**Open University branch of UCU Regional Centre FAQs**

Negotiations with management are continuing 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.

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# FAQs up to 15 December

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. (16/12/2015)

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. (16/12/2015)

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. (16/12/2015)

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. (16/12/2015)

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. (16/12/2015)

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. (16/12/2015)

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.

(16/12/2015)

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. (16/12/2015)

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, and this has now been agreed by management. (Updated 22/01/2015)

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.

(Updated 22/01/2016)

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. (16/12/2015)

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. (16/12/2015)

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).

(16/12/2015)

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. (16/12/2015)

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 (16/12/2015)

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. (16/12/2015)

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. (16/12/2015)

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. (16/12/2015)

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. 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.

(Updated 22/01/2016)

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. (16/12/2015)

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. (16/12/2015)

# FAQs from 16 December 2015

## Process and Schedule

1. **When the announcement was made to affected staff, apparently those staff whose announcements took place in actual meeting rooms received 'an envelope'.  Members who were not in the room did not receive one. How can we get a copy?**

Contact your HR Partner for a copy of this pack. You should also receive a pack of information in your 1-1 consultation. (22/01/2016)

1. **Surely we should not have to choose an option by 1 March 2016?**No, you should not have to make your decision until all the options are clear, and we have argued this with management. We are negotiating over the timetable. We will update you when there is further news, but for now you do not have to state your preference by 1 March, and we would advise you not to do so.

In the meantime, think about what you *want* to happen rather than the options that management may want to offer you. Be clear on what *you* want to negotiate for, whilst understanding that you may need to compromise to reach agreement. (22/01/2016)
2. **When will the decision as to my location be made, by whom, and using what criteria?**

We understand that this is a very unsettling time for all affected staff, and that the individual consultations have been particularly frustrating with unclear and contradictory information about the future. The industrial action has been crucial in bringing management to the negotiating table. The timetable and the options which will be open to you will be confirmed at the end of the collective consultation. You should be treated fairly according to the policies agreed at that stage, and UCU will represent you in negotiations with your manager if you have individual circumstances which mean that the general policies are not appropriate for you. (22/01/2016)

1. **Will academic and academic-related staff in all Faculties be treated equally? Will the same criteria apply to all academic and academic related staff affected by Locations Analysis regional closures, or will it depend upon Faculty, or be decided at individual level?**

We believe that all staff deserve equal treatment, regardless of unit. However, as you know management have offered different options to CAU staff than to other staff, and the 1-1 consultations have exposed differences between the different CAUs. We will be seeking equal and consistent treatment of staff in our negotiations with management. (22/01/2016)

1. **Some members of staff have joint roles, one within a CAU and one within a non-CAU unit, and this has caused anxiety in 1-1s. What options should they be offered?**

Once the collective negotiations are complete and the options available to staff are clear, there will still be staff where further individual negotiation is needed because of their unique circumstances. UCU will be ready to represent members who find themselves in this situation. When you are thinking about your options, start from the position of what you most want to happen rather than trying to fit it in to what you think the options are. If you would rather focus on one role rather than the other then it is possible that we could negotiate a solution for you. If you want to do both then we are going to need to be clear about how this could work and then see if we can negotiate this for you. Do not rule anything out but be clear that we might not be able to get exactly what you want. (22/01/2016)

1. **Will my work location remain as currently until it closes or will it happen earlier?**

As yet the timetable has not been discussed and agreed during the collective negotiations, and so we don’t know the answer to this yet. When we have more information we will update you. (22/01/2016)

1. **In my opinion, management are making these posts redundant and “offering” what they consider suitable alternative employment, mainly home-based working, which may not be suitable alternative employment for many staff because of personal circumstances might be considered reasonable. Why are HR saying that this isn’t redundancy?**

We quite agree, and we are fighting for voluntary severance to be available for all staff who are unable to relocate or to work from home. This is part of the collective negotiations. (22/01/2016)

1. **Will there be a trial period and a consequential right to a redundancy payment should the employee decide that it's not, after all, a suitable alternative for them during the trial period?**

We will be negotiating for a trial period for staff who opt for home working or relocation. We will update you when we have progress to report. (22/01/2016)

1. **With so many staff facing redundancy, shouldn’t we only be advertising internally for posts? We know of a post being advertised externally and not internally first at our national office, and we know of further posts that will be advertised early this year.**

Academic Services and Marketing staff who are able to relocate have been guaranteed a position at their current grade in a surviving location of their choice. We are fighting for CAU staff to be given the same option. Whilst any staff remain at risk there should be a ban on external advertising of jobs which have not previously been advertised internally only, or for which demonstrably no internal candidates are likely to be qualified. We are pursuing this. (22/01/2016)

## Voluntary Severance and Early Retirement

1. **Why isn’t the London weighting allowance (LWA) included in the VS calculation?**

This has not been agreed with UCU, and we are arguing that it should be included in the collective negotiations. We will update you when we have further news. (22/01/2016)

1. **Early retirement is being offered as an option, but it is not enhanced.     Could this be negotiated via UCU? And will the University be paying the early retirement funding charge?**

Again early retirement conditions have not yet been agreed, but we will be including this in our collective negotiations. We will update you when we have further news. (22/01/2016)

1. **Can we take VS and then retire?**The rules on retirement age vary according to an individual’s circumstances. It may be possible for some members who meet the age qualifications to retire early in these circumstances, but your pension may be reduced. Please contact USS for more information. (22/01/2016)
2. **Is it true that if we opt for voluntary severance, it is not automatically agreed and we have to make a case for it?**

