**Open University Regional Centre FAQs – December 2015**

At the moment the information that we have from management is still uncertain and so we will continue to update these FAQs as we discover more information. Please note this is not definitive legal advice and every situation is different, so for specific information and guidance on your personal situation then do contact your UCU rep. If you have a question that we have not answered then please send it to ucu@open.ac.uk

1. **Why are we continuing with the industrial action when the decision to close the regional centres has already been made?**

Whilst the decision has been taken by Council we still believe that there are strong arguments to be had with management. Our dispute is not simply about the closure of the centres, but is also about the loss of jobs and the impact on working practices. At the moment we are negotiating with management to improve the position for affected staff and the industrial action is needed if we are going to get the best package possible for our members.

1. **If we are in dispute then why are we also negotiating with management? Shouldn’t we be refusing to talk to them until the dispute is resolved?**

Firstly even in dispute we would still maintain a dialogue with management to try to resolve the issues. In addition, we are in a redundancy situation. By law, management must consult with trade unions. We believe this should have happened before Council made its decision, but management are only now starting them. If we refused to attend the consultation meetings then decisions would be taken without us having any input, which would not benefit our members or allow us to get the best possible terms for them.

1. **My letter of appointment states that I work at a specific region. Isn’t a change to my place of work including homeworking a change to my contract?**

The law states that the employer must tell the employee where their place of work is, or if the employee is required to work at various locations, an indication of that. Although you were appointed to work at a specific region, there are sometime clauses in contracts that allow employers to change your place of work and it is not yet clear that you could not be required to work at another location. This is a matter upon which UCU is currently taking legal advice.

1. **If it is a contractual term then how can management force me to change it? I thought changes had to be agreed.**

If management does not have an express contractual right to change your place of work, to do so would require your agreement. But, were you not to agree, you could be dismissed, and depending on your individual circumstances, it is possible that such a dismissal may be fair. We expect management to offer staff choices. The choices that you are offered as an alternative are part of the consultation discussions that are happening between UCU and management. UCU believes that you should be given maximum choice between homeworking, relocation or redundancy.

1. **If I am forced to change then isn’t this constructive dismissal?**

The term ‘constructive dismissal’ means that you have resigned your employment because of management’s unreasonableness. We hope no-one will be placed into that situation. We do not advise members to resign without taking full advice from us.

1. **Our Faculty have told us that voluntary severance or early retirement is not going to be an option and that our only choices are relocation or homeworking. That doesn’t seem fair.**

Indeed it does not seem fair which is why our negotiating position is that the third option must be put back on the table. This is one of our major areas of disagreement with management and we are going to have to win this argument not just with negotiating skill but with the backup of our members taking action and demonstrating our industrial strength.

1. **The policy on flexible working and homeworking is not very helpful and does not seem to give me any security about my future. Why has this been agreed?**

It has not been agreed with either UCU or Unison. The trades unions were given the policy for the first time just before the Council meeting on 24 November. Until our meeting with management on 8 December we have not had the opportunity to discuss it with management. We think there are major flaws in the policy and will be negotiating improvements that benefit our members. Until the policy is agreed it is not a valid agreement and does not represent the final position on those issues.

1. **If the policy hasn’t been agreed then why have we been given it as part of our formal consultation? That has just made things even more confusing.**

We agree totally. It was ridiculous to start having consultation meetings when the policies that staff had to consider were not agreed or even discussed with the Unions. UCU believes that it has caused unnecessary stress to staff in an already stressful situation.

1. **If the implementation plan hasn’t been finalised and the policies have not been agreed then why should I attend a consultation meeting and use up one of only three meetings that I have been offered? Wouldn’t it be better to wait until the information is correct?**

UCU has raised this with management and made it clear that we do not believe that three consultation meetings is enough. We have asked for further meetings to be added. Although management are sticking by their belief that three meetings is adequate they have not ruled out additional meetings if staff feel that they are necessary. We will continue pushing for this and it is another reason why we have to demonstrate that we have the industrial strength behind our negotiations.

UCU would advise you to go to the meetings however and use them as an opportunity to state your concerns about the process as well as to ask questions about what their implementation plans are. The more information that members can gather from management the more our position is strengthened. Please go to your meetings and feed back to your reps any issues that are raised.

