

The Open University branch of UCU  
[www.ucu.open.ac.uk](http://www.ucu.open.ac.uk)

## The Spark — Sept 2013

# Stop the Squeeze in HE - National Claim 2013-14 Pay, Equality, Job Security and Respect

In an attempt to reverse the historic attack on our salaries, the erosion of job security and the entrenchment of inequality in our sector, UCU have made modest demands of a sector that CAN AFFORD fair pay and CANNOT AFFORD to ignore inequality.

The UCEA final offer of 1% goes nowhere near keeping pace with the real cost of living. Support the campaign for a fair deal.



- a pay offer that matches inflation and starts to address the four year erosion in your pay. This is modest and affordable: HEFCE reported in March that surpluses in UK universities were stronger than projected last year
- an increase to London Weighting
- a national agreement on guidance to universities over workloads and working hours - to begin to rein in the long-hours culture in HE
- nationally agreed measures to avoid compulsory redundancy and all hourly paid staff to be put on the national pay spine and contracts that are fair for all our staff
- national measures to address the gender pay gap - active intervention by employers is the only way to close the gap
- an agreement on disability leave.

Further details on the campaign can be found at this address: [www.ucu.org.uk/6575](http://www.ucu.org.uk/6575).

The member e-ballot consultation closed on 4<sup>th</sup> September 2013 and the results are shown below. Two delegates and HEC members from this Branch will discuss the outcome of the ballot and the campaign at a National Briefing on 12<sup>th</sup> September. **A member briefing and further discussion will take place at the Branch General Meeting Thursday 26<sup>th</sup> September 2013 at 12.30pm in room B232, 2<sup>nd</sup> floor, Wilson B block.**

Question 1: Should UCU accept or reject the employers' offer?  
Accept 5,282 (30%) Reject 12,316 (70%)

Question 2: Are you prepared to vote for and take part in Action Short of a Strike?  
Yes 12,013 (69.2%) No 5,343 (30.8%)

Question 3: Are you prepared to vote for and take part in strike action?  
Yes 8,704 (50.2%) No 8,627 (49.8%)

### Inside this issue:

News	1-3
AL negotiations update	4
ALs update	5-6
UCU Congress 2013	7
Congress key issues survey	8
Fixed term contracts	9
CDSA update	10
Zero hours contracts	11
AL expenses	12-13
National Framework Agreement	14
AL working group	15
UCU subs	18
Letters	20-21
Exec and contact info	22

## Drop in session: 17 September 2013

Everyone is invited to come along anytime between 12.30 and 2pm on Tuesday 17<sup>th</sup> September to meet your union. You'll have the chance to speak to caseworkers, quiz Ben Monks, our regional support official, on national issues and ask your branch president, Pauline Collins, what she's currently working on. Please bring non-members with you for our recruitment/executive team to talk to them about the benefits of joining. You'll find us on the Mulberry Lawn opposite the Hub and refreshments will be provided. We look forward to seeing you.



## Branch President's bulletins for internal staff

Following a successful UCU Branch Reps meeting, the proposal to provide a President's monthly bulletin highlighting key areas of work, to enable Branch Reps to engage effectively with members centrally and throughout regions/nations was agreed. Where there is no rep or contact for an OU unit, then the email will come direct from Deb, Branch Administrator. Feedback on the first bulletin sent out in July was positive with one member saying "Thank you, I've found this brief update very helpful." Others have identified areas they would like to support the union to progress. The second email bulletin was sent to reps on 22nd August 2013. If you did not see these emails then please get in touch: [ucu@open.ac.uk](mailto:ucu@open.ac.uk) or 01908 6(53069).



**STOP PRESS:** Apologies but there were 2 mistakes in the August email in the CDSA paragraphs, the links should have taken you to these 2 pages:

<http://intranet6.open.ac.uk/human-resources/policies-and-procedures/c#documents>

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

Feedback received on the second email:

*"I think that keeping people informed and regular communication means that everyone has the opportunity to know what is happening – whether they decide to read the communication is down to them and out of your control. It also means that, for example the guidelines regarding CDSA where my line manager recently had implied that there was a new directive, your communication shows that it wasn't necessarily so.*

*Also short regular communication can, in my opinion, be more readable than three months' worth put altogether, especially when you are busy and potentially not be out-of-date."*

---

## Immigration checks

The University Immigration Procedures have been updated to strengthen some areas of concern highlighted in a recent internal audit and Units are required to implement the revised Immigration Procedures and, in particular:

- Review and amend their current recruitment practices to ensure all future job applicants are checked (categories include **all** staff, including irregular contracts with the exception of consultancies)
- Ensure the procedures for checking, copying and retaining appropriate documentation are followed by using the Immigration Right To Work Checklist for every applicant attending interview, (it is mandatory to use this checklist).

This raised a number of concerns for our members in relation to responsibility, training and safeguards for members of staff. Following discussion with management, enhanced training is to be available for those members of staff responsible for carrying out these checks. Please keep UCU informed of any issues.

<http://intranet6.open.ac.uk/human-resources/policies-and-procedures/i#documents>

---

## Need help? New online form for requesting support

The Branch has a team of dedicated caseworkers based at the MK Campus and throughout regions and nations providing advice, guidance and on-going support for our members. Our new online form will help us to allocate you a caseworker, most appropriate to respond to your request, for support as quickly as possible. This is available on the Branch website, Casework page: <http://ucu.open.ac.uk/casework>.



If you need help or advice on a work issue then you can still call into room 015, Wilson C block and log your issue with Deb, the Branch Administrator, or you can phone 01908 6(53069) or send an email to [ucu@open.ac.uk](mailto:ucu@open.ac.uk).

All casework information is treated as confidential. Our caseworkers are branch members who have been trained by UCU in representing members who have problems relating to their employment.

## Upcoming Branch Executive Committee Elections

**A Branch Executive should be representative of the membership. Every member is eligible to stand.**

**Want to become more involved and have a say on what your union does...then why not put yourself forward to join the Branch Executive Committee?**

**Branch Executive Committee Elections – Calling Notice will be issued late September 2013**

The executive committee is responsible for the day to day running of the OU UCU branch and is made up of eleven branch officers and 12 ordinary members. Please visit [http://ucu.open.ac.uk/branch\\_committee](http://ucu.open.ac.uk/branch_committee) for further details.

If you'd like to speak to any of the existing executive committee members to find out what's involved then please go to [http://ucu.open.ac.uk/branch\\_committee](http://ucu.open.ac.uk/branch_committee) to contact them or please email [ucu@open.ac.uk](mailto:ucu@open.ac.uk) for further information.

## New Branch Equality officer

After our appeal in the February issue of *the Spark*, we had a volunteer come forward to act as our Branch Equality Officer—the Exec Committee agreed to co-opt the volunteer at its last meeting on 27 June 2013. So we are pleased to announce that Costas Athanasopoulos, an AL from the Arts faculty, Scotland will be our Equality officer for the rest of this union year—he has written a short biography which is now on the branch website: <http://bit.ly/10f6hv1> or you can read more information about Costas at this address:

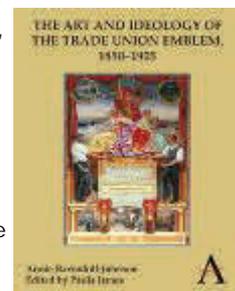
[www.open.ac.uk/Arts/philosophy/athanasopoulos.shtml](http://www.open.ac.uk/Arts/philosophy/athanasopoulos.shtml)



## New book, edited by OU branch of UCU member

A ground-breaking book that considers trade union emblems and banners as art objects in their own right, studying their commissioning, their designers and the social conditions and gender relations that they knowingly or unwittingly reveal.

*The Art and Ideology of the Trade Union Emblem, 1850–1925* is a ground-breaking book that considers trade union emblems and banners as art objects in their own right. It studies their commissioning, their designers and the social conditions and gender relations that they knowingly or unwittingly reveal. The volume celebrates working-class culture and shows how it could be both innovative and derivative. Annie Ravenhill-Johnson's exploration of the artistry of the emblems – the art of and for the toiling masses – sets these images of labour in their historical, cultural and ideological context. Her introductory chapter explores the re-signification of Greco-Roman, medieval and Renaissance architecture, figures and symbols in the emblem tradition, and analyses how these images served as representations of the developing self-awareness of the growing industrial workforces during the nineteenth and early twentieth centuries. The emblems of organized labour followed the traditions set out by Freemasonry and Friendly Societies that had adopted and adapted classical, biblical and medieval depictions of crafts and craftsmen to illustrate the antiquity of their trade and to lend solemnity and legitimacy to the tradition of forming associations for protection and benefits. Renaissance art, architecture and sculpture, the conventions of landscape painting and the more prestigious genres of mythical and biblical subjects all provided settings and structures that sanitized working conditions and idealized the workers themselves.



