenses) have been increased in line with pay rises, and are still used in determining the salary bands of new courses.

The current figures are:-

Contact hour or student support hour - £43.06

TMA fee - £20.53 + £0.76 expenses

SRP - the SRP is multiplied by £13.01 and then multiplied by the number of students

A calculation is then done to obtain a sum of money that represents the average pay under the old piecework system for a tutor group of standard size. This means that the number of TMA scripts a tutor is likely to mark has to be estimated by using an assumed TMA submission rate. For a new course this estimate is based on the submission rate for other courses in the same faculty or school at the same level. The ICT payments given by the table below for 30pt and 60pt courses are then added.

Level of ICT use	Salary £		£ Expenses Not paid pro rata CATs point	Total £	
	60 pts	30 pts		60 pts	30 pts
1. Web enhanced	50	25	65	115	90
2. Web focussed	100	50	95	195	145
3. Web intensive	150	75	125	275	200

The most questionable part of the process then takes place, which is to determine the salary band by rounding DOWN to the next lowest Point 1 salary. So if the outcome of the calculation described above is £2090, the next lowest Point 1 salary is £1,891 and the course would be in salary band 3.

....continued over

Originally the purpose of rounding down, as well as grouping courses together in salary bands, may have been to reduce probationer's salaries in the average case by approximately 9.1% so that the earnings of post-probationers, which were 10% above those of probationers when the current contract was introduced, would be in line with the old piecework earnings.

But the effect of rounding down has weighted the system against those who teach several small courses compared with those who have a similar workload from one large course because the rounding down will happen once for each course. It also introduces a considerable element of luck, because rounding down across an interval of nearly £450 can either remove almost £450 or can remove almost nothing.

If anyone wants to check the salary band of a course, but needs the SRP or the assumed TMA submission rate and more details on how to do the calculation, see http://ucu.open.ac.uk/associate_lecturers

The system dates back to a time before the advent of email and electronic conferencing, and multi-media TMAs which some ALs find more time consuming to mark. This has given rise to a number of inconsistencies in how these things are catered for. Some faculties seem to have been more generous than others in allocating tuition hours for electronic support. The SRP is also very inconsistently used, especially at masters' level.

For a 30pt course the SRP is normally 1, and for a 60pt course it is usually 2. In the past level 1 courses have usually had SRPs of 1.5 for 30pt courses and 3 for 60pt courses, but two recent 60pt level 1 courses, S104 and U116 have SRPs of 2, which in the case of S104 is lower than its predecessor.

Some components of the AL role, such as the two days' staff development, providing feedback to the university and administration are not represented in the current system at all.

Over the years there has been a slight slippage in the banding mechanism, because the ICT payments and generic expenses have been "frozen" while everything else, including the banded salaries have gone up. So a course that might just have made it into band 9 when the system was introduced might well end up in band 8 if it were banded now. Part of the ICT payment is for work, and so should have been treated as salary and increased in line with pay rises.



The union believes it is way past time to move to a more transparent system of calculating AL pay and workload based on a time estimate for different aspects of the work, including work in electronic forums and answering students' individual emails.

Lesley Kane

Hon. Secretary

NEED HELP? PERSONAL CASEWORKERS ARE HERE

One of the most important services provided by UCU is support for individual members experiencing problems in their employment, or with other members of the University.

If you want any advice on employment related problems, please email ucu@open.ac.uk. Any such emails will of course be treated in strict confidence.

BECOMING ACTIVE

We are looking for members to volunteer for any of the roles below. In most cases members being trained for these roles should be allowed time off work.

Union Learning reps - A learning rep is a union rep who is trained on advising members on learning needs and opportunities.

Health and safety reps - At the moment we have only three H&S reps, one AL, one regional staff member and one MK-based. Ideally we should have one in every region, as well as several AL H&S reps. Anyone who has a knowledge and/or interest in health and safety issues would be invaluable. Time off work for training and other functions is a statutory right.

Department or unit reps at MK - We are interested in hearing from anyone who is willing to serve as a point of contact for the union, and/or maintain a noticeboard for members.

YOUR NEW EXECUTIVE COMMITTEE (2009-10)

President: Roger Walters (r.j.walters) x 58810

Honorary Secretary: Lesley Kane (lhk4@tutor.open.ac.uk)

Treasurer: David Knowles (d.w.knowles)

Vice Presidents: Mike McNulty & Alan Carr

Immediate Past President: John Bennett

Equality Officer: John Bennett

Central Academic Staff Officer: Peter Hamilton

Central Academic-Related Staff Officer: June Payne

Regional Academic Staff Officer: Judy Ekins

Regional Academic-Related Staff Officer: Pauline Collins

Associate Lecturers Staff Officer: Sue Hawthorne

Ordinary Members:

Chris Bollom

Bruce Heil

Phil Hill

John James

Malcolm Jenner

Maria McCrea

Bethan Norfor

John Peters

Peter Piper

Roger Rees

Eric Wade

Father of NUJ Chapel - Peter Lee

NEC Members:

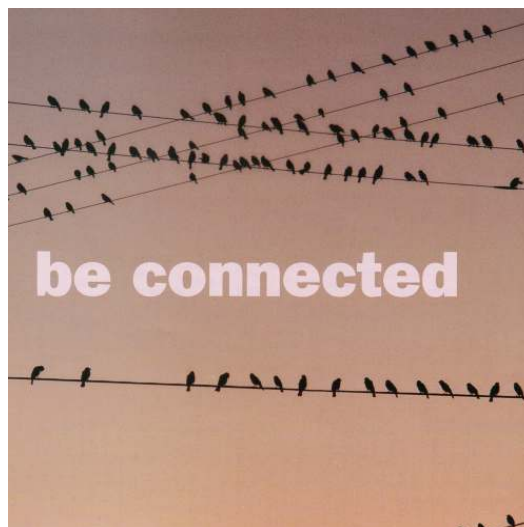
Alan Carr

Pauline Collins

Angie McConnell

Lesley Kane

Roger Walters



The Open University branch of UCU

OUBUCU

Room 015, Wilson C Block, Walton Hall,
The Open University,
Milton Keynes, MK7 6AA

Phone: (01908) 6-53069

email: ucu@open.ac.uk

Web: <http://ucu.open.ac.uk>