



The
University
Of
Sheffield.

Department
Of
Human
Resources.

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THE UNIVERSITY OF SHEFFIELD

FRAMEWORK
FOR THE
REGULARISATION OF
ATYPICAL WORKERS
(HOURLY PAID TEACHERS
& CASUALS)

May 2008 v 8

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1 INTRODUCTION & SUMMARY

This document and its appendices form a framework for the regularisation of hourly paid workers and other casuals, developed jointly between the University of Sheffield and the Joint Union Campus Committee.

In addition to this document and its appendices, members of Joint Union Campus Committee ~~have been consulted on the University's approach to determining~~ employment status, which reflected the legal position at the time that agreement was reached. Both the University and members of JUCC are committed to continuing to work within a framework which reflects current employment legislation, and the framework will thus be kept under review and amended accordingly.

The framework described in this document and its appendices will form the basis for the Implementation Project team and other members of the HR Department when regularising the employment status for existing atypical workers (hourly paid teachers/other casuals) whilst establishing formal rules of engagement for new atypical workers.

Additional communication and guidance documentation, for example a 'Management Toolkit' is also being developed, and members of the JUCC will continue to be consulted on content and approach.

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2 GUIDING PRINCIPLES

The overall purpose of this agreement is to provide an implementation regularisation framework for existing atypical workers (hourly paid teachers and other casuals) and for future engagements. The agreement is underpinned by the following principles:

- i) To comply with the National Framework Agreement (NFA).
- ii) To comply with the national legislative framework.
- iii) To implement a corporate wide approach (or "framework") so that regularisation can be fairly and appropriately applied across all departments.
- iv) To maintain sufficient flexibility to enable delivery of individual, departmental and corporate needs.
- v) To enable departments to efficiently utilise their human resource to fulfil their commitments within the agreed financial framework, and agreed strategy and plan, and financial plan.
- vi) To enable the delivery of high quality teaching to students. Where appropriate this includes providing individuals undertaking teaching roles with appropriate access to resources (e.g. IT), training and support to deliver quality teaching.
- vii) To utilise casual arrangements only when necessary and only with an objective reason for doing so, although in all cases, where the key indicators of an employment relationship are present and clearly evident, then either an open-ended or fixed term employee contract will be issued.
- viii) Wherever possible, to reduce the number of fixed term contracts and casual agreements and limit their use in the future.
- ix) Where regularisation identifies employee status, to operate with cognisance to other agreed frameworks and procedures (i.e. pay grading structures, cost of living increases, HR procedures such as Teaching-Only and Fixed-Term policies, etc). For example, any hourly paid teachers appointed onto an employment contract can expect to be appointed onto the same terms and conditions as for other staff covered by the Teaching-Only policy.
- x) The agreement will be interpreted sympathetically, without discrimination cognisant with legislation and reflect equal pay for equal value principles within each relationship category defined.
- xi) An individual's classification should be reviewed intermittently to ensure that it still reflects its circumstances.
- xii) The content of policies associated with regularisation or new engagements of atypical/hourly paid workers will be reviewed in the light of statutory changes to law.

8 PROCESS FOR THE REGULARISATION OF HOURLY PAID INDIVIDUALS

The following transitional process is intended for use during the regularisation review process in order to ensure that pre-existing and established engagements with the University are recognised appropriately. Please also refer to Appendix 5 for the indicative timeframe envisaged for this project.

Any future recruitment / engagement of individuals, either as employees, workers, self-employed or agency staff will be done using appropriate recruitment / engagement processes, which are described in Section 4 xv.

Each casual will be required to undergo a three stage process to regularise their employment status and work activity:

Stage 1: Determining Employment Status.

Stage 2: Determination of grade/rate of pay.

Stage 3: Determination of number of contracted working hours.

Regularisation Process

Stage 1: Determining Employment Status

An individual's employment status is defined under law rather than based on either an employer's or individual's preferences. Determined by a number of legal tests, which will include considering the size and nature of the role undertaken, personal service, control and mutuality of obligation.

