

Proposed agreement between OUBUCU and the Open University, facilitated by ACAS and with the intention of bringing about an end to the industrial action regarding the locations project review /SRSC consultation

Following our extensive consultation process the University wishes to make clear its wish to resolve the industrial dispute and take seriously the issues raised by UCU in order to build confidence for staff and to enable the organisation to move forward constructively.

Before covering more detailed points of clarification it is also important that the University makes clear that our overall intent with this change process is to respond to the circumstances of individual staff as positively and flexibly as possible in balancing the needs of the University with those of the individual.

We have as a result made progress with the intention of reaching a collective agreement on specific areas with ACAS assistance. Final agreement will entail an end to UCU's industrial action and any legal proceedings regarding consultation, it will also require a ballot of UCU members in favour of the proposed agreement.

Existing OU policies will apply to affected regional office based staff but the following modifications and enhancements will also apply as part of this agreement. The changes are intended to support staff across a range of circumstances from those staying with the organisation to those who decide to leave.

The proposed agreement is as follows:

1) 1-1 meetings

The need to provide staff with relevant information as quickly as possible has to be balanced with them having the most comprehensive information available. Bearing that in mind, if certain staff at grades represented by UCU would prefer to schedule their 1-2-1 meetings later in the 2nd stage consultation window, this has been accommodated. The timetable for further 1-2-1 consultation meetings will be subject to consultation with UCU in line with the previous joint statement from management and the union. We now need to move forward in dealing with the preferences put forward by staff.

2) Indication of preference form

The indication of preference should be understood as exactly that. The date for their receipt of 4 April 2016 will assist the University in supporting individuals and in operational space planning; it is not the final date for individuals to agree their preferences, the date for which is still to be confirmed, which will be significantly later in the process.

3) Pay date

All regional office based staff in those locations affected will continue to be paid until the 4th February 2017 where they continue to work at the location, unless the member of staff

decides they wish to leave the organisation earlier and this would then need to be by mutual agreement subject to business requirements.

4) Voluntary severance for non-CAU staff before the location closes

The University will respond flexibly and sympathetically to requests from non-CAU staff whose particular circumstances mean they may wish to leave earlier than the designated closing date. This will though need to be balanced with support to our students and other critical business requirements. To ensure a consistent, fair and transparent approach, a unit/faculty management panel will be set up to consider such requests for voluntary severance on a case-by-case basis.

5) Voluntary severance for CAU staff

The University seeks to retain its CAU staff and will respond sympathetically and flexibly to achieve this aim, including considering alternative office premises or relocation where homeworking is not possible. Where, however, such alternatives are not feasible, as a last alternative the University will consider the possibility of voluntary severance. To ensure a consistent, fair and transparent approach, a unit/faculty management panel will be set up to consider such requests for voluntary severance on a case-by-case basis.

6) Non-CAU staff and homeworking

The University wished to retain as many staff as possible and wishes to consider requests from individuals that would enable them to do so, for example through imaginative approaches to agile working or in certain circumstances homeworking, as sympathetically and flexibly as possible. It is, however, important to manage expectations by making clear that it is currently envisaged that such arrangements are only likely to be agreed in a limited number of cases. To ensure a consistent approach, a unit/faculty management panel will be set up to consider such requests on a case-by-case basis.

7) Management Panels

Where there is mention of management panels in this agreement relating to individual requests for homeworking or Voluntary Severance, should there be a pattern of need identified by those panels reflected in the individual requests under consideration then these patterns can be referred back for further consultation and consideration by management and UCU. The remit and membership of the panels will be consulted on further with UCU. Where no agreement is reached between a unit/faculty and the individual member of staff a review panel will be convened that will review the decision and will include the University Secretary, Director of HR and a further director not involved in the original decision, or nominees, to be consulted on with UCU. The review panel will have three members and will seek to have an appropriate gender balance.

8) Faculty approach to homeworking

The University will work with faculty representatives to agree as consistent approach to homeworking as is commensurate with their business requirement. Further, the University will remove any provision to withdraw homeworking.