1. **I can’t get a rep to support me in my meeting as they are too busy. Should I just go anyway?**

No. UCU believes that you are better off taking someone in to a meeting with you so that you have a witness to what is said. It is very hard to remember everything that is said in these meetings particularly when you are worried about what is going to happen to your job. Management have confirmed that meetings will be rescheduled where necessary so simply ask that your meeting is set for a time and date where you can have representation. UCU is working hard to support all of its members so please be patient with us whilst we try to find you a representative.

1. **I think I know what I want to choose so should I let management know my preferred option at my first meeting?**

No. At the moment we do not have clear policies agreed on flexible working, nor do we have agreement on whether or not staff will be able to access a voluntary severance deal. Until you have all of the correct information UCU would not advise you to make any decisions.

1. **What is going to happen next?**

UCU will continue to negotiate with management to seek improvements to the policies and implementation plans. We will update you regularly on our negotiations. In the meantime please continue to support the industrial action including the Action Short of a Strike (ASOS).

1. **I am worried that my pay will be docked for working to contract. What should I do?**

UCU does not believe that working to contract justifies any deduction from pay. In any event, management have informed us that they will not be docking pay for staff taking ASOS at this point. It is possible that they may change their minds and if this happens then management will inform you that they do not accept ‘partial performance’ of your contract. If that occurs, UCU will issue further guidance.

1. **I am not quite sure what I should be doing in terms of working to contract. Where can I find further guidance on this?**

UCU has issued guidance on this and you can find it here <http://bit.ly/1Q3bSxl>. If you have any questions about this then talk to your local rep or email the UCU office on ucu@open.ac.uk

1. **My one to one interview was conducted by my line manager. Is there a conflict of interest having my line manager holding my consultation meeting when they will also be affected?**

No. Line managers are being placed in a difficult position particularly when they are also affected by the change, but UCU accept that they are the most appropriate people to be running the consultation meetings. If any UCU members are line managers and have concerns about the position they are in then they should contact UCU to seek advice.

1. **I have been told that I have to make a decision on which option I would prefer by March and yet the information I have been given is incomplete and doesn’t allow me to make an informed choice. Is this fair?**

No. UCU does not believe that the individual consultation is meaningful at this point given that policies have not been agreed or finalised. We have put this view to management and are seeking negotiations on both the policies and the timing of the individual consultation period. We will update you when we have further news.

1. **The OU have said that the money that I would be given to make purchases to enable me to work from home will be taxed. This means that I wouldn’t actually receive the £1,000 promised but considerably less. Is this right?**

That is the current position of the OU however UCU does not believe that the package is generous enough and will be seeking to ensure that staff working from home have enough money to make it practicable. UCU does not believe that staff should have to meet their own costs for working from home and effectively find themselves in a situation where they are subsidising the employer.

1. **At my one to one meeting the document that was being used on homeworking and flexible working did not state that it was a draft. Has it now been agreed with the Union?**

No. We have not even had the opportunity to discuss the policy with management yet. It is not agreed and as far as we are concerned is not something that we would agree in its current form. UCU will notify members when any policies are agreed with management but for the time being you should operate on the basis that all of these new policies are subject to change.

1. **At earlier location analysis meetings Keith Zimmerman stated that regional staff would have 12 months’ notice of a confirmed office closure date. Given that the proposed staggered closure of regions is not a confirmed plan, can we still expect this 12 months’ notice?**

Our understanding is that this should be the case however we have not had that confirmed by the employer. We are aware that the plans are already being looked at in terms of the timings and comments made by members of Council. We will seek to get assurances on this matter as soon as possible and this will form part of the discussions that we have with management in relation to the closure plans.

1. **The PowerPoint briefing to CAU staff specifically identified that it addressed “academic” staff, it did not mention “academic-related” staff. Will the university confirm that both of these types of staff are to be offered the CAU package?**

It is our understanding that the package should be open to academic related staff, however we also believe that it should be open to all of our members in affected regions. None of this has been agreed with the Union and we will be seeking to negotiate the position that gives our members the most amount of choice as possible.