To support the process of defining employment status, information will be gained on all atypical individuals from the department for whom the work is undertaken, and where necessary further clarification sought from the individuals themselves, enabling them to feed into this process.

The determination of employment status needs to reflect the current role and factor in any changes that may be agreed between the department and individual.

In its broadest sense, individuals that undertake work activity for the University should belong to one of the following 'employment status' groups described in more detail in Table 1:

- Open-ended employee.
- Fixed Term employee.
- Worker with a 'Registration Agreement for the University Bank'.
- Agency Worker.
- Self Employed / Agreement for Service(s).

Guidance notes and practical support will be provided to departments (e.g. the Management Guidance Toolkit) on the use and structure of employment status groups in relation to the regularisation of atypical workers (hourly paid teachers and other casuals).

Table 1 – Summary of 'employment status' groups

Type	Relationship – employee / worker	Brief Description	Additional Information
Open Ended Employee	Employee	Can be used to employ staff full time or any (reasonable) number of fractional hours.	Contract document raised via Department of HR, pursuant with existing procedures.
Fixed Term Employee	Employee	May only be justified in law when used to achieve a legitimate business objective, where it is necessary to achieve that objective and where it is an appropriate way to achieve that objective.	Contract document raised via Department of HR. Refer to the University's Fixed Term Contract Procedure.
Worker with 'Registration Agreement for the University Bank'	Worker, although individuals accrue statutory employment rights during engagement periods only	The 'Registration Agreement for the University Bank', may be used by departments requiring a "bank" or "pool" of support to be called upon, often at short notice. Individuals can refuse work and the UoS is under no obligation to provide it. This category is not anticipated to be appropriate to engage individuals in longer-term work unless the type of relationship dictates that continuation of the status is appropriate. Arrangements for this category will be managed by departments. Guidance and safeguards will be introduced to ensure appropriate management.	Pro-Forma Registration Agreement for the University Bank, raised by department. General guidance on engaging and managing workers available in 'Management Toolkit'. Individual case management advice from customary HR Advisers.
Self Employed	Self Employed	Generally used for independent consultancy. Paid a fee via General Ledger (based on the submission of invoices). Some existing casuals may be categorised within this group, if genuinely self-employed.	Pro-forma Agreement for the Provision of Services Guidance in 'Management Toolkit'.
Agency Worker	Agency Worker	It is assumed that agency workers and contractors' staff are not and should not become employees or workers of the University and it is not envisaged that this category will be utilised in regularisation. However, there is a need for caution as this area of employment law is at present unclear. Agency workers may be viewed as employees of the hirer, especially if managers have started to treat them like their own staff. Conversely, in some cases, agency workers have been held to be the employees of the agency through which they work. The University needs to deal with employment status in the agreement they set up with the agency, and be aware of the terms agreed between the agency and the worker.	Guidelines on dealing with Agency agreements available in 'Management Toolkit'.

Stage 2: Determining grade/rate of pay

Open-ended and Fixed Term Employees:

For individuals whose employment status was identified in Stage 1 as either open-ended or fixed-term employees, their grade will be determined pursuant with the grading framework adopted in 2004. Each employee will have an agreed job summary and job grade will be determined in cognisance with the University's established grading criteria (grade profiles) and will be graded on 1-9 of the University of Sheffield Grading Scheme (USGS).

Some general themes, roles and responsibilities have been determined in an attempt to generate a generic framework that could be applied to Hourly Paid Teachers. The generic framework will reflect the University's existing Teaching-Only policy. Example job summaries for hourly paid teachers and demonstrators can be found in Appendix 1 for:

- HP1a - Teaching Assistant
- HP1b - Demonstrator
- HP2 - Tutor/Teaching Associate
- HP3 - Teacher
- HP4 - Senior University Teacher

In the case of individuals to be appointed onto an open-ended or fixed-term employment contract whose jobs are graded indicatively at either 9 or Professorial and equivalent, confirmation of the grade for such appointments will also be subject to review by the appropriately identified Committee.