9) Homeworking support

The University will increase the offered £1,000 homeworking allowance to £1,250 gross. The University wished to reiterate here its desire to continue discussions regarding steps to ensure that all staff feel connected to their colleagues, faculty and the wider University, and are not in other ways disadvantaged by moving to homeworking. Further outstanding issues regarding homeworking will continue to be discussed as part of our ongoing consultation.

10) Homeworking notice clause

The University will withdraw its current three months' notice clause for any staff homeworking.

11) Home working transition

The University will as part of the transition make a one off payment of £500 gross to cover any additional costs for individuals transitioning to homeworking as part of this project.

12) Technology Support

Affected staff moving to homeworking as part of this project will be eligible for a comprehensive IT support package.

13) Regional presence

The University recognises the need for continuing engagement and consultation over this matter. We are committed to continuing to work with faculties, other units, and staff (and their trade union representatives) to explore options to ensure that the University's business requirements are met and that all staff feel connected to their colleagues, faculty and the wider University, and are not in other ways disadvantaged by moving to homeworking. This may include specific provision for homeworking staff to meet together at times and places convenient to them. See appendix 1.

14) London office facilities

Facilities will be established for OU staff at the current London office to cover 'hot desking' space and access to specific meeting room space.

15) CAU staff: voluntary option for homeworking for Manchester & Nottingham based staff

A voluntary option of homeworking will be offered to Manchester and Nottingham based CAU staff. Those Manchester and Nottingham based CAU staff who decide not to opt for homeworking will be provided with suitable and appropriate office facilities in order to undertake their responsibilities. The OU and UCU will continue to discuss how this will be managed. See Appendix 2.

16) Non-CAU staff based in Manchester, Nottingham & Milton Keynes and new working patterns

We will seek to avoid imposing new working patterns on individuals who will be working at the new SRSC centres where exceptional circumstances make these particularly challenging. In such cases, the University will respond as flexibly and sympathetically as possible, for example through a creative approach to agile working. The move to new working patterns will form part of our ongoing consultation with UCU with a view to reaching agreement. Staff in Manchester and Nottingham who find the new working conditions are not possible for their individual circumstances will have the option to request voluntary severance, considered by a management panel. See Appendix 3.

17) CAU and non CAU staff – space and facilities review

Due consideration will be given to space and facilities in remaining locations (for both CAU and non - CAU staff) and this will be reviewed with UCU after an appropriate period.

18) Staff fee waiver concession

All affected staff in the closing locations studying for an OU qualification as of the closing date of their locations will be offered a fee waiver for up to three years from the date of termination of employment to enable progress to be made to module/qualification completion, this will be on the basis of satisfactory progress.

19) Career transition support

The University will provide professional career transition & outplacement support to all affected staff who take voluntary severance or early retirement and these costs will be covered by the University.

20) Job guarantee

Any Non – CAU staff in the affected locations who wish to maintain their career with the University will be able to relocate to another remaining OU location and will have a job guaranteed at their existing grade.

21) London Allowance within London Postcode area

Staff who currently are in receipt of the London Allowance (but not an existing phasing out arrangement) and are based in a London Postcode area will continue to receive the London Allowance unless they relocate during that period outside London when it would cease.

22) London Allowance outside London Postcode area

Staff who currently are in receipt of the London Allowance (but not an existing phasing out arrangement) and are not based in a London Postcode area but are within the London Assembly constituency boundary will continue to receive the London Allowance for a period of three years after the location closure when it will be phased out or cease if they relocate outside London during that period.

23) Grade guarantee

Any staff who are currently in a closing location and prior to the closure date their existing grade guarantees are due to expire will have their grade guarantee extended until the closure date.

24) Relocation Policy changes

The current relocation policy includes a maximum for temporary property rental of £520 per month this will be increased to £550 per month with effect from 1st January 2017. With regard to Edinburgh and Milton Keynes the increase in rental costs means relocation to these locations will be increased from £520 per month to £700 per month from 1st January 2017.