*The Art and Ideology of the Trade Union Emblem, 1850–1925* Annie Ravenhill-Johnson, edited by Paula James. ISBN: 9780857285300—an order form is available from the UCU branch office or email [ucu@open.ac.uk](mailto:ucu@open.ac.uk).

Photos show Paula James on the left and Annie Ravenhill-Johnson on the right.

## Negotiations on a new AL contract

Since the suspension of negotiations on a new contract last year, we have been holding informal talks with management, (facilitated by ACAS), to see if there is any basis for restarting negotiations on a broader AL contract. This would be a permanent fractional contract, with full leave entitlement and time for staff development/study leave. It would complete the assimilation of ALs onto broader contracts as required by the HERA agreement of 2004.

Both sides are agreed that this is desirable, but the management side was insistent that the overhead costs of a broader contract were such that it could only offer such terms to ALs working on at least a 0.4 full-time equivalent. This would be roughly equivalent to teaching modules worth 150 credit points plus a significant amount of script marking and other work currently done using DL days or consultancies. Management also recognised that the shape of the AL role at this FTE level would need some changes to prevent unacceptable peaks and troughs in workload. The union tried unsuccessfully to get management to reduce their 0.4 FTE requirement.

At present, the number of ALs is approximately 6,000 and the average FTE level is 0.21. Assuming that the total workload remains unchanged, an average of 0.4 FTE would require a halving of the number of ALs employed.

We were told that the total number of ALs had already reduced from over 7000 to approximately 6000, but a further reduction to 3000 is not a short-term prospect if done by natural turnover. The UCU negotiators made it clear that compulsory redundancies were not an acceptable means of carrying out this reduction.

The AL Interim Agreement was extended for another year to include October 2013 presentations, and is on the branch website here: [http://ucu.open.ac.uk/associate\\_lecturers](http://ucu.open.ac.uk/associate_lecturers).

The existing AL Working Group will expand its role to cover improvements to (as well as difficulties with) the current AL contract, and will meet more often, starting in September 2013. For the first time it will also include academic representation from the faculties. We are hoping further improvements can be made to the existing contract, bringing it into line with the new emphasis on qualifications, and this will allow us to progress towards a better contract for ALs.

This outcome is a disappointment to the UCU negotiators and to a lot of ALs, but the task will now be to introduce shorter term enhancements to the existing contract as quickly as possible.

It is proposed that the AL Negotiating Group will meet again in a year's time to consider whether the time has come to resume more substantial negotiations.

### AL Negotiators

**Pauline Collins** (OU UCU President)

**Lesley Kane** (OU UCU Hon Secretary)

**David Knowles** (OU UCU Vice President)

**Lydia Richards** (UCU Regional Official)

## Academic promotion Changes

Senate recently passed a change in the promotion criteria for Lecturers (performing academic teaching and scholarship/research roles) seeking promotion to Senior Lecturer grade (Senate paper: S-2013-03-13). This was agreed by a Senate vote on the understanding that 'leadership' needs further clarification. Previously the three main criteria were: teaching, research and administration. Lecturers normally had to demonstrate excellence in two of these three to be considered for promotion to Senior Lecturer grade. Administration is now replaced by leadership. This new criteria must now also be one of the two in which excellence is demonstrated. **UCU would like to know from members how this change is likely to affect them and their colleagues.**



A number of years ago academic grades were aligned with all other grades into a common framework and pay spine, as a result of an agreement with all the relevant national HE unions. The HERA process was introduced to evaluate almost all roles within the OU, generate role profiles for them and assign them to a scale on the common pay spine. The HERA role profiles for most roles, within the OU, are available online via the HR intranet web pages: <http://intranet6.open.ac.uk/human-resources/policies-and-procedures/h#documents>. New roles are evaluated using the HERA process and it is also possible for post holders and/or their managers to put in a case for posts to be re-graded under this process.

However the process for academic teaching staff to apply for a re-grade is different from the process for non-academic staff. It is the promotion route. However this process should contain the same principles as other re-grading processes: i.e. demonstrating that the post requires the post holder mostly to work at the level of the higher grade. We would welcome your views on how the new promotion criteria fit with the academic teaching and scholarship/research role profiles in practice, and whether there are aspects of the process, which the union should discuss with management.

All senate papers are available at this address: <http://intranet6.open.ac.uk/governance/main/university-committees/formal-committees/senate>.

**Judy Ekins, Branch ALs Officer**

## Associate Lecturers update

### AL Interim Agreement extended for a year

The AL Interim Agreement, which we balloted AL members on last summer, has been extended for another year, to October 2013. The contents of this agreement can be found on our website at:

[www.ucu.open.ac.uk/associate\\_lecturers](http://www.ucu.open.ac.uk/associate_lecturers), please click the "view agreement" link.

While negotiating this agreement some other items were discussed and agreed in principle but not implemented immediately. Some of these points have since been implemented e.g. one application needed per module - no need to apply separately for different regions/nations/presentations, and if considered "appointable" this applies for all regions/nations/presentations. The application is unfortunately not held over indefinitely and "appointability" also seems to run out, whereas we feel it should be for the life of the module. One item which we asked be implemented speedily, is transfer of ALs' contracts to replacement modules. We are hopeful of achieving this and it seems that this may well be happening for the DD101 replacement.



### TMA Monitoring

There has been a lot of concern about management of TMA monitoring recently. There are several cases where ALs with more than one contract (for different modules and/or different regions/nations) have had inconsistent monitoring reports - good/excellent for one contract and scope for improvement for another - sometimes on the same module.

Until recently this would not have been such a serious matter, because monitoring was a staff development tool for purposes of providing feedback to ALs. However, recently it has been used (misused we would say) to bring disciplinary cases against a few ALs.

There has never been much consistency in monitoring, for perfectly understandable reasons. Some things are a matter of academic judgement and there may be differing opinions, and the number of scripts sampled is often too small to be considered a representative sample. But the University has started to ignore these limitations.

Several ALs have had the disciplinary procedure initiated - informal meetings, sometimes followed by formal disciplinary action, PIPs (Personal Improvement Plans), based upon monitoring, have been used, which we have not come across before.

UCU does not believe that monitoring reports provide a sufficient standard of evidence to initiate disciplinary proceedings.

### CDSA and line management

Feedback from ALs who have had a CDSA is generally positive. However many ALs have not yet had a CDSA and many do not know which of their task managers is their line manager. The 0.5 day additional staff development payment should have been paid to ALs in their June 2013 salary. We welcome feedback on AL CDSA from any of our members.

### Internet/email response times

There has been some concern by a number of ALs, from different faculties, about requirements to log on frequently and to respond to management communications and student queries in a very short time span. The Faculty of Management and Law is now requiring student emails to be answered within 48 hours, although this does not seem to be written down anywhere (but it is in one AL's PIP). Another Faculty is suggesting logging on every 3 days, whether on leave or not.

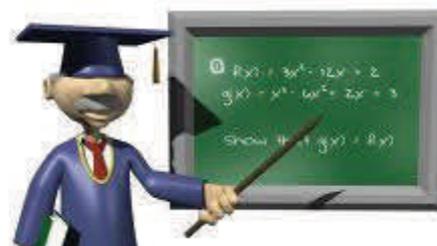
The AL code of conduct says ALs should answer student queries promptly, without stating what this means, but in the same item, it talks of replying to written communications within 10 working days and in another item only needing to alert one's line manager if you are going to be unavailable for over 15 days.

UCU does not accept that staff who are on leave should be expected to log on and answer emails. Two days is unreasonably short a time for AL staff, most of whom are very part-time, to have to answer emails.

### Change in presentation patterns

We have monthly meetings with management about potential AL redundancies and a particular problem concerning changing presentation patterns is becoming repetitive. In most cases where presentation patterns are changing, ALs are offered contracts on the new presentations, in place of those on the old presentation, or voluntary redundancy (with PC and MOLD) if they do not wish to change presentation lines.

However in a few recent cases management have tried to treat one situation differently: where one presentation line is ending and one is continuing. They have treated ALs employed on the presentation line which is ending as if it were end of module life. All these ALs would be made redundant, whilst all those on the other presentation line would continue. Those on the presentation line which was ending would be able to "apply" for posts on the continuing presentation line.



