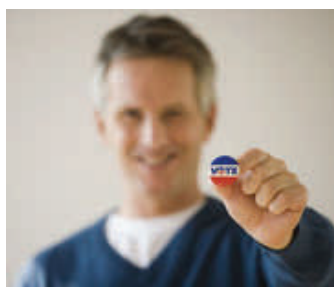


# OUBUCU

# newsletter



## USE YOUR VOTE!

### VOTE NO TO PROTECT OUR UNION'S NEGOTIATING RIGHTS

The ballot of all UCU members in higher education institutions on national negotiating arrangements closes on Wednesday 27 February. Please take the trouble to read the documents distributed by head office which include the arguments both for supporting and for rejecting the proposed changes. This branch's position is clear - acceptance of these proposals would effectively give the other unions a veto on any future pay claims, would completely undermine our ability to take effective industrial action, and would convey to the employers the message that all they have to do in future is threaten to abandon the national negotiating machinery and we roll over and give in to any of their demands. We therefore urge you to **VOTE NO TO PROTECT OUR UNION'S NEGOTIATING RIGHTS.**

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### ELECTIONS TO THE NATIONAL EXECUTIVE COMMITTEE

The closing date for receipt of ballots in the current elections to the national executive committee is Friday 29 February. Please take the time and trouble to read the election material sent to you, which includes statements by all the candidates, and to use your votes. Four members of this branch are standing for election - Branch President Roger Walters is standing for the position as a disabled member, and Pauline Collins, Jon Pike, and Lesley Kane are standing for positions as members of the NEC elected from the higher education sector.

## NEED HELP?

### PERSONAL CASEWORKERS ARE HERE

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

If you want any advice on employment related problems, please email [ucu-help@open.ac.uk](mailto:ucu-help@open.ac.uk). Any such emails will of course be treated in strict confidence.

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**CASEWORK continued...**

*Before an individual can undertake casework they have to be trained, and in order for our branch to improve our ability to deal with personal cases effectively, we are expanding our pool of caseworkers. A training session is running for Executive members on 22 February, and we hope to expand this to other OUBUCU members.*

**CDSA**

Members will remember that last year, there was a dispute with the University over CDSA after the University first attempted to impose unilateral changes in the CDSA process contrary to both national and local agreements and only agreed to negotiate on this after we instituted a boycott of CDSA. Agreement was finally reached but in some areas of the University, there appear to be some examples of "legacy thinking" and a failure to fully understand the agreed changes. Among key aspects that we negotiated was:

- 1) the right to request an alternative appraiser to your line manager and that this request has to be considered seriously;
- 2) for there to be no link between CDSA and rewards except that a summary of CDSA which has been agreed with the appraisee may be submitted to any promotions body and if such a summary cannot be agreed, then both head of unit AND appraisee may submit a summary.

Most of the difficulties which have arisen surround the right to request an alternative appraiser and for this to be considered seriously. If you have concerns about the operation of CDSA either in your area generally or in your particular case, email [ucu-help@open.ac.uk](mailto:ucu-help@open.ac.uk) marking your e mail CDSA. All such emails will be treated in strict confidence.

**ELQ: THE CAMPAIGN CONTINUES**

So the government has stuck to its guns and made very few concessions over its disastrous and ill thought out policy on ELQ - although this policy will now definitely only apply in England since Northern Ireland has been made an exception and the Welsh Government has joined the Scottish government in deciding not to implement this policy. This was despite a strong, broad, and co-ordinated campaign, involving principally UCU, the OU, Birkbeck and the NUS, which clearly surprised and unnerved ministers. UCU will of course watch carefully to monitor any decisions the University makes to save money and to oppose any excessive or damaging cuts, especially any threats of redundancies. Meantime we aim to build on the broad campaign which has developed and progress it on three fronts: firstly we will continue to press for measures to ameliorate this policy, including again pressing the case for ELQs to be exempted if obtained in the past and so the students need updating - we have not seen any indication that the government has seriously considered this though it has been proposed by many organisations in the sector, including UCU and the OU; secondly we must continue to make the case that the ELQ policy is fundamentally flawed and is inconsistent with the government's commitment to lifelong learning as it disregards the needs of so many people - and for the country - for reskilling; thirdly, though this is a longer term aspect and one that sadly it would be of little value to pursue now, we must press the argu-