25) Trial periods

With regard to trial periods eligible individuals will have access to the standard three month trial period when considering whether to accept an option of relocation or redeployment which has been offered to them by the University. If an individual has been offered and opts to trial more than one option, it is expected that the multiple trials will take place within the same three month trial period; however, there will be the possibility for a mutually agreed extension to the trial period if that becomes necessary.

26) Voluntary severance minimum

With regard to voluntary severance the minimum payment made to staff eligible for voluntary severance will be increased to twelve weeks pay as an exceptional arrangement for the locations review/SRSC programme only.

27) Calculation of VS payment

The University will include London weighting allowance in any voluntary severance calculation as part of this transition.

28) Eligibility for voluntary severance

Where at risk staff transfer to another location as part of the job guarantee arrangements and take up a temporary supernumerary post which is not part of the permanent location establishment, they will retain the right to take voluntary severance for a period of up to six months following their transfer date, management will consider VS cases up to one year in duration but by exception.

29) Organisational Change

The University will work with UCU and ACAS to develop an effective organisational change policy with an intention to conclude this by July 2016.

30) Assembly

In keeping with the University's mission of openness and free speech and its status as a higher education institution that preserves and defends academic freedom, the university is happy to clarify that UCU and its members may request to assemble on university property and that will be agreed subject to any health and safety considerations or relevant legal restrictions such as industrial action picketing provisions. UCU agree to make a request in advance about any assemblies and to work with the university to ensure any such events are held safely and in accordance with university policies.

31) Facility Time

UCU will be provided with up to 150 days of additional paid facility time to deal with the consultation requirements in 2016 and this will be reviewed further for 2016 -17.

Nigel Holt HR Director

Pauline Collins (UCU)

Paul Beard (ACAS)

27th April 2016

Appendix 1 Regional Presence

As part of our ongoing discussions with UCU it has become clear that for some staff, they would value greater specificity and commitment from the University in how they will be supported to meet with their colleagues and to establish suitable working arrangements at home. Having consulted with the Executive Deans, we can confirm that faculties are confident that they will be able to support staff in a successful transition to homeworking. Doing so will require continuing work at an institutional, faculty and individual level to understand the varying requirements of each and how best to respond to them. In the large majority of cases, the best response to these concerns will be to ensure that faculties make sufficient provision (e.g. for expenses) so that staff are able to attend meetings in person as much as possible, and that the University works with faculties to ensure that there is sufficient meeting space and hot desk facilities in Manchester, Milton Keynes, Nottingham, and in the Nation offices.

Faculties are committed to ongoing discussions with staff, informed by the indication of preferences which we've requested, to ensure that this meets the needs of as many as possible. Where, however, these discussions indicate that such arrangements will not be practicable, the University would be prepared to consider a temporary arrangement for a limited number of transitional facilities in other locations in order to provide staff with bookable meeting and working space (e.g. with sufficient hotdesk capacity for use 1 day/wk and with modest on-site storage if required). The location and number of such facilities will depend significantly on the outcome of these discussions and therefore details will only become clear during implementation. The utility of any such facilities would need to be carefully monitored and reviewed, probably at six and twelve month periods to ensure they are meeting their intended purpose and we would involve UCU in any such review.

Further clarification on regional presence – transitional presence

There will be:

- a) The ability to book a bank of desks, so that teams can arrange to sit and work together regularly. Sufficient for teams to be able to book 1 day per fortnight
- b) The ability to book an individual desk, for individual members of staff. Sufficient for individual staff to book 1 day per week.
- c) The ability to book private space to arrange interviews, confidential calls and meetings
- d) Space for refreshments
- e) Users will be able to raise any issues with the faculties
- f) UCU will be included in the review of usage and requirements every six months

Appendix 2 a)

Transitional support arrangements for Central Academic Unit staff where the place of work changes due to the Locations Project Review/SRSC programme.

1. Scope

This document sets out the University's support package that has been agreed as part of the collective consultation process following the Council decision to close seven regional centres.