...continued over

## ...continued—Associate Lecturers update

We have objected to this strategy a number of times asking that the ALs on the presentation line which is ending all be transferred to the surviving presentation line, if they wish, and if there are insufficient students for all the ALs, then normal procedures for insufficient student numbers be applied to the whole pool of ALs. One does not normally expect a large fall in student numbers to result from changing presentations, so one would not expect a large number of lost appointments in this situation.

We have raised this matter at the JNC (Joint Negotiating Committee) reminding management that the letter of appointment states that the appointment is normally for the life of the module. We are still in discussion with the university about this.

### Merit and award scheme

The scheme for "internal" staff has been circulated, but at present the scheme for ALs is still being worked upon, so we are told.

### AL Working Group

The AL working group met on 15<sup>th</sup> July and are due to meet again on 23rd September—this is our chance to discuss all AL issues with OU management, see report on page 15.

Judy Ekins, ALs Officer

## Part-time matters campaign

Birkbeck and the Open University are key supporters of the Part-Time matters campaign and UCU has recently added its name to the list of supporters of the new Part-Time Matters campaign: <http://parttimematters.org.uk/>



## Organisational change

Please continue to keep us informed of the impact of any organisational change in your area of work. At a time of unprecedented change at the OU, we want to make sure that your voice is heard. Contact the UCU office: 01908 6(53069) or [ucu@open.ac.uk](mailto:ucu@open.ac.uk).

## 20 top tips for part-time study

The Open University on Facebook has compiled a list of 20 top-tips for part-time study from existing OU students and created a pin-interest info-graphic: <http://pinterest.com/pin/476677941780270499/>

Number one on the list is: "Never underestimate what you can achieve in a few minutes of otherwise dead time such as coffee breaks and train journeys."



## Help build the union—forward the email

Please forward *the Spark* email to a friend or colleague who is not currently a member of UCU, encourage them to visit [www.ucu.org.uk/join](http://www.ucu.org.uk/join) and JOIN UCU today. Together we are stronger.

**BUILD THE UNION**

## UCU Congress 2013

The debate at the UCU Congress 2013 was a mixture of internal UCU (how to finance and manage democracy) and campaigning issues. Both featured in a pre-Congress survey of members in branches and some of the issues that emerged in the OU survey feature in this issue of *the Spark*, see page 8.

The delegates to Congress listened to the debate, considered the issues and voted accordingly. In general voting was in line with the advice on motions that resulted from the pre-conference OU survey although, as some OU members pointed out in commenting on the survey, some of the motions and advice conflicted.

Campaigning issues supported in congress included:

- Higher Education Institutions (HEIs) to publish annually Senior staff pay and lowest full-time pay in an institution
- Campaigning on stress and bullying and in particular REF induced stress
- Better career progression and promotion opportunities for academic-related staff
- The defence of a public education service in co-ordination with other education unions.

There were a whole host of other campaigning issues discussed and agreed, which will be outlined in a future issue of *the Spark*. A key campaigning debate was on pay and the need to restore salary levels which have been eroded, relative to the cost of living over the last few years. Members will be balloted on how to campaign on this.

The internal debate on financing the union resulted in congress supporting a strategy that included limited cost reductions, recruitment campaigns and subscriptions increases. A key concern was that internal democracy should not be reduced in cost reductions or representation of members negatively affected. Discussion on the size of the NEC was limited to reports and an outline of possible options. There was no vote on the floor of conference but delegates were balloted on possible options. In the ballot congress delegates voted for a National Executive Committee (NEC) size of 63, a modest reduction from the current 72 people. This will return to Congress in 2014 for rule changes to implement the reduction. The proposed new NEC structure will be based on the model on page 9 of the document at the following address, on the national UCU website: [www.ucu.org.uk/media/pdf/h/l/ucu\\_cudfinalreport\\_apr13.pdf](http://www.ucu.org.uk/media/pdf/h/l/ucu_cudfinalreport_apr13.pdf).

## OU branch motion passed

At our Branch meeting in March 2013 a motion was passed on the detrimental legislative changes in redundancy consultation periods and the removal of the obligation to consult when a fixed term contract finishes. The motion is on our branch website at this address: [http://ucu.open.ac.uk/motions\\_resolutions](http://ucu.open.ac.uk/motions_resolutions).

The motion was composited with a similar one from the University of Liverpool branch and passed unanimously at UCU Congress 2013. It was this composite motion which authorised the legal action referred to in the article on the page 9: "UCU goes to European Commission in legal fight over contracts at universities and colleges".

The full text of the composite motion is at this address on the UCU website: [www.ucu.org.uk/index.cfm?articleid=6617#61](http://www.ucu.org.uk/index.cfm?articleid=6617#61)

Link to Kathy Taylor's Congress 2013 speech — the outgoing UCU President: <http://www.ucu.org.uk/6646>.

The new UCU President is Simon Renton (pictured) and you can read about him at this address: <http://presidents.web.ucu.org.uk/simon-renton>.

**OU branch of UCU delegates: Bruce Heil, Judy Ekins, Bethan Norfor, Eric Wade and Lesley Kane**



Simon Renton—new UCU President



## OU UCU Congress 2013 key issues survey

Thank you to the 92 members who completed our Congress key issues survey—we wanted to share the comments received from those members and the result of the last question, see below. If you would like to see the full set of survey results then they are available from the branch office, tel 01908 6(53069) or [ucu@open.ac.uk](mailto:ucu@open.ac.uk).

### 10. In the future do you want to be consulted in this way in advance of the UCU Congress?

Answer Options	Response Per-cent	Response Count
Yes	87.9%	80
No	5.5%	5
Don't know	6.6%	6
<i>answered question</i>		<b>91</b>
<i>skipped question</i>		<b>1</b>

### Comments from members who completed our Key issues survey

"I don't feel I know enough to comment on many of these issues, so I have abstained. I have also abstained where I don't feel strongly enough to comment. I would have voted on the industrial action motions, but they are too vague to cover my thoughts. I would vote for industrial action to achieve a rise equal to inflation or the public sector rise, but I don't think the time is right to ask for a 'catch-up' element. That should be done when the financial situation is clearer, for now we should just note that we will expect it in the future."

"Some guidance over which resolutions conflict with each other would be useful."

"SFC15 is a compound clause that includes items that should be a separate matter eg: Property review and recruitment would attract my vote. Oppose compulsory redundancies might not and Raise subscription 'as necessary' will not!"

"Please avoid simply trying to impose industrial action that has been agreed by the brick universities but simply doesn't work for OU ALs, given their very different role to a brick university lecturer, as happened in the early 2000s. Summer industrial action is idiotic - the employers will just use this to identify and target the troublemakers in a situation where there is little academic staff can do to impact on the day-to-day business of a university. Falling membership indicates how tired members are with 1970s 'strike, strike' solutions - all that does is get more people sacked. There needs to be some fresh, innovative thinking amongst the NEC."

"Oppose the REF."

"Campaign much harder and more publicly against Vice-Chancellor and senior manager pay increases."

"Campaign to focus university finances on teaching and research, not ever-growing managerialism and bureaucracy."

"No account is being taken of the impact on OU contracts of belonging to a USS pension scheme in main employment"

"Some of the questions were supported by insufficient information to enable members to give a considered response. Others (3 and 8) appeared to conflate two questions and so answers could be ambiguous."

"I would like there to be a more transparent justification of industrial action measures proposed by NEC, and for their proposals to reflect my suggestions and those of other members. For example I have frequently suggested a boycott of electronic register systems, to be replaced by members completing registers on paper (so that legal obligations are fulfilled) which would inconvenience government a great deal more than members and cost us nothing. This has never been seriously responded to and frankly, I'm getting fed up of not being heard or treated with something approaching respect by the majority of the NEC."

"What will the delegation do? Vote as a block or split the vote to reflect the proportion of members for and against a particular motion?"

"Regarding the above issues about industrial action - I'm against serious industrial action relating to general pay in HE at the moment. Even though there's been a real-terms decrease for some years and this will probably continue, I don't think the position is bad compared to most others in society."

"In principle I think this is a good idea, but it would also be useful to know who had proposed these motions (in fact, mainly/all from 'the centre'). There are lots of other motions on the agenda which are, in my view, just as 'key' as those listed here, and in some cases more-so."

"I have been unable to find detailed information about the motions on the UCU website, specifically the 7 options for the NEC but also other information on the 2013 claim. I assume that this is due to poor navigation on the UCU web site."