It is standard practice for management to say that a case must be made, and normally it would be HR or management who would make the case. It is for UCU in the negotiations to clarify the procedure and to make sure that requests aren’t unreasonable refused.  (22/01/2016)

1. **Will the OU offer further incentives (over and above VS) for those who would be prepared to commit to staying (and covering business needs) to the end?**

We are arguing for flexible end dates for staff with VS as part of our collective negotiations. We will explore the options for those staff who are prepared to stay to the end in the negotiations. (22/01/2016)

1. **Is the voluntary severance package likely to be changed by the time we get to the closure date?  When will our severance amount be guaranteed?**

The details of the voluntary severance package will be confirmed as part of the collective negotiations. Once that is agreed, the details will be guaranteed and can be applied to individual situations. (22/01/2016)

## Relocation

1. **Can I opt to relocate to any of the remaining locations (WH, English regions or Celtic nations)?**

If you are a member of Academic Services or Marketing staff at a closing regional centre, yes you can choose to relocate to any of the remaining regional offices or Celtic nation offices.  You will be guaranteed a job at your current substantive grade, although the exact role will be dependent on which roles are available at that location and may not be the same as your existing role. (22/01/2016)

1. **Will all the other terms and conditions of my contract be unaffected by a change of location in particular flexible hours of work? (A FBL document suggests that Academic staff who relocate to Walton Hall will be expected to be at this location at least 3 days a week and Academic-related staff 5 days a week)**The change of location should not automatically change other aspects of your terms and conditions, however we understand that management are also considering changes to working hours for some teams, e.g. to provide longer opening hours. Management have not yet provided us with details of their proposals, but they will be subject to collective negotiation. We will update you when we have more information. (22/01/2016)
2. **I have been told that I won’t be eligible for the London weighting allowance and I live in the London Borough of Croydon with a ‘C’ postcode. Please could you challenge this decision?**

Home based workers have been told that if they live outside the favoured postcodes (those beginning N, S, E or W) they will only receive the London weighting allowance for 2 years, as protected salary, and then they will no longer be eligible for the London weighting allowance at all. We think that this proposal for a postcode lottery is ridiculous, and we are fighting against it in the collective negotiations. (22/01/2016)

## Homeworking

1. **Can the management withdraw the home working option for staff who live within 25 miles of a surviving OU location? A FBL document suggests that this is the case.**

The home working policy has not been agreed, and we will be arguing for the maximum possible choice for our members. When there is progress to report, we will update you. (22/01/2016)

1. **The Flexible Work location Policy states that homeworking arrangements may be revoked by the Head of Unit by giving 3 months’ notice. What would be the criteria under which homeworking arrangements would be revoked? Would revoking the formal designation of ‘homeworker’ as my job location (if granted) mean I would be deemed redundant?**

This imposition of the long-term insecurity of a 3-month revocation clause is clearly unacceptable. The Flexible Work Location Policy is yet another policy which has been introduced as a ‘draft’ before negotiation with UCU. We will be demanding improvements before the policy is agreed. (22/01/2016)

1. **If I opt for homeworking, will I still be paid expenses if I have to travel to any remaining regional centres or Walton Hall?**

It is our understanding that the University intends to pay travel expenses from a home worker’s front door to anywhere they travel for work purposes. This will need to be confirmed as part of the negotiations and be written in to the policy. (22/01/2016)

1. **If I opt for homeworking, will all my other terms and conditions stay the same and will I still be able to apply for promotions and other job roles?**

There should be no other terms and conditions changes as a result of opting for home working but this will be covered in collective negotiations. You would still be eligible to apply for other roles, but these may be based in a particular location and if so you may be required to move if you are successful. (22/01/2016)

1. **If I become a home worker, would there be any restriction on me moving house? Would moving house affect my travel expenses?**

These are important considerations which should have been considered in any home or flexible working location policy. As you know, the policy hasn’t been discussed or agreed but we will make sure that they are covered in the collective negotiations. (22/01/2016)

1. **Has there been any change in the position on printers for homeworkers recently? Are they going to be provided by the OU or will they need to come out of the £1k grant to homeworkers?**

We have heard that some members have been told in their 1-1s that printers may be provided by the OU, whilst others have been told that they will not. The details will be included in the collective consultations, and when a final position has been negotiated we will let you know. (22/01/2016)

1. **One monitor is not adequate when working on screen all day – it is difficult to work on multiple documents without two screens. So please can we be provided with a second screen**.

The details of the homeworking policy have not yet been negotiated. We will note your suggestion and update you when there is progress to report. (22/01/2016)

1. **Will homeworkers be able to claim for the cost of consumables (ink, postage, paper, other stationery)?**

Homeworkers should be able to claim for consumables but the details need to be confirmed in the collective consultations. (22/01/2016)

1. **There are lots of facilities we use in regional centres, e.g. storage for outreach kits and books, offices for unplanned difficult conversations, meeting rooms and common rooms; and services which are provided by our colleagues in the regional centres, e.g. producing handouts for events, IT support. How will this be handled it there is no regional centre?**

Again, the University has not considered the full practicalities of homeworking without a regional presence and this is why we wanted the collective negotiations to happen before the individual consultations. We will be raising these issues in the collective negotiations and will update you on progress. (22/01/2016)

1. **If I accept a home working contract, am I committed to continue working for the OU for a specified length of time?**

The requirements for giving notice will not be affected by your change of location. However, until the University’s proposed homeworking policy has been discussed and approved we won’t know whether the university will try to impose any limitations on the homeworking grant. This will be covered during the collective negotiations. (22/01/2016)