**MEMBERS' ELECTRONIC FORUM  
NOW LIVE**

The hard work of AL Lesley Kane, and others, has brought us the electronic discussion forum, available at [http://www.oubucuforum.org.uk/cgi-bin/simpleforum\\_pro.cgi](http://www.oubucuforum.org.uk/cgi-bin/simpleforum_pro.cgi). Log on and join in!

ment that a more educated society - including re-education and lifelong learning, is intrinsically desirable - we must not be trapped into the argument that public support for higher education can only be justified if it has direct economic advantages. The Vice Chancellor has pledged to continue working with the broad alliance developed over ELQ to maintain the campaign, though of course it is likely to take different tactical forms from now on, and has particularly praised the role of Sally Hunt, General Secretary of UCU, in the campaign thus far.

## DISCUSSION ON THE UNION IN THE AL COMMON ROOM

Following a motion at the branch AGM and discussions between the Union and the University, the University has lifted the ban on discussions of any union related matters in the AL Common Room, an electronic forum for all ALs. Participants in the AL Common Room have been reminded of the need to refrain from electioneering or any comments about individuals which could infringe the computing code of conduct or the AL Common Room guidelines and that the normal place for discussing internal union matters is the newly established branch on line forum. However there is no longer a blanket ban on discussion of any union related matters. We are confident that branch members will behave sensibly and responsibly and respect the rules which apply in the AL Common Room.

### AL ROLE REVIEW

#### !!! WANTED !!!

#### MORE AL ACTIVISTS

We are looking for any AL members who would like to become active at a regional level by providing support for regional AL representatives and becoming involved in discussions of AL union-related issues. There is also a vacancy for an AL regional representative in the West Midlands. If you would like to know more about what is involved, email Lesley Kane at [lhk@tutor.open.ac.uk](mailto:lhk@tutor.open.ac.uk).

The University recently announced a review of the AL role, which is not the same as the Student Support Review. The background to this is that in 2005, following the assimilation of ALs onto the single salary spine, which caused considerable dissatisfaction and controversy, the University entered into a commitment to review the AL role with a view to renegotiating the salary of ALs with effect from August 2008.

Originally it was intended that the Student Support Review would in effect do this, but as most people will be aware, that Review has slipped badly behind time - it was originally intended to lead to academic decisions by the summer of 2007 - so that is no longer practical. The University therefore intends there to be a separate but related review of the AL role - though it is completely unclear what the relationship between the two reviews will be, and the truth of this is that the University is not itself sure, beyond vague statements that the AL role review should not get in the way of the Student Support Review.

The University plans to enter into negotiations with UCU in late spring - we wait to see how these negotiations will develop. Meantime the Student Support Review continues and no decisions have been made - the most recent report to Senate did not shed very much further light on what is happening. The April Senate is supposed to be the one which will make firm decisions on the Student Support Review - but don't hold your breath!

## ROLL OUT OF DAL'S

The University plans to roll out DAL'S , the system used for getting student feedback on the service provided by their ALs, to all ALs and this will become an annual process. The Union has expressed concerns about a widely reported paper which went to Council which suggested that the purpose of DAL'S was to change to being a mechanism for performance management, but the University has assured us that there is no intention to change the original and fundamental purpose of DAL'S which is to provide feedback to ALs in order to help staff development . We shall watch this to ensure that this the University keeps to this assurance.