"I don't really feel well-enough informed to comment on some of these issues."

**"It's good that you're consulting in this way. But the questions you ask above suggest that you are lost in your own little world and have no idea of the concerns that actually move academics today. Why does UCU have nothing to say about e.g. student fees, about the REF, about impact, about the commercialisation of intellectual property? Why do you insist on campaigning on almost no issues except pensions—an unwinnable campaign, when there are loads and loads of winnable ones?"**

"Would be better to deal with this at a branch meeting, so that issues can be debated."

"I think this kind of 'survey' is not helpful. It requires further reading to make sense of the 'motions' and some of the questions appear to conflict with each other."

**"It's a very good new step."**

## UCU goes to European Commission in legal fight over contracts at universities and colleges

**Please refer to the UCU Congress report on page 7 — it was our branch's Congress motion which played a part in authorising the move to take this issue to the European Commission.**

UCU is taking its fight to protect workers on fixed-term contracts to the European Commission. The union today (5 Aug 2013) presented a complaint to the Commission that says recent change to employment law contravenes the requirement on EU members not to discriminate against workers on the grounds of their fixed-term employment status.

Following [the change](#), trade unions no longer have the legal right to be consulted about widespread redundancies of staff who happen to be on fixed-term contracts - in further and higher education that can be staff with many years' service. Previously, employers had to count all staff and engage in a 90-day consultation period with trade unions if they planned to get rid of more than 20 people.

The union says the change discriminates against workers on fixed-term contracts as their employers no longer have to consult with trade unions if they are intending to let them go. UCU added that it also makes it more likely that it is fixed-term workers who will face losing their jobs if an institution seeks to cut staff.

The union was particularly disappointed to learn [some that universities actively lobbied the government](#) for the changes to be brought in and said both they and colleges should now do the decent and pragmatic thing and commit to consulting with the union over any changes to staffing arrangements.

More than a third of the academic workforce in universities is now on temporary, fixed-term contracts. The number of teaching-only staff on temporary contracts went up by a third between 2009-10 and 2011-12.

In the same period in further education (between 2009-10 and 2011-12), the percentage of teaching staff on fixed-term contracts shot up from 30% to 42%.

The union has written to the employers' organisations for both universities and colleges and asked them to work with the union to get colleges and universities to sign up to agreements that they will still consult properly.

UCU head of higher education, Michael MacNeil, said: 'It is really disappointing that some universities, who consider themselves to be enlightened, were lobbying behind the scenes to take workers' rights back to the Dark Ages. We have put universities on notice that we will continue to pursue the matter legally and they should now do the pragmatic and decent thing and continue to consult with us. Good employers should recognise that it makes sense to treat staff properly.'

'The government has made these changes at a time when we have seen an increase in people who are on fixed-term contracts. We believe this will lead to clear discrimination against workers on fixed-term contracts and are taking our case to the European Commission.'

UCU head of further education, Barry Lovejoy, said: 'In the further education sector in England we have an excellent national agreement on redundancy avoidance which stresses the advantages of early consultation with trade unions on all threatened job losses. Sadly, the employers' representatives are seeking to water down the agreement in response to what we see as an unlawful and discriminatory step by the government.'

'Collective consultation ensures the full picture is considered in an institution regarding opportunities to avoid redundancies. Without proper consultation fixed-term workers are left with only individual representation. I would urge the employers to think again on this and avoid any legal consequences.'

**Dan Ashley, [press@ucu.org.uk](mailto:press@ucu.org.uk)**



---

## AL Staff development payment

As part of the AL Interim agreement between the OU and the OU branch of UCU, ALs should all have received a payment for staff development. The payment was made to ALs without the need for them to claim the payment and should have appeared in your June 2013 salary.

In July 2012, an announcement was made on TutorHome to share with ALs the proposals for changes to the AL Contract for the 2012-13 Academic Year (view archived news item here: <http://msds.open.ac.uk/tutorhome/news3.aspx?m=7&y=2012>).

Included in the details of the proposals was reference to a payment to all ALs of 'one additional staff development fee (currently £63.85) each year'. The first of these payments is being made in the June 2013 salary.

This additional payment specifically covers staff development activities that you may be required to engage in, such as keeping up to date with changes taking place across the University, staying current with new versions of existing technologies and participating in CDSA (which is only every two years).

## CDSA—Response to requests from members for further clarification on the CDSA scheme

The University has had constructive discussions with UCU about the OU management guidance on the CDSA scheme. The guidance issued in January 2013 follows the long standing agreements reached with UCU in 2007 and 1987. While this communication was intended to be management guidance rather than a material change to any existing policy, the University recognises the sensitivity over the CDSA process and the requirement to negotiate any change to policy with UCU, it has assured UCU of its willingness to discuss any future clarification or guidance prior to its release in future. The use of the Valued Ways of Working and the Leadership Competency Frameworks are there to support staff development by acting as helpful reflective tools for identifying development needs.

The agreement on CDSA can be found at this address on the HR intranet under CDSA principles: <http://intranet6.open.ac.uk/human-resources/policies-and-procedures/c#documents>.

As stated, there has been no change to agreements reached in 2007 and 1987 and both documents are now on the OU branch of UCU website <http://ucu.open.ac.uk/rules>.

We would encourage staff to reach a consensus through meaningful discussion with their appraiser about the most appropriate way of obtaining quality feedback from others, on performance and the best ways of utilising frameworks such as Valued Ways of Working and the Leadership Competency Framework.

---

## New payroll system—paper payslips

OU Finance confirmed that those who did receive paper payslips on the old system, will continue to do so on the new system. The format of the payslips will change slightly, as it is not possible to keep the existing formatting, but the process for requesting a paper payslip will remain the same.

There's further information on the new OU payroll system at this address on the OU intranet:

<http://intranet6.open.ac.uk/human-resources/new-hr-payroll-system-project>

---

## Have you seen our new pens and lanyards yet?

The Recruitment, Organising & Campaigns Committee (ROCC) recently ordered a batch of "OU branch of UCU" purple pens and lanyards—all internal staff reps and contacts have been sent some pens to be given out. The lanyards have only just been delivered but UCU reps and contacts will shortly be sent a batch—if you want to call into room 015, Wilson C block, then you can collect one for yourself.

Are you attending an OU event where there will be non-UCU members present? Please get in touch and we will send you a batch of our new pens and/or lanyards! 01908 6(53069) or [ucu@open.ac.uk](mailto:ucu@open.ac.uk).



---

## Changes to employment tribunals

Claimants must now pay an issue fee when submitting an employment tribunal claim and a hearing fee when the claim is listed for a final hearing. Fees will become payable from 29th July 2013. There is a summary of all the recent changes in employment law (including brief details of the fees payable) on the UCU support centre website: [https://ucu.custhelp.com/app/answers/detail/a\\_id/320](https://ucu.custhelp.com/app/answers/detail/a_id/320). As long as certain conditions are met, then UCU will pay these tribunal fees on behalf of its members.

## Zero hours contracts—a serious national issue

Over the summer a lot of work has been done by UCU activists, as well as other campaigning organisations, to raise the profile of zero hours contracts, and the problems faced by staff who are employed on them.

The Guardian reports at: [www.theguardian.com/business/2013/jul/28/sports-direct-staff-zero-hour-contracts](http://www.theguardian.com/business/2013/jul/28/sports-direct-staff-zero-hour-contracts), that Sports Direct has 90% of its staff on zero hours contracts.



Research released earlier this month suggested that there could be around one million workers in the UK on zero-hours contracts - a marked increase on recently revised estimations from the Office of National Statistics of just 250,000.

While much of the national publicity has focussed on the low paid service sector, we must not forget that education is the sector second most likely to employ workers on zero-hours contracts. UCU believes that zero-hours contracts for lecturers in colleges and universities deny staff the financial security or stability to operate on a month-to-month basis, and damage students' continuity with their teachers.

The OU UCU branch believes the publicity received by *Sports Direct* and other zero hours employers should be a wake-up call to those employers in HE and FE who have a large number of vulnerably employed staff. The majority of OU staff are Associate Lecturers, and while the AL contract is not actually a zero hours contract, it is a not-too-distant relative of one. ALs can lose a large proportion of their work without being considered potentially redundant, and it is only the phrase "*When the only or last appointment held by an Associate Lecturer terminates, the employment of the Associate Lecturer also terminates...*" in the AL T&Cs that saves it from being a zero hours contract.

UCU took part in a debate on zero hours contracts with shadow business secretary, Chuka Umunna on 20 August, and will be contributing to a review of zero hours contracts currently being conducted by the department for Business Innovation and Skills.