These support arrangements have been agreed to assist the transition process that Central Academic Unit (CAU) staff will need to take in order to become home-based workers or who move to an alternative OU office location as an office-based worker.

The roles of all CAU staff will continue on the same terms and conditions, save for agreed changes to their place of work which will be either an alternative office or from home.

2. Options

All CAU staff in the seven closing regions (London, Oxford, Bristol, Birmingham, Cambridge, Leeds, and Gateshead) have formally been offered two options as set out below and have been asked to return their indication of preference form by the 4th April 2016.

On 4th February 2016, these options were also extended to CAU staff who have a contractual place of work based in the OU office location in Manchester and Nottingham. These staff have been asked to notify their line manager if they wish to request a change to their place of work and to become a designated home-based worker.

Option 1 - Designated home-based worker

Under this option the permanent home address will become the contractual and permanent place of work.

All designated home-based workers will have early discussions with their line manager or other designated manager to establish the frequency of attendance at OU premises for events such as work meetings, other business purposes and for maintaining contact with colleagues as required.

Where travel to official OU premises is required, the University will endeavour within the resources available to it to provide adequate levels of time and support to avoid the working of unduly long hours, taking into account the requirements of the Working Time Regulations in accordance with existing terms and conditions of service.

Option 2 - Relocate to an alternative OU location (office-based worker)

Under this option a formally recognised OU office will become the main place of work. In this case a named OU office will become the contractual place of work.

3. Process for identifying which option is appropriate for CAU staff and the OU

After receiving the indication of preference from CAU staff based in an English location, where a single preference has been stated which matches the CAU's preferred option, the acceptance of preference will be confirmed.

Where more than one option or the preferred option does not match the CAU preferred option, the CAU will consider all the individual's stated preferences and needs. The CAU may need to consult further with the individual before issuing a decision on each of the individual's options.

All CAUs will follow the same principles of consideration and decision making, using a clear list of criteria confirmed by the relevant Executive Dean. The member of staff will be informed in writing which of their preferences have been approved, along with clear reasons for the decision. If more than one preference has been approved, the individual may either choose one as a final decision or may opt to undertake a trial period (maximum total of 3 months) where a change of office based location is being considered before making a firm decision. A trial period will only apply to moves to an alternative OU office location.

Where the individual is not satisfied with the reasons given for the CAU's decision, they may appeal in writing for their case to be considered by the University Management Panel (consisting of the University Secretary, Director of Human Resources and a further director, or nominees to be agreed and to reflect an appropriate gender balance). The Management Panel will review the case and issue a final decision, balancing the needs of the individual with business needs, and ensuring consistency across CAUs.

In accordance with the Agreement made during the collective consultation processes, the Management Panel will regularly review the outcomes for each CAU and the reasons for approval or non-approval of requests. The purpose of monitoring outcomes will be to ensure a consistent and fair approach has been maintained by each CAU and that decisions are commensurate with institutional business requirements. A summary of the numbers of cases considered, the outcomes and the reasons given will be shared with OUBUCU and the OU Equality and Diversity Office regularly during the transition period. Any areas of concern would be taken forward through the University's usual negotiation meetings.

4. Regional Presence

The University recognises the need for continuing engagement and consultation with UCU over the availability of a regional presence. University management are committed to continuing to work with faculties, other units and staff (and their trade union representatives) to explore options to ensure that the University's business requirements are met and that all staff feel connected to their colleagues, faculty and the wider University, and are not in other ways disadvantaged by moving to designated homeworking. This may include dedicated provision for homeworking staff to meet together at times and places convenient to them.

There will be:

- a) The ability to book a bank of hot desks, so that teams can arrange to sit and work together regularly. Sufficient for teams to be able to book 1 day per fortnight.

- b) The ability to book an individual hot desk, for individual members of staff. Sufficient for individual staff to book 1 day per week.
- c) The ability to book private space to arrange interviews, confidential calls and meetings
- d) Space for refreshments.
- e) Users will be able to raise any issues with the faculties.
- f) OUBUCU will be included in the review of usage and requirements every six months.