Once the grade has been established, the actual point on the grade will also need to be determined for each individual translated onto the USGS. Departments are advised to adopt the same approach when determining starting salaries for new staff – i.e. typically on the first point of the agreed grade. However, consideration can also be given to whether the particular skills, experience and knowledge brought by an individual warrant their FTE salary being determined at a higher point in the grade.

Workers with a 'Registration Agreement for the University Bank':

For individuals with a 'Registration Agreement for the University Bank', departments will need to determine the appropriate rate of pay for the type/level of work they will be required to do prior to offering the work.

Guidance has been developed as part of the 'Management Toolkit' to support departments in making fair and consistent decisions whilst allowing for flexibility in relation to the relevant market rates. In order to ensure equal pay, University guidance for those registered on the 'University Bank' is to offer pay at an agreed hourly rate, typically equal to the first point of the relevant USGS grade, unless there is a requirement to offer a higher hourly rate based upon clear and justifiable market-related circumstances, such as recruitment or retention problems.

The University will continue to raise hourly rates by the same percentage as negotiated increases in the single pay spine.

Self Employed:

Fees are individually negotiated with department prior to commencement of work.

Agency Workers:

Pay defined per the Agency/Employment Business Contract with the individual.

Stage 3: Determining number of contracted working hours.

Please note that Stage 3 is only applicable to individuals where the regularisation process has determined their employment status as either an open-ended or fixed-term employee during Stage 1. In such cases, the number of hours to assign to each employment contract will need determining. It is intended that the approach described below will enable parity and fairness across the University whilst maintaining flexibility in the recognition that individual work activity and departments differ notably.

When determining the number of contracted working hours, the following principles and approach will be adopted by the University:

- The number of contracted hours determined should reflect the job size and role expectations as determined by the department and agreed by HR.
- The number of contracted hours should include time for all of the work activity expected to be undertaken by the postholder.
- The disparate academic disciplines and the heterogeneous teaching and related roles undertaken within them is recognised and it is acknowledged that jobs and associated working hours may vary accordingly.
- For those undertaking full teaching roles, the determination of contracted working hours will normally be based on 2.5 hours for every 1 hour of contact time. Roles that warrant this will be required to undertake the broad range of teaching responsibilities (including for example, the responsibility for the ongoing preparation and delivery of modules/programmes, formative and summative assessment, delivering lectures, seminars, tutorials and group work, undertaking student project supervision, undertaking course evaluation and teaching related administrative duties and scholarly activities).
- For those undertaking teaching assistant roles, contracted working hours of 1.5 for every 1 hour of contact time would be normal.

There may be variance from the above norm depending on the specific content of the posts. Such variance would have to be objectively justified, and agreed with the relevant HR Adviser prior to the offering of a contract.

4 OTHER ISSUES RELATING TO THE REGULARISATION PROCESS

I.) Appeals

An agreed Appeals procedure, as outlined in Appendix 2 will be available to individuals going through the regularisation process.

The potential areas of appeal are:

- Employment Status
- Continuity of Service Start Date (for employee categories only)
- Grade Allocation / Point on Grade (for employee categories only)
- Contracted Working Hours (for employee categories only)

An individual can seek to appeal on one or more of the above areas, however, 'workers' will only be able to appeal on grounds of employment status. The appeals process will only be available to those who have undertaken any work for the University in the previous 12 months and who are being regularised.

No right of appeal will be provided to enable individuals to seek to claim a start date any earlier than 1 August 2006. All appeals to be submitted normally no later than 4 weeks, following the completion of the regularisation process within a given Faculty/School. Appeals will be dealt with on a phased basis through the course of the project.