UCU president, Simon Renton, said: *'The Labour party should be applauded for seeking further information on the murky world of zero hour contracts. UCU is currently conducting its own research to get a better grasp on just how prevalent they are in our colleges and universities, which we will share with Labour and the government.'*

*'Employers cannot hide behind flexibility as a defence for their continued use. The flexibility is very much a one way street. Without a guaranteed income, workers on zero-hours contracts are unable to make financial or employment plans on a year-to-year, or even month-to-month basis.'*

*'Zero-hours contracts are the unacceptable underbelly of further and higher education as staff are denied full employee status and key employment rights. Students miss out on a lack of continuity and often receive reduced access to staff employed on minimal hours.'*

In recent discussions the OU management was of the view that the nature of AL contract could not be significantly changed until the AL body was much smaller in size, with ALs working at least 40% of a full-time job. UCU does not find this an acceptable justification, and points out that if legislation to prevent or limit the use of zero hours contracts is passed, the AL contract, like other near-zero hours contracts, may well be caught in the net.

**Lesley Kane, Honorary Secretary**

---

## Searching the branch website — [www.ucu.open.ac.uk](http://www.ucu.open.ac.uk)

Materials and documents on the OU branch of UCU website are fully findable using the link on the left side of the OUBUCU website which leads to the page at <http://ucu.open.ac.uk/search>

People sometimes think that it's a waste of time to search for information on websites because they'll never manage to locate what they want, but the search utility on our OUBUCU site has been set up using Google's 'Custom Search' tool to return the most relevant information on the local *and* national UCU sites. Deb Shann has put a lot of information and attached documents onto our OUBUCU website, and the search tool finds the detail in them very quickly. If you are trying to find out for yourself what the latest UCU position is on a particular topic of interest to you, just type words related to it into the search box and press the 'Search' button.

You will find a new link to '*Advanced Searching Tips*' at <http://ucu.open.ac.uk/search> - this provides instructions from Google on how to modify your search request to include exact phrases, 'similar' words to the one you are looking for, or how to search for alternative words. So, for example, a search for "*Valued ways of Working*" (using double quotes) will find different results on the site from the search when you use exactly the same words without quotes. With a bit of practice using these simple techniques you should be able to find out if there is a local or national UCU document or policy on almost any matter you can think of - and once you've mastered them you'll find that they work in the normal everyday Google site too. As a bonus to members, we've also linked the pale grey 'Search' button at the very top of the website to a full 'Open University' search (also using Google's Custom Search utility). In many cases, this will give more convincing and helpful results about the University than the University's own in-house search engine.

**David Clover, IT Development Manager, MCT**

## AL expenses

The OU UCU branch has recently been talking to management about the ICT component of AL pay. Our modules are allocated to salary bands by calculating what the average earnings for a standard sized group would have been under the piecework system that predates the current AL contract. Then the ICT pay is added, and the result (referred to as the “theoretical earnings”) is rounded to a salary band.

The ICT pay has remained frozen since 2001, as has the non-ICT expenses of 76p multiplied by the average number of TMA scripts likely to be marked. This has resulted in “banding slippage” whereby modules banded now can end up in a lower salary band than they would have been given in the past. The freezing of our expenses is debatable, but the ICT component also contains a very small salary component which should have been increased in line with other salary components.

During discussions with management we have realised that there are some very serious misconceptions amongst management about AL expenses. We deal with a couple of these misconceptions below, and we think the table at the end gives a more realistic idea of what ALs have to pay for in order to do the AL job.

**The first misconception – that the non-ICT expenses were for ALs to pay for stamps to send TMA scripts back to Walton Hall, so the 76p per TMA script is now unnecessary.**

UCU wishes to point out that the 76p per TMA was never for the purpose of sending assignments back to Walton Hall, and that this allowance co-existed for many years under piecework with the use of pre-paid envelopes, prior to the advent of ICT expenses as a component of AL pay.

The non-ICT expenses are for all AL expenses that already existed prior to the requirement that ALs should have access to a computer. This includes whiteboard markers for tutorials, other stationery, photocopies for tutorials, and postage stamps and telephone calls for communicating with students. Historically it was assumed that this expense was roughly proportional to the number of active students in a group, hence the link to the number of TMA scripts marked.

This element has been frozen since 2001 and has in fact fallen due to a reduction in the number of TMAs on many modules.

This expense component would contribute £30 to the “theoretical earnings” of an AL tutoring a 30 credit module with 4 TMAs, 15 students in a group and a TMA submission rate of 65%. The £30 will be slightly reduced in the banding process.

This component clearly won't go very far if an AL pays commercial rates for photocopies and has to phone mobile numbers. So the adequacy or otherwise of this component depends on whether the ICT expenses cover a printer/scanner/photocopier and whether Microsoft Lync can be extended to ALs.

**The second misconception – that ICT hardware has fallen in price since 2002 so AL ICT expenses are now overpaid. There are some really cheap options such as the Google Chrome laptop which are good enough.**

We accept that the cost of hardware has fallen over the last decade, but the use ALs are expected to make of ICT has increased very considerably in that time. In 2004 ALs who didn't have ETMAs were told they could use the ICT allowance to travel to the local learning centre or internet café to log on twice a week. This is no longer an option, and many ALs, especially those with two or more module appointments find it necessary to have a computer dedicated mainly or entirely to OU work.

A Google Chrome Laptop is not a suitable option because we need to be able to work without being online, and for prolonged use a laptop needs using with a docking station or a separate keyboard and display. This has been provided for on-site staff who use a laptop for OU work. As it stands the Google Chrome laptop does not meet the DSE regulations, nor the OU's own health and safety standards.

After taking into account the cost of a docking station or extra peripherals, a laptop isn't a cheaper option than a desktop. Furthermore the cheapest hardware often has the shortest lifespan. Many ALs have also paid for software to avoid the compatibility problems arising from the free alternatives to Microsoft Office. Free or very cheap broadband is not good enough for professional use.

A realistic calculation of an AL's annual expenses is shown in the table on the next page, p13.

**Lesley Kane, Honorary Secretary**



## AL expenses—annual estimates

Continued from the AL expenses article on page 12.

		Cost	Monthly Cost	Proportion	
<b>Broadband</b>	Plusnet		£15.99	50%	£8.00
<b>Phone</b>	Plusnet		£10.49	50%	£5.25
<b>Mobile</b>	Virgin		£5.00	50%	£2.50
<b>Computer (inc monitor, keyboard, mouse)</b>	Packard Bell	£350.00	£7.29	100%	£7.29
<b>Extended warranty for computer</b>		£75.00	£1.56	100%	£1.56
<b>Backup storage</b>		£15.00	£0.31	100%	£0.31
<b>Printer</b>		£130.00	£2.71	100%	£2.71
<b>Supplies (ink, paper, markers, pens, stamps)</b>			£5.00	100%	£5.00
<b>Software (MS Office)</b>		£80.00	£1.67	100%	£1.67
<b>Office Chair</b>		£70.00	£1.46	100%	£1.46
<b>Headphones</b>		£15.00	£0.31	100%	£0.31
<b>Capital cost</b>		£735.00			
<b>Monthly cost</b>					<b>£36.05</b>
<b>Annual cost</b>					<b>£432.63</b>

## Branch casework statistics

Our caseworkers are currently supporting almost 100 different members with employment issues—here are the most common issues taken from our casework log.

	Current cases
Restructuring/redundancy	26
Health issue	20
Fixed term contract	11
Initial enquiry	9
Bullying & Harassment	8
Contracts issue	8
AL issues & redundancy	6
Recruitment issue	5
Job Description	4
Working hours issue	4

## New AL contract and the national Framework Agreement

As members will know, the UCU branch has been taking part in exploratory talks with management to decide whether it is worth resuming negotiation for a new AL contract, see update on page 4.

