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**If you are a Bank Worker teaching for the University of Sheffield and have taught both semesters each year, please continue reading.**

**Below is a list of factors that have been instrumental in determining ‘Employee Status’ for University of Sheffield ‘Bank Workers’ when employment law has been correctly applied. Whilst the list is not exhaustive and not a guarantee of employee status, it is highly indicative of whether an individual should be determined a ‘Bank Worker’ or an ‘Employee’ under the UCU Framework Agreement with the University of Sheffield.**

**Below the list are the actions that UCU recommend you take should you tick yes to many of the points listed below and therefore believe you should have ‘Employee Status’.**

**Tick ‘yes’ or ‘no’ to the following according to whether or not the statement is true for you.**

|  |  |  |
| --- | --- | --- |
| 1. **Relationship with University**
 | **Yes** | No |
| 1. I am classed as a casual worker entitled ‘Bank Worker’.
 | **□** | **□** |
| 1. The University issues me with an agreement and details of the taught hours and date range / time that my classes take place (usually running from the end of September to mid May approx).
 | **□** | **□** |
| 1. My tutor agreement is only signed a short time before the start of the course.
 | **□** | **□** |
| 1. Although the subjects I teach may change, my job entails the same duties and responsibilities year on year.
 | **□** | **□** |
| 1. I simply start work on the modules designated by my Programme Director to me as necessary for the following academic year without entering into any negotiation.
 | **□** | **□** |
| 1. I work out of a University room provided for part-time tutors.
2. My classrooms are designated and timetabled by the University.
 | **□** | **□** |
| 1. My rate of pay is determined by the Department without my exercising any independence.
 | **□** | **□** |
| 1. When I claim my pay on the form provided, I use an ongoing payroll number provided by the University.
 | **□** | **□** |
| 1. The University makes deductions for tax and National Insurance from my wages and credits my bank account with the remainder.
 | **□** | **□** |
| 1. It says ‘Employee Name’ on my pay slips.
 | **□** | **□** |
| 1. The University credit my own personal account with my pay. I have never had my university wages paid into a business account.
 | **□** | **□** |
| 1. I receive emails from the department detailing information relevant to my job such as training, exam board dates, student information etc.
 | **□** | **□** |

1. **My Job**

|  |  |  |
| --- | --- | --- |
| 1. I am expected to design the courses I give and identify suitable materials for my courses.
 | **□** | **□** |
| 1. I prepare and deliver all my own classes.
 | **□** | **□** |
| 1. I mark and grade the students’ assessment(s).
 | **□** | **□** |
| 1. I use university resources such as photocopier and stationery for preparation and to make delivery materials (e.g. handouts).
 | **□** | **□** |
| 1. I work with students to address any issues / enquiries.
 | **□** | **□** |
| 1. I work in conjunction with the Programme Director to ensure the level and direction of my module satisfies University requirements for the module.
 | **□** | **□** |
| 1. I regularly keep in touch with the Programme Director throughout the academic year.
 | **□** | **□** |
| 1. I attend the Exam Board (s) with the external examiner to validate the marks I award.
 | **□** | **□** |

1. **Mutuality of Obligation**

|  |  |  |
| --- | --- | --- |
| 1. My work is an integral part of the University’s teaching programme.
 | **□** | **□** |
| 1. When I am dealing with students, I believe I am representing the University.
 | **□** | **□** |
| 1. I have to understand and adhere to University standards of behaviours when dealing with students and colleagues.
 | **□** | **□** |
| 1. I feel obliged to accept successive modules offered to me as part of my ongoing commitment to the department teaching programme.
 | **□** | **□** |
| 1. By employing me on successive years the University provides continuity for the students as I have built a working relationship with them.
 | **□** | **□** |
| 1. In order for the University not to offer me work teaching the programmes modules, the Department would have had to recruit someone else.
 | **□** | **□** |
| 1. I have an obligation to the students to finish any module I have started teaching.
 | **□** | **□** |
| 1. I believe I have an obligation to attend exam boards to address comments on my modules given by the External Examiner.
 | **□** | **□** |

1. **Personal Service**

|  |  |  |
| --- | --- | --- |
| 1. I am required to perform my services personally. I cannot subcontract to someone else.
 | **□** | **□** |
| 1. There is an obligation by me to attend my classes personally.
 | **□** | **□** |
| 1. The students know that I will teach the course as my presence is advertised before the course begins.
 | **□** | **□** |
| 1. I have never been advised to take out insurance to cover my time at work by the University.
 | **□** | **□** |
| 1. I negotiate a mutually acceptable date with the students to recover any classes missed because of me.
 | **□** | **□** |
| 1. I believe many students have returned year on year because of the high quality of the classes I give and the confidence they have in me as a teacher.
 | **□** | **□** |
| 1. The regard in which the students hold me is consistently reflected in the feedback I receive.
 | **□** | **□** |
| 1. I sincerely believe I have a responsibility to the students that have paid considerable course fees to attend the University of Sheffield and need to attain a number of credits from a number of modules to achieve a qualification.
 | **□** | **□** |

1. **Continuity of Service**

|  |  |  |
| --- | --- | --- |
| 1. My work as ‘Hourly Paid Tutor/Bank Worker’ has been the same every year (even though the subjects taught may vary).
 | **□** | **□** |
| 1. I teach both semesters each year
 | **□** | **□** |
| 1. My preparation for the following academic year always starts before the dates shown on the contract /agreement I sign.
 | **□** | **□** |
| 1. I have to plan the course over the summer break prior to the start of the academic year
 | **□** | **□** |
| 1. I communicate with the Programme Director over summer to prepare for the coming course and discuss the module or work on module related issues.
 | **□** | **□** |
| 1. I do not supply an updated CV to my department each year as I am a continuing tutor
 | **□** | **□** |
| 1. I attend a welcome evening for students before the official start of the ‘contract’.
 | **□** | **□** |

**If after reading the above you believe you should have ‘Employee Status’, SUCU recommend that you take the following steps:**

1. Write to Louise Edwards-Hollands, Assistant Director at HR, l.j.edwards-holland@sheffield.ac.uk detailing how the factors above are present in your situation and requesting that as you are a teacher and Mutuality of Obligation, Personal Service and Continuity of Service all apply to you, you wish to have your Employee status recognised within 21 days of your letter..
2. Speak to UCU about your case and get the impartial advice and help you deserve. As seen in several recent cases that typically have taken several months to successfully resolve, HR has consistently and improperly refused to recognise Employee Status for Bank Workers in accordance with employment law. Where legal action has been instigated, employee status has been recognised as a result. UCU cannot help non-members. . **So Join Now!**
3. Contact UCU to inform them of the HR’s reply.