II.) Payment Mechanisms

For those individuals appointed onto UoS open ended or fixed term employment contracts who undertake work during semester-time only (e.g. teaching), the distribution of their total contracted hours will need to be agreed, although their pay would normally be equated across the year, and continuity of service maintained. However, cases can be considered individually upon request to ascertain the most appropriate payment period for the University and individual.

III.) Post-implementation pay and benefits for open-ended and fixed-term employees

For those individuals appointed to University employment contracts (open-ended or fixed-term) through the regularisation process, the overall value of their UoS employment package will be considered holistically, and will include non-pay and pay related terms and conditions of employment such as occupational entitlement to paid leave, sick pay and access to a contributory pension scheme.

In addition, an individual's total UoS package may also be positively affected by the grade, incremental point, and contractual working hours to be offered upon regularisation.

Any individuals offered full UoS employee status through this process would receive comparable terms and conditions (as appropriate for the job grade) to existing UoS employees and would not be permitted to exchange access to non-pay benefits for higher rates of pay.

IV.) Implementation Date

The National Framework Agreement (NFA) sets out the determination of pay rates for all staff, including "hourly paid staff" covered by national agreements in force on 31 July 2003.

In this case, the University accepts that regularisation will be backdated to the 1 August 2006 when it can be established that a full UoS employment relationship existed on the 1 August 2006 and that the said employment relationship continues forward warranting a formal open-ended or fixed-term contract.

Where a casual may have commenced engagement with the University after the 1 August 2006, and it is determined that a full UoS employment relationship should now be formalised, backdating to the 1 August 2006 will not apply and the new contract shall commence on a date when a formal and continuous UoS employment relationship began, as determined by the department. Should the individual dispute this date, they will have the right to challenge this through the Appeals process (Appendix 2).

Where an individual has been engaged by the University at the time of the NFA implementation date (1 August 2006), but a full UoS employment relationship did not exist at that time, then backdating to the 1 August 2006 should not apply and the new contract shall commence on the alternative date, to be identified on a case-by-case basis. If it is not practically possible to easily identify a date when a full UoS employment relationship began, a default date of 1 September 2007 may be used as a practical solution if agreed by all parties.

Should it be determined that an individual could have been categorised as UoS "staff" on the 1 August 2006 but that employment relationship has since diminished then the matter of backdating will largely depend on the nature of the proposed new contractual arrangement. For example, should it be determined that an individual should be categorised as "worker" then the issue of possible backdating would not normally be relevant in the provision of these contracts.

V.) Backdated Pay for open-ended and fixed-term employees

Appendix 3 outlines the method to be adopted for backdating pay where regularisation identifies that an individual categorised as a University of Sheffield "employee" on either an open-ended or fixed-term contract on either the 1 August 2006 or an appropriate later date, would have been better off had s/he been regularised on that date.

Benefits will not be backdated due to cost constraints and also due to the practical difficulties associated with backdating across tax years.

Should individuals experience a reduction in remuneration as a result of the regularisation process, the University would not seek to reclaim any salary overpayment.

VI.) Leave entitlement for 'workers'

Following recent legislative changes that no longer allow the payment of an hourly rolled up rate of pay, the University will separate holiday pay from the paid period of work for 'worker' agreements. This is likely to result in the

individual having to take holiday entitlement either at the end of, or during their contracted period.

Where hours are predictable, individuals can seek to take leave with departmental agreement within the period contracted. Where this can not be accommodated due to business need, the contracted period can be extended to enable leave to be taken at the end of the period. Where hours are unpredictable and/or variable the department would need to seek to calculate entitlement for each short period of activity they undertake either separately or over a defined period of time, and extend the payment period to reflect this.

The right to accrue statutory annual leave and the mechanism for calculating this will be specified in the individual's agreement.

Maximum annual leave entitlement will be based upon the statutory minimum as defined by Working Time Regulations.

VII.) Student-Worker relationships

The employment status for students undertaking paid work for the University will be determined using the same principles as for all other individuals, described in this framework.