The outcome is that the negotiation of big changes has been placed on hold for a further year. More information will be available about this shortly. This seems like a good moment to review what we hope to gain for our AL members from completing the application of the national Framework Agreement to ALs:

- i. Harmonisation of pay and benefits with other staff on the same grade. This should include comparable annual leave, sick pay and maternity pay with other Academic 2 staff and Grade 7 Academic-Related staff in the OU. There should also be provision for study time to allow ALs to stay on top of the subjects they teach.
- ii. The AL Interim Agreement, on which AL members were balloted last summer, provides for the introduction of a merit and award scheme for ALs that will give some ALs access to the discretionary salary points at the top of Grade 7/ Academic 2, which are equivalent in salary terms to the lower points on the Grade 8/Academic 3 scale. However, UCU considers ALs to be Teaching and Scholarship academics, and in most HEIs academic staff have automatic progression from Academic 2 to Academic 3. UCU has not always been successful in gaining automatic grade progression for hourly paid lecturers, but in many institutions we have managed to get a promotion/re-grading route, even if not automatic. The current scenario in the OU is that when ALs take on Grade 8/Academic 3 work they are issued with consultancy contracts, which is legally questionable and an unacceptable way of denying promotion.
- iii. Back in 2008 management agreed, in principle, to integrate the additional duties, such as monitoring, mentoring, EMA and exam script marking, moderating and supporting student forums into the AL contract. In most institutions Framework Assimilation has led to hourly paid staff being given one contract for duties that are related to their role as lecturers. These duties need to be integrated into the AL contract, and carry the same benefits outlined in (i), as well as pension contributions.
- iv. From UCU's standpoint the harmonization of terms and conditions includes job security. Most hourly paid lecturers to whom the Framework Agreement has been applied in other institutions have been given fractional part-time contracts if they are working above a given number of hours. The threshold has usually been somewhere between 0.1 and 0.2 of an FTE (Full Time Equivalent). The current stance of the OU management is that ALs should be on a minimum of 0.4 FTE before fractional contracts can be given. UCU considers this to be a bridge too far, and a further bridge than hourly paid staff have had to cross elsewhere. It also begs the question of whether it is right to expect AL staff to invest a large slice of their lives in the OU, on the basis of the current AL contract, which is (see article on page 4) a not -too-distant relative of a zero hours contract. We cannot accept that all the risks involved in developing the AL role into a more substantive role should be borne by the ALs.
- v. The Framework Assimilation of hourly paid lecturers to fractional contracts is normally based on an assessment of their workload as a fraction of a full-time equivalent. OU management are still using a calculation based on the nominal FTE associated with each module. This excludes other things such as the two days staff development per year required in our terms and conditions, and any administrative overheads associated with the job. Currently, the average FTE of an AL is given as 0.21 FTE, but a realistic calculation would put it higher.

It is clear that management intend to continue aiming for fewer ALs on fatter contracts, and we were told that the AL body has reduced from over 7000 to approximately 6000 by natural turnover. Our understanding is that external recruitment of ALs will remain frozen where not essential.

We pointed out that the peaks and troughs in the AL workload due to coinciding cut-offs, and (on some modules) excessive TMA marking time were practical obstacles to a continued increase in the average AL FTE workload. The absence of faculty involvement in negotiations was a further difficulty.

The upshot is that we have been invited to participate in an enlarged AL Working Group, which will be enlarged to include representation from the faculties. The ALWG (see report on page 14) has previously dealt only with problems with the current contract, and will now be empowered to consider improvements and ways around the obstacles mentioned in the paragraph above. We have accepted this invitation because we are determined to pursue every avenue towards fairer and more secure contracts for Associate Lecturers. However, it is equally clear that we may only get significant improvements, particularly in the area of job security, if we are able to exert pressure on the OU. Our membership has increased significantly amongst ALs in the last few years, but we still have a way to go.

**We now need to campaign for a fair contract for ALs, and recruit more AL members to the union.**

**Lesley Kane, Honorary Secretary**

## Report from the AL working group

The AL working group exists to deal with AL concerns that can be resolved within the current AL contract. The group met in July 2013 and considered a number of issues detailed below. One outcome was to meet specifically to consider a range of appointment issues and we will report on that in the next issue of *the Spark*. ALs have been particularly concerned about appointment issues including having to submit further complete applications to take an extra group and to have to have further full interviews despite being deemed “appointable”. The processes are both time consuming and frustrating for ALs and a waste of valuable time for all involved.

AL Grievance and Disciplinary procedures and the AL Code of Conduct are being revised between UCU and HR and this process should be complete before the AL Working Group meets next on 23rd September 2013.

There have been concerns that ALs were in some instances being expected to purchase set books for modules. It has been agreed that the University will continue to provide these for ALs for all modules where required and this will be detailed on Tutorhome.

With the move to Student Support Teams and more central interventions with students it will be important that these interventions are consistent with what ALs are doing. One area of concern will be to make sure the OU takes account of agreed late submissions, when intervening over TMAs being returned later than expected.

We have requested that the fee waiver for ALs should continue with the 75 point limit (per year) and that this should override any financial limit resulting from the new fee regime in England. If any AL has been adversely affected by this can they please contact the UCU office: 01908 6(53069) or [ucu@open.ac.uk](mailto:ucu@open.ac.uk).

We have requested that further guidance be issued around the 10 day TMA turnaround time and in particular over holiday periods. Similarly the guidance should be consistent for both paper and ETMAs. ALs have 10 working days to mark both types of assignment.

We have raised concerns about the increase in the use of Personal Improvement Plans (PIPs) following negative TMA monitoring reports. Management have agreed to look into the process and the advice provided to Staff Tutors in the use of PIPs. We will report further on this in the next issue of *the Spark*.

There have been concerns that some ALs might be required to purchase further IT equipment over and above the basic PC spec to enable them to carry out their AL duties. We think this issue is now resolved and that, should such equipment be required, then it will be for the University to provide it.

We have asked that the Microsoft Lync software be made available to ALs, enabling free calls to students through the internet and conference calls with both students and the university. Management have agreed to consider this.

Finally we have requested further information on the use of Day contracts and Consultancy contracts for additional AL duties. One concern is that all such work should be pensionable.

**Bruce Heil, Exec member and AL rep for Scotland**



Vote for new features on Tutorhome:

<http://bit.ly/15aBTyB>

## Legal advice from EAP

Did you know that you can obtain legal advice from the Employee Assistance Programme? Full information is on the HR intranet at this address: <http://intranet6.open.ac.uk/human-resources/news/employee-assistance-programme>

Their telephone number is 0800 282193 and their web address is [www.ppconline.info](http://www.ppconline.info)—if you use the website then you will need to login with this information:

User Name: theou

For Internal Staff: Password1

For Associate Lecturer Staff: Password2



## Build the Union—how healthy is the OU branch?

UCU is a democratic organisation reliant to a large degree on the large-scale participation of its volunteer members. How effective we are as an industrial force and professional body, protecting our members, depends on how well our participatory structures work.

- **Do we have enough local representatives?**

*No the OU Branch Administrator has an objective to find a UCU contact in all of the 30 OU units at Walton Hall —currently we have contacts in 24 units. We do have AL reps in 12 of the 13 regional/national centres and for internal staff we are still looking for a rep/contact at East Grinstead.*

- **Are members able to get involved in raising the profile of the union locally?**

*Yes we held a Reps/contacts meeting on 19 June and all sorts of things are now planned—get in touch and get involved: 01908 6(53069) or [ucu@open.ac.uk](mailto:ucu@open.ac.uk)*

- **Are our branches communicating effectively with their members?**

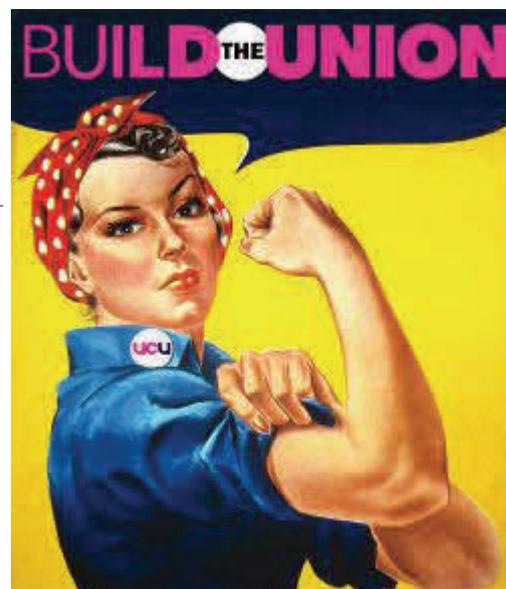
*Sort of—we produce 4 or 5 copies of the Spark each year and are now sending the President's bulletin emails to internal staff members.*

- **Are members coming to branch meetings?**

*Not very many — a different format for branch meetings is to be investigated.*

- **Are members participating in elections and ballots?**

*Not enough—the turnout varies but is usually around 20% of our members—please make sure that UCU has your correct workplace address for paper ballots —email [ucu@open.ac.uk](mailto:ucu@open.ac.uk) or login to the Members area: <https://members.ucu.org.uk>.*



The answers to all these questions determine how much our employers – and the government – listen to us. That's why the union has put in place a series of new initiatives to help build our union:

- a drive to recruit new members to offset the effects of the government's cuts to post-secondary education.
- a drive to recruit new local department or workplace representatives, to ensure that UCU branches are healthy at the most local possible level
- a drive to ensure that our branches are equipped with the resources and skills necessary to ensure the maximum possible engagement in branch life from their members.