Any premises that are categorised as a 'regional presence' will not be a contractual or permanent place of work for any OU staff member.

5. Voluntary Severance – last alternative

The University seeks to retain its CAU staff and will respond sympathetically and flexibly to achieve this aim, including considering alternative office premises or relocation where homeworking is not possible. Where, however, such alternatives are not feasible, as a last alternative the University will consider the possibility of voluntary severance. To ensure a consistent, fair and transparent approach, a unit/faculty management panel will be set up to consider such requests for voluntary severance on a case-by-case basis.

6. Transition payment for home-based staff as part of the Locations Project Review/SRSC Programme

Option 1 - Transition arrangements for home-based staff

- Setting up employees to work from home

A single (i.e. one-off) 'transition' payment of £1,250 will be payable to staff who are designated home-based workers, within the first year of relocation. This is payable to cover any additional costs for individuals transitioning to homeworking as part of Locations project /SRSC programme. The payment is a contribution towards items necessary for home working such as purchasing a workstation, chair, pedestal, cupboard, cable trays, power cables, upgrading broadband etc.

- Contribution to other costs

The University will as part of the transition make a one off payment of £500 gross to cover any additional costs for individuals transitioning to homeworking as part of Locations project /SRSC programme.

- IT equipment

Affected staff moving to homeworking as part of the Locations project /SRSC programme will be eligible for a comprehensive IT support package. All designated homeworkers will be provided with the following IT equipment:

- Laptop PC (and docking station)
- Screen
- Keyboard
- PC mouse
- USB headset - to use for telephone or video calls
- Separate webcam for video calls
- Kensington security cable
- Printer (print/copy/scan)

Any equipment provided by the University will remain the property of the University and will be returnable at the University's request, or in any event on termination of employment.

Additional information on the provision of IT equipment and support can be found on the [Designated Home-Working](#) page.

- London Allowance

Staff who currently are in receipt of the London Allowance (but not an existing phasing out arrangement) and are based in a London postcode area will continue to receive a London Allowance unless they relocate during that period when it would cease.

Staff who currently are in receipt of the London Allowance (but not an existing phasing out arrangement) and are not based in a London postcode area but are within the London Assembly constituency boundary will continue to receive the London Allowance for a period of three years after the location closure when it will be phased out or cease if they relocate during that period.

- Travel costs

CAU staff will be entitled to claim travel expenses for approved travel from their contractual place of work (their home for designated home-based workers) to other locations required by their role in line with the OU Travel and Subsistence policy.

- Insurance Cover

The OU public liability insurance extends to all home-based staff (as it relates to the use of equipment provided by the OU).

Option 2 - Transition arrangements for office-based staff as part of the locations project review/SRSC Programme

- Travel Allowance for relocating staff

Staff incurring additional travelling expenses, as a result of the relocation of their place of work, will be eligible to claim an allowance to cover the difference between the cost of travelling from home to the new place of work and from home to the old place of work.

This will be based on second class fares on public transport or car mileage. This allowance will be paid for a period of up to two years from the date of the office move. It is subject to tax and national insurance.

Additional detail on the practical application of these arrangements during the transition period will be available in due course.

- London Allowance

Staff who currently are in receipt of the London Allowance (but not an existing phasing out arrangement) and are based in a London postcode area will continue to receive a London Allowance unless they relocate during that period when it would cease.

Staff who currently are in receipt of the London Allowance (but not an existing phasing out arrangement) and are not based in a London postcode area but are within the London Assembly constituency boundary will continue to receive the London Allowance for a period of three years after the location closure when it will be phased out or cease if they relocate during that period.