# Redundancy Criteria for ALs

Currently, the criteria for Associate Lecturer redundancies are based on a points system. These cover total points value of course(s) tutored, disciplinary / probationary record, possible number of presentations covered in the last three years, as well as possibly the other contributions to the non teaching delivery of courses, such as monitoring, script marking and course authorship. If two or more staff are still level on points, the University will consider years of continuous service. The OU management has argued that to take length of service into any greater consideration than this could put the OU on the wrong side of the Age Regulations.

At the moment, the allocation of points favours retention of those tutors with the smallest tutoring load, the principle of preserving 'continuity of association' in the current AL contract. Thus, where two similar tutors tutor the same threatened course, the tutor also holding other tutoring appointment(s) would be eligible for redundancy before the one with only the affected course. The position of the UCU has always been that an Associate Lecturer's only / last appointment should be protected in order to preserve their employment with the OU.

However, over 50% of ALs now hold at least two tutoring appointments and often OU employment can be their only source of earnings. We are trying hard to find options that protect the interests of all our members, and we are looking at issues to do with re-deployment as well as the redundancy selection criteria.

It is extremely important that we know members' views on this issue. Please let us know, by emailing [mail@oubucuforum@org.uk](mailto:mail@oubucuforum@org.uk).



## ALs, DISTANCE LEARNING AND HOMEWORKING

A number of people in the University have made some rather confusing and possibly conflicting statements about the formal status of ALs, including some statements that ALs are not formally home workers. It is though not in dispute that for tax purposes, ALs are home based, and we are not at all clear of either the reasons for or the implications of statements about ALs not being home workers. We have therefore raised this with the University, only to discover that

they appear not to be clear about this either but we have pressed for clarification on this.

As a result of a national Congress motion last year which this branch proposed, there is to be a national working group on how home workers - and for this purpose UCU regards ALs as home workers - are organised in HE and FE. It would be very helpful to know if any members have any experience or knowledge of any other distance learning organisa-

tions, particularly if you work or have worked recently for any such organisation. We would also like to hear from any members who have experienced other types of home working in HE or FE other than the OU, or from any members with particular experience or knowledge of home working - for example anyone who works at home due to disability or ill health. Any comments should be sent to Lesley Kane - [lhk4@tutor.open.ac.uk](mailto:lhk4@tutor.open.ac.uk).

## **PAY RISE IS SAFE**

The national pay deal agreed in 2006 after industrial action was in five stages for a period of four years. We have already had three of these stages and the remaining two are 3% or £420 on each scale point, which ever is the greater, to be paid in May this year, and 2.5% or the RPI for September 2008, to be paid in October. The RPI is currently around 4% and is likely to remain around that level until September - it will certainly be very much higher than 2.5%. Recent statements by the government about restrictions on public sector pay deals have caused concern to some members but there is no need to worry - these rises are safe for two reasons - firstly because it is a done deal, and secondly, because the employers do not regard universities as being in the public sector since a majority of the sector's funding is not from the public purse. On this occasion at least, we are not going to argue with that!

## **SALARY PAYMENT DATES**

Many staff have been given considerable cause for concern, probably quite unnecessarily, by the rather clumsy way in which the University announced changes in the arrangements for making transfers of salary to banks on those occasions when the 25th of the month is either a weekend day or a closure day. The University is confident that no member of staff will suffer as a result of these changed arrangements as money will still be available in bank accounts at the same time for use for standing orders, direct debits, or to be withdrawn from cash dispensers. Despite this, the University will earn some additional interest on its money in the bank as a result of the changed arrangements. The University has undertaken to write to all staff to explain clearly the reasons for these changes, to reassure everyone that this will make no material difference to when we get our money, and to offer further advice should anyone have or foresee any problems. We will see when the time comes whether the university is right that no one will suffer - this will be in May which will be the next time when the 25th is not a working day - and the University has learnt that it really should be more careful about the way communications are managed on such matters as our pay in order not to create anxieties which hopefully are not valid.