UCU have launched a new "Build the union" website, which will feature all the latest advice and guidance to branches, alongside all the examples of good and inspiring practice that we know is already happening. <http://btu.web.ucu.org.uk>

So far we have recruited 4 new UCU contacts which is good news but we want more of you to get involved! Read about the new UCU contact role at this address: [http://btu.web.ucu.org.uk/files/2013/02/The\\_role\\_of\\_the\\_contact.pdf](http://btu.web.ucu.org.uk/files/2013/02/The_role_of_the_contact.pdf) and if you think you could take on this role then please register at this address: <http://btu.web.ucu.org.uk/volunteer>.

---

## New Publicity Contact for MCT

The branch would like to thank Chris Hartley for being the UCU publicity contact for MCT faculty, Venables building—Chris retired from the OU at the end of July and another UCU member has volunteered to take over. Ian Cameron is the new publicity contact for the Venables building since Chris retired—thank you to Ian for agreeing to take on the role.

---

## UCU offers retired membership

Are you retiring soon? Did you know that you could retain many of the benefits of full UCU membership by becoming a retired member:

- You can keep in touch with national and local UCU by continuing to receive the weekly campaigns emails as well as branch communications.
- retain the discounts on benefits and services negotiated for UCU members. You may actually have time to make better use of some of them
- maintain contact with UCU's experienced advice on superannuation matters
- You can continue in membership of your present branch/local association or join the UCU central group (please see note below about the central group\*).



Retired membership is open to any member of UCU *retiring* at the minimum age limit and to any member who shall have so retired at an earlier age under the Premature Retirement Scheme, or on account of permanent disablement under ill-health provisions.

In order to retain full membership entitlements, particularly in connection with their employment, members of staff who are taking early retirement but continuing in part-time university or college employment are advised to continue in full membership (at a reduced subscription rate, if appropriate). Contact the Branch office to request an application form or it can be found on the Rules and Forms page of our branch website: <http://ucu.open.ac.uk/rules>.

\* *Following a change to UCU's rules, regional retired members' branches will, in future, be created for retired members who do not retain their branch membership. When these become established, your membership will be transferred from the central group to the appropriate regional retired members' branch.*

## The Spark — pass it on

Please forward this new copy of *the Spark* newsletter to a few non-members — please forward to anyone you think would be interested in reading our news.

The Branch Administrator, Deb Shann, sends colour copies of *the Spark* to a few members who leave it in their shared areas/ common rooms — if you can do the same please contact her on 01908 6(53069) or [ucu@open.ac.uk](mailto:ucu@open.ac.uk).

## Does UCU know where you work?

We would like to ask all members to check that the UCU membership database has your correct workplace. Please login to the members' eServices area and check that your workplace address is correct. You do need your UCU membership number to login, please contact the branch office if you do not know your number: 01908 6(53069) or [ucu@open.ac.uk](mailto:ucu@open.ac.uk). While logged in you can see all the other information that UCU holds on you and you can check that it has your current email address.



UCU membership database: <https://members.ucu.org.uk/>



## UCU subscriptions

Arising from the decisions of UCU's National Congress and the National Executive Committee, the subscription rates for 2013/14 have now been agreed.

- The lowest subscription band is frozen in order to ensure that representation remains affordable for the lowest paid
- Other bands are increased by 8%
- A new band is introduced for members whose annual earnings are £60,000 or more
- Retired members' subscriptions will be standardised with all members in this category paying at band F6
- *OU branch of UCU rules state that we can only increase our local subs at the AGM in November of each year, for the following UCU year starting in September, so if this was agreed at the AGM this year, the increase would take effect in September 2014.*

The increases outlined were proposed by the National Congress following the fall in membership over the last two years and its consequent impact on UCU's income and our long term financial position.

Congress took the view that, in absolute terms, this year's increases are relatively modest and that UCU subscriptions continue to offer excellent value for money to members and potential members alike. For example, for the average member in HE they mean an extra £1.52 a month, and for the average member in FE they mean an extra £1.38 a month. For the lowest paid there will be no increase at all.

UCU uses the income from members' subscriptions to provide individual representation, collective negotiation, support for branches in dispute and to campaign in support of further and higher education and the staff who work therein.

Members will be written to in September 2013 setting out the increases and their rationale.

A table showing the national and OU local subscription rates taking effect on 1 September 2013 is shown below.

It is important to note that the levels of subscriptions are related to the income bands and that members must notify us if they move into a higher band. Services and benefits – including legal aid and advice – can only be provided to those paying the correct subscription.

Members should be reminded to update their subscription level online using our Member eServices facility <http://members.ucu.org.uk/>.

The rates in brackets exclude the political fund element (1% of the national subscription) and are applicable only for members in Northern Ireland.

ANNUAL EARNINGS	TOTAL SUBS	National subs	OU local subs (no change for 2013-14)
£60,000 & above (F0)	<b>£25.59</b> (£25.36)	<b>£22.59</b> (£22.36)	£3
£40,000 - £59,999 (F1)	<b>£23.59</b> (£23.39)	<b>£20.59</b> (£20.39)	£3
£30,000 - £39,999 (F2)	<b>£20.72</b> (£20.54)	<b>£18.72</b> (£18.54)	£2
£20,000 - £29,999 (F3)	<b>£19.16</b> (£18.99)	<b>£17.66</b> (£17.49)	£1.50
£10,000 - £19,999 (F4)	<b>£11.76</b> (£11.65)	<b>£10.76</b> (£10.65)	£1
£5,000 - £9,999 (F5)	<b>£4.88</b> (£4.82)	<b>£4.88</b> (£4.82)	£0
Below £5,000 (F6)	<b>£2.58</b> (£2.55)	<b>£2.58</b> (£2.55)	£0

## Disability Discrimination: Approach to Reasonable Adjustments for Absence

The following information may be helpful for UCU caseworkers/branches during discussions on disability related sickness absence. The Employment Appeal Tribunal (EAT) in this case found that where medical evidence was available of the average additional bouts of illnesses expected in the patient population, this should be considered by an employment tribunal when examining claims for reasonable adjustment. We can use it to ensure that staff are not unfairly treated due to sickness absence related to a known disability, so that consideration is given for this and a fairer assessment of sickness absence/disability leave be made.

Thanks to Paul Smith of Broadway House Chambers for preparing this case summary.

In the context of making reasonable adjustments, what approach should be taken by employers in respect of employees whose disability interacts with other ailments?

There are two alternatives, says the Employment Appeal Tribunal in *HMRC Commissioners v Whiteley*.

In this case the employee's disability was asthma. Her condition was exacerbated by respiratory infections which resulted in some absences from work. An employee being absent through illness for 10 days or more in a year would trigger a policy whereby the employer would consider subjecting the employee to disciplinary action. The employee complained that this policy put her at a disadvantage and that the employer had, accordingly, failed to make reasonable adjustments.

Mitting J (presiding) set out two possible avenues an employer could take when dealing with this type of situation. Firstly, they should consider, with expert evidence, the periods of absence and attempt to analyse with precision what was attributable to disability and what was not. Alternatively, they should ask, and conclude with proper information, what sort of periods of absence would the employee reasonably be expected to have over the course of an average year due to her disability.

The appeal itself concerned the employment tribunal's misinterpretation of the expert evidence and the matter was remitted to be heard afresh, but the guidance provided by the EAT is of wider application and should prove valuable to employers facing this difficult problem.

From [www.danielbarnett.co.uk/employment\\_law.php](http://www.danielbarnett.co.uk/employment_law.php) and circulated by Hull University branch of UCU.

## UCU reps update

At our Reps/contacts meeting in June 2013, it was decided to ask our existing reps/contacts if they would be the UCU rep for another OU unit, as well as the one they work in. We are pleased to announce that so far, three of our reps have taken on other units! So Jeni Aldridge will now be the UCU rep for the Communications department as well as Marketing & SRFS; Tracey Bean-Williams will be the UCU rep for the following six OU units: Information Office, KMi, Learning & Teaching, Office of PVC Academic, Strategy Office & USO and Roger Moore will be the rep for LTS and OMU. If any UCU member in any of these units wishes to be the rep then please contact the UCU office: 01908 6(53069) or [ucu@open.ac.uk](mailto:ucu@open.ac.uk).