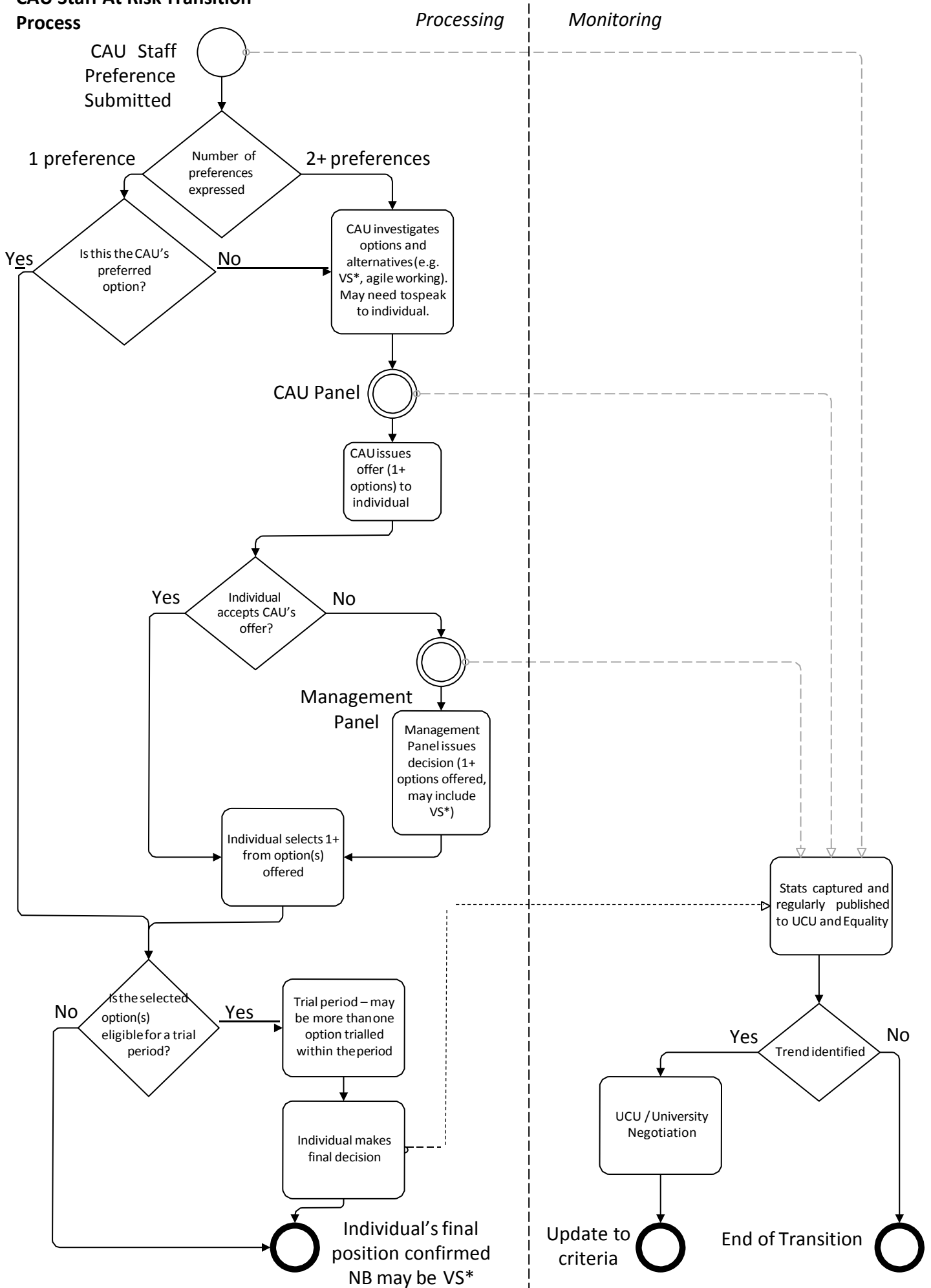
- Travel costs

CAU staff will be entitled to claim travel expenses for approved travel from their permanent (contractual) place of work to other locations required by their role in line with the OU Travel and Subsistence policy.