## **EMPLOYERS CONTRIBUTIONS TO PENSIONS**

Until 2006, both employers and employees 'only' contributed to pensions for 40 years but changes in pensions legislation then made it possible to continue beyond 40 years. Employees can choose to continue to contribute beyond 40 years service - and there are considerable tax advantages in doing so - but are not obliged to. The OU has taken a decision - without informing or involving UCU and indeed without announcing this widely - not to continue contributing to pensions after 40 years. Although no one could yet possibly have worked for the OU for more than 40 years since the first staff were not employed until 1969, this has already affected a very small number of people who transferred in service from other pension schemes. We think the University may be in breach of age discrimination legislation and so we have asked for this decision to be reviewed. Any members who reach 40 years pensionable service and are told that the University will no longer contribute to your pension should question this and inform UCU. We may need to consider a test case to challenge the University's position though we hope that the University will rethink this before that becomes necessary.

## **SALARY SACRIFICE**

'Salary sacrifice' is the official term given to a mechanism whereby staff agree to 'sacrifice' part of their salary for a compensatory benefit. Its most common usage is when staff agree to a notional reduction in salary by the amount which they would otherwise contribute to their pension scheme and in return, the employer agrees to meet that pension contribution. The benefit of this is that whilst pension contributions, by both employers and employees, are not taxable, they are subject to national insurance, so 'salary sacrifice' is a perfectly legal way of avoiding liability for national insurance contributions, by both employers and employees, for the salary 'sacrificed'.

The University is considering introducing such a scheme though they are likely to use another title, such as 'PensionSmart', as they think 'salary sacrifice' might put some people off. UCU has agreed to explore this further and a joint sub group of the Negotiating Committee will consider this.

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**SALARY SACRIFICE *continued***

At levels of income up to about £40,000, the employer and the employee contributions to national insurance are very similar, but at higher levels, then the employer contribution rises to over 12.8% whereas the employee contribution falls to just 1%. At those levels therefore, the employer stands to gain an awful lot more than the employee from a 'salary sacrifice'. Someone on about £40,000 would gain between £25 and £30 a year whereas the employer would gain almost thirteen times as much. We will therefore go into discussions with the University with a view to achieving a way of sharing the benefits of the scheme equitably between the University and staff, as has happened in those other universities which have introduced such schemes.

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**YOUR EXECUTIVE COMMITTEE**

**Officers:**

**President:** Roger Walters ([r.j.walters@open.ac.uk](mailto:r.j.walters@open.ac.uk)) x 58810  
**Honorary Secretary:** Meridian ([meridian@open.ac.uk](mailto:meridian@open.ac.uk)) x 59523  
**Treasurer:** David Knowles  
**Vice Presidents:** Alan Carter; Mike McNulty  
**Equality Officer:** *vacant*  
**Central Academic Staff Officer:** *vacant*  
**Associate Lecturers Staff Officer:** Lesley Kane  
**Regional Academic Staff Officer:** Judy Ekins  
**Central & Regional Academic-Related Staff Officer:** Chris Bollom

**Ordinary Members:**

Pauline Collins  
Maria Francis-Pitfield  
Cicely Havely  
Malcolm Jenner  
Anne McKee  
Bethan Norfor  
John peters  
Jon Pike  
Peter Piper  
Roger Rees  
Cheryl-Anne Vass  
Eric Wade

**Ex-Officio Members:**

John Bennett (Past President)  
Alan Carr (National Treasurer)  
Rob Clifton (National Executive)

**YOUR EXEC. IN ACTION...**

The Executive Committee is having an "Awayday" the weekend of 22 and 23 February, in Milton Keynes (so not very far away, for some of us). We did this last year, and found it extremely useful to have the time to really discuss issues that we need to focus on in the coming year – the regular Exec. meetings are where we discuss items that are immediate priorities, while the Awayday gives us time to think more strategically.

Also on the 22<sup>nd</sup> is a training for Personal Casework, being held at Walton Hall, and run by Barry Johnson, the Regional Assistant Secretary based in Birmingham. This training day is for members of the Exec., but we hope to encourage more members to undertake this training, as we need more caseworkers (no one can handle personal casework unless they are trained by the Union).