We are also pleased to report that Graham Storey is now the UCU rep for the Gateshead regional/national centre. Thank you to these UCU members for their support of the OU branch.

Any UCU member can register to be a "UCU contact" at this address: <http://btu.web.ucu.org.uk/volunteer> and it does not matter if your OU unit already has a rep.



## Letters to the Editor

Spark welcomes letters from branch members on any issues likely to be relevant to the branch. Please email your letter to [ucu@open.ac.uk](mailto:ucu@open.ac.uk) to appear in the next issue.

Dear UCU

Two days ago, when I phoned the union, I felt very alone. Now, after calls from two union colleagues, I feel part of a community and well prepared to face the issue, which I know affects other colleagues too.

**UCU new member**

---

### A few thoughts prompted by *The Spark*

Dear UCU

Thanks for sending me a copy of *The Spark*, which I perused with interest. I thought I'd offer a few observations as a new UCU member, prompted by your question re how to attract members to meetings and also in view of the wider concerns re falling membership. These views may appear a bit critical but I hope you'll take them in the constructive and collegiate spirit in which they are written!

I've been an AL for circa 4 years and to my recollection the recent email inviting me to join the UCU was the first such contact I've had. I may have overlooked a prior contact but if so it clearly didn't make much of an impression. As a left-leaning believer in the TU movement I'm sure I would have joined earlier if I'd been contacted in a way that I noticed.

Even though I joined recently, I'm still very unclear how relevant the UCU is for me as an AL. I joined as an act of solidarity rather than from any conviction that it was clearly in my interests and I'm completely unsure what I may be able to do as a remote AL to offer practical help, nor indeed what you're doing in practical terms to help me. The current edition of *The Spark* hasn't really enlightened me either as I didn't spot much content that seemed of direct interest or relevance to me. Similarly the general UCU information that I've had so far didn't push any buttons in terms of galvanising me to offer support.

So, in view of all this, perhaps there's scope for some processes that make it easy for me to be involved and/or understand what you're doing. I received your *Spark* email alongside a campaigning email from the 38Degrees organisation on the NPower tax evasion scandal. It strikes me that they have a model which might offer some lessons/principles/techniques which might be adopted by the UCU. It's interesting (to me anyway!) that I've participated in c5 38Degree campaigns (eg emailing MP's, signing petitions, offering ideas, etc) in the few weeks or so since I joined UCU and done nothing for the UCU, even though your work ought to be much more important and relevant to me. Similarly, I've taken an interest in the Labour Party recently and have found their new web-based participation processes engaging.

Do you think there might be mileage in some improved processes as listed below?

- Encourage AL's to join rather more vigorously.
- Clarify to AL's what you're doing on our behalf with a little more impact.
- Make it easy for us to get involved.

Please don't take this as criticism but it's often the case that someone fresh on the scene sees things others don't and it helps to capture these views early.

**Paul Maclean, AL**

---

### Feedback from an OU UCU member to their caseworker

With your excellent help, this whole process has been much less traumatic than it might have been and I have got everything I wanted. So thank you so much. (August 2013)

## Letters to the Editor continued

### ETMAs on Maths modules

I had to email when you wrote about eTMAs on maths modules, in *The Spark*.

I am a science AL and we have exactly the same issues as maths ALs. I feel there is disparity between how faculties have dealt with the issues in marking eTMAs with equations, symbols... mathematical and scientific. I have raised the issue before that maths ALs have managed to avoid marking eTMAs, and have support in the form of tablets. Though I have been told tablets are of limited use anyway. Many students also struggle with the technical issues of producing diagrams, graphs, and chemical and mathematical equations for inclusion in eTMAs.

It just seems that there is no overarching OU policy, or parity of support for ALs. Without doubt it takes longer to mark eTMAs. Also as I do some monitoring of other ALs I am concerned that at times ALs cannot spend so much time giving personalised feedback, as they tackle marking online, though I don't have any substantiated evidence for this.

**Fiona Scott, AL**

### Twitter account—Open University UCU



We now have an Exec member who has kindly agreed to tweet and re-tweet on behalf of the OU branch of UCU, thank you to Bruce Heil. We now have 55 followers on Twitter.

### Did you know?

It has been suggested that we start a regular feature in *the Spark*, featuring updates on employment law or useful information that is stored in the UCU support centre: <https://ucu.custhelp.com>. If you have a question that you would like answered in the next issue of *the Spark* then please phone 01908 6(53069) or email [ucu@open.ac.uk](mailto:ucu@open.ac.uk).

#### Can my employer legally force me to retire me at age 65?

The default retirement age of 65 was abolished in 2011. The transitional arrangements period has now ended. As a consequence, there is no specific potentially fair ground of "age retirement dismissal" in the law of unfair dismissal (unlike, for example, the potentially fair grounds of redundancy or conduct). Any dismissal on the grounds of age would, therefore, be considered by an employment tribunal like any other dismissal would be treated under the law of unfair dismissal. An age related dismissal could be treated as a dismissal "for some other substantial reason" (another potentially fair ground of dismissal) or on the basis of conduct (e.g. alleged under-performance), but any employer seeking to make out these grounds will have to present a clear evidential basis, and, as with any dismissal, apply a fair procedure. The tribunal must decide such cases in the light of the size and administrative resources of the employer and in accordance with the equity and substantial merits of the case.

An age related dismissal is also likely to be an instance of direct age related discrimination and therefore in breach of the Equality Act. However, under the Act, direct age discrimination can be objectively justified, that is to say that the dismissal is a proportionate (i.e. appropriate and necessary) means of achieving a legitimate aim. In this specific context, the Supreme Court has recently held that, in order to be legitimate, an aim justifying direct age discrimination must be in place for broad social policy reasons, as well as being related to the particular circumstances of the employer. Broad policy aims will embrace the concept of inter-generational fairness and dignity.

A public educational body is, however, also bound by the general public sector duty to eliminate discrimination.

ACAS have produced helpful guidance on this topic which can be found at this address: <http://bit.ly/14WZAuZ>

If you have concerns about whether you are being forced to retire on age related grounds it is important to seek advice from the union early.



### The Open University branch of UCU

Room 015 Wilson C Block,  
The Open University,  
Walton Hall,  
Milton Keynes, MK7 6AA  
Phone: (01908) 6(53069)  
email: [ucu@open.ac.uk](mailto:ucu@open.ac.uk)  
Web: [www.ucu.open.ac.uk](http://www.ucu.open.ac.uk)

## Need help?

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](mailto:ucu@open.ac.uk). Any such emails will of course be treated in strict confidence.

## Your Executive Committee 2012-13

**President:** Pauline Collins

**Honorary Secretary:** Lesley Kane

**Honorary Treasurer:** Stephen Pattinson

**Vice Presidents:** Bethan Norfor and David Knowles

**Immediate Past President:** Roger Walters

**Equality Officer:** Costas Athanasopoulos

**Central Academic Staff Officer:** Sheila Tyler

**Central Academic-Related Staff Officer:** Dorothy Calderwood

**Regional/National Academic Staff Officer:** Philip O'Sullivan

**Regional/National Academic-Related Staff Officer:** Hilary Partridge

**Associate Lecturers Officer:** Judy Ekins

### Ordinary Members:

Jeni Aldridge	Meridian
John Bennett	Mike McNulty
Chris Bollom	John Peters
Eric Bowers	Peter Piper
Gill Clough	Nicolas van Labeke
Bruce Heil	Eric Wade
John James	

Photos of these people are on our branch website: [ucu.open.ac.uk](http://ucu.open.ac.uk)

### UCU National Exec Committee Members:

Pauline Collins, Lesley Kane and Roger Walters

**Father of NUJ Chapel** - vacancy

## UCU resources

The following resources are available for any member who wants one, please call into room 015, Wilson C block, Walton Hall and collect one or email [ucu@open.ac.uk](mailto:ucu@open.ac.uk) and we will send one to you—it all helps to raise awareness of the Union.

- Hessian bag
- Mug
- Lanyard—new OU branch ones just arrived!
- Pens
- Mouse mat
- Publicity posters



## Branch meetings 2013

**Future branch meeting dates are as follows and all members are welcome to attend:**

Thursday 26 Sept 2013, 12.30pm in room B232, 2nd floor Wilson B block (AL representation office).

**AGM** - Tuesday 26 November 2013, 12.30pm in the Berrill Lecture theatre