Human Resources
14 April 2016

Appendix 2b

CAU Staff At Risk Transition Process



* NB: Voluntary Severance will only become an option when all other alternatives have been fully explored and found to be not feasible

Appendix 3a

Predicted shift pattern - SRSC – for all staff groups

As part of our extensive consultation process with UCU the University wishes to reiterate how seriously it takes the points raised by UCU and is fully committed to dealing with the move to new shift patterns in a constructive way.

The new Seamless Student Journey (SSJ) Target Operating Model (TOM) and the staffing required has been designed to enhance the service we provide to our students. The combined services of Student Recruitment and Fees (SRF) and Student Support Teams (SST) will help to ensure we are available via a student's preferred means of contact using a shift pattern covering 8am to 8pm Monday to Friday and 9am to 5pm on Saturday. Shift patterns are currently predicted patterns of working to meet demand and are usually notified 8 weeks in advance.

The University believes that it is of critical importance to provide, and discuss with staff, the details of the predicted shift pattern while establishing staff's own preferences so that the University can respond to the circumstances of individual staff as positively and flexibly as possible when balancing the needs of students with those of the individual. The University's preferred option is not to impose the predicted shift pattern, instead we hope to resolve these operational needs through active consultation to establish preferences wherever possible.

The current flexible pattern of shift working within SRF covers the hours mentioned above and for a member of the team this currently equates to a maximum of 2 lates per week (working to 8 pm) and 1 in 4 Saturdays worked. This is reviewed on a regular basis to ensure the working patterns reflect changing student demand. The importance of being able to work with our staff to achieve flexibility is that it enables us to respond to any significant changes in student demand.

The process below will be followed for all staff in Academic Services and SRF who have been identified as being required to support the new working hours

Pre-meeting between SRF and Academic Services line managers - The purpose of this pre-meeting will be for a senior member of SRF to further explain the predicted shift patterns that are planned to operate in the new SRSC based on anticipated student demand to answer any questions that emerge so that managers from Academic Services are fully prepared for the questions that staff in the individual meetings described below may ask.

Step 1 – Staff are asked to complete a form asking if they are able to work this kind of shift pattern. If they believe they are unable to work this pattern they are asked to clarify in writing the reasons for this and state their preferred working patterns.

- a) If their answer is yes, there is no requirement to follow step 2.
- b) If their answer is no, as they are unable to work this pattern, the manager clarifies the reasons for this and asks the individual to give thought to their preferred working patterns and sets up a meeting to review these reasons.

Step 2 – A review meeting takes place with the member of staff, their line manager and their HR Partner. The individual has the right to be accompanied by a workplace colleague or union representative. The purpose of this meeting is to review the reasons why they are unable to work the predicted shift pattern, discuss the individual's proposals, and agree a way forward. The University will respond to the circumstances of individual staff as positively and flexibly as possible. No proposal will be unreasonably withheld. A record of the key points discussed at the meeting will be taken by the HR Partner and shared after the meeting.

Appendix 3a

Data will be recorded and collated for equality monitoring purposes and to inform future decisions on extended working practices. This recorded data will be shared with UCU and the Equality and Diversity Office.

If an agreement can be reached between the line manager and the member of staff which is fair and reasonable for both parties, the proposal is agreed.

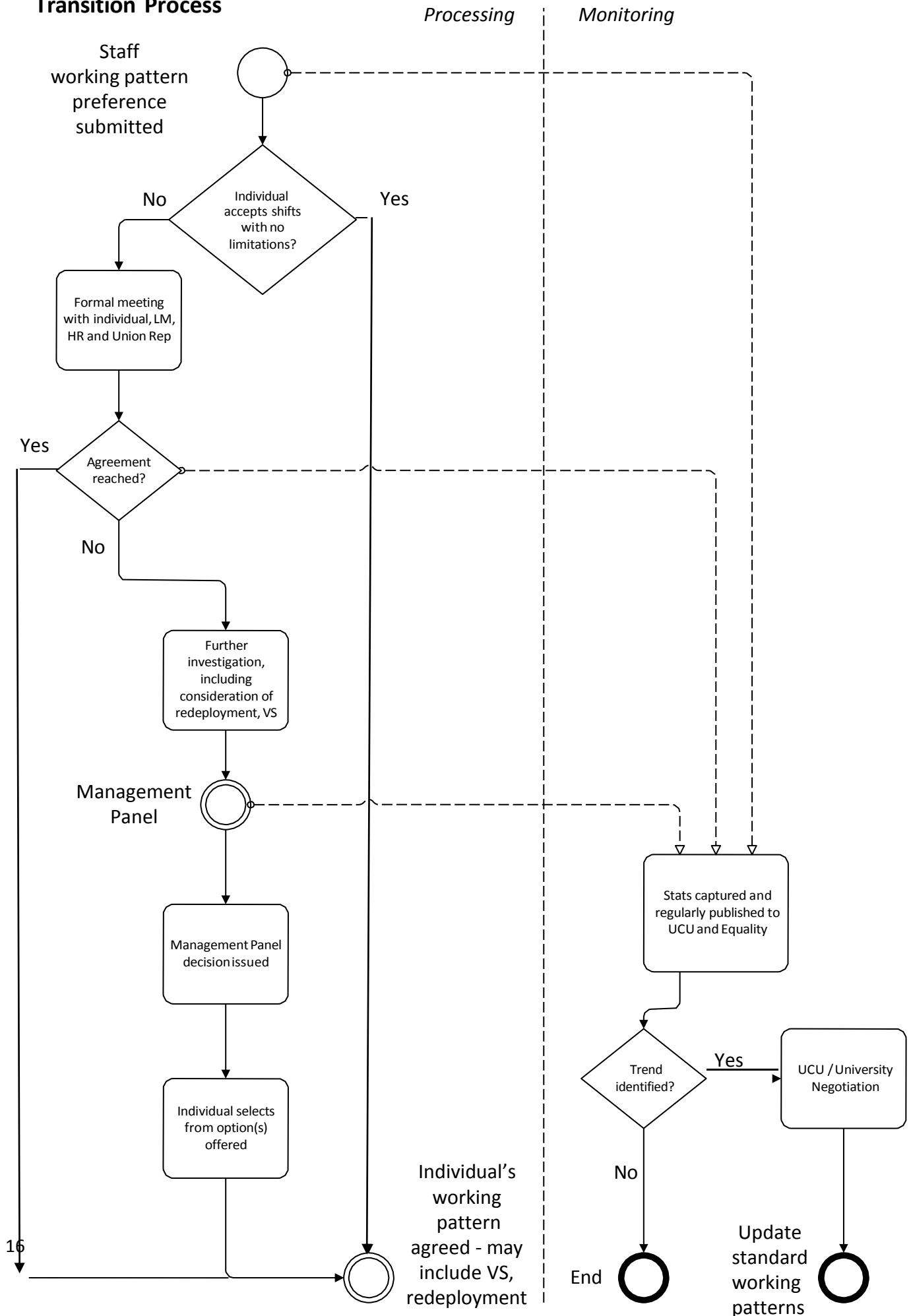
NB: the line manager should refer to the Resource Planning Team and Head of Unit ahead of confirming the decision to the member of staff.

If the proposal is agreed there is no requirement to follow step 3.

Step 3 - A further meeting will be held with the Management Panel to agree a way forward. This may include a) a further discussion of whether there are any alternative duties in the current place of work, at grade that would utilise the skill sets of the member of staff, or could do so with a reasonable amount of training or b) consideration for voluntary severance.

Staff in Nottingham and Manchester are keen to have these more in depth discussions with a manager about the new ways of working and therefore it is proposed that this process is followed after the submissions of Indication of Preference Forms. The University will be as accommodating as possible, where it finds that individuals cannot do the predicted shift pattern it will establish what they can do to satisfy the new working hours requirement and discussions can then take place about this.

SRSC Working Pattern Transition Process



SRSC Non-CAU At Risk Staff Transition Process

Non-CAU At Risk

Processing

Monitoring