However, it is recognised that there will need to be an acknowledgement of the student's existing relationship with the University including any protocols developed specifically for the purpose of managing the dual relationship. This additional information will be provided in an individual's contract of employment, or 'worker' agreement.

VIII.) Work undertaken by Post-graduate students

For some post-graduate students, there may be a direct requirement for work to be undertaken as part of their studies. The relationship between work and study will need to be considered on a case-by-case basis, but there will normally be an underlying principle that work undertaken by post-graduate students will be paid work where it is not a mandatory element of their studies.

IX.) Arrangements for individuals with more than one University engagement

There may be individuals undertaking more than one simultaneous engagement, either doing similar or different work in one or more departments. Wherever practically possible, such engagements will be considered at the same time but in some cases resulting contractual arrangements may be separate for each engagement if the nature of work/relationship etc is found to be distinctly different.

X.) Access Rights and UCards

Upon conversion onto an employment contract, teachers and any appropriate others will receive the same IT access rights and resources as other staff.

For those outside of an employment relationship, departments will need to ensure that the individuals have appropriate access to resources, enabling him/her to undertake their activity.

The appropriate UCard will be issued, according to guidelines.

XI.) Pensions Issues for UoS employees with fractional hours

If an individual regularised as either an open-ended or fixed-term employee is to receive a fixed annual salary, even on a very small service fraction, and a Full time equivalent (FTE) can be determined, the UoS employee can be treated as part-time. They should thus be eligible to join either the USS or USPS, as determined by job grade.

XII.) Pensions Issues for UoS employees already claiming a pension

USS: In general, employees aged 60 or over do not have an automatic right to join USS and access will be granted at the discretion of USS and with the consent of the Institution. Special terms and conditions will then apply.

If under 50, employees can apply to re-join the scheme if they were pensioned due to ill-health or if they retired from one appointment but remain active in another.

Ordinarily pensioners are not eligible to join the USS pension scheme.

USPS: Members have the option to rejoin the scheme after retirement but life cover ceases after retirement or at age 65.

XIII.) Implementation timetable

It is anticipated that the bulk of the exercise will take place during 2008.

See Appendix 5 for an approximate timetable and work breakdown, including reviews.

XIV.) Implementation Guidance for HoDs

Once principles have been agreed, implementation guidance (including a 'Management Toolkit') will be developed for HoDs and other departmental members, to assist them with the regularisation implementation project in their own area.

XV.) Future Recruitment / Engagement Processes

To support departments with any future engagement of atypical/casuals with worker status, guidance will be provided to ensure recruitment and engagement processes utilised are fair and non discriminatory. This will include guidance on induction procedures. Guidance will be provided within the 'Management Toolkit'.

Any future appointment of individuals either as open-ended or fixed term employees will be done using established University of Sheffield Recruitment and Selection procedures/ 'Guidance for departments on the use of Associate Tutors involved in teaching, learning and assessment' (developed and published by LeTS).

Example Job Summaries for Hourly Paid teachers and Demonstrators

NAME: xxx	EXAMPLE JOB SUMMARY CODE: HP1A
TITLE: Teaching Assistant	
DEPARTMENT: xxx	
BRIEF OUTLINE: Assists in the delivery of teaching and student assessment under direct academic supervision and provides formative assessment or supervised summative assessment, surgeries, etc.	
REPORT TO: Head of Department	
MAIN ACTIVITIES/RESPONSIBILITIES (Ideally in order of importance):	
1. Deliver pre-determined activities to support lecturing staff by undertaking delivery of seminars, tutorials, and other small group work to develop student skills (e.g. language conversation training).	
2. Assist with other ad hoc activities as required by the department, including field trip support, marking (providing formative assessment or supervised/direct summative assessment), surgeries, etc.	
PLANNING AND ORGANISING:	
<ul style="list-style-type: none">Teaching-related work is usually allocated by the Head of Department.Plan and prioritise own daily work, including preparation for teaching.	
RESOURCE MANAGEMENT RESPONSIBILITIES (eg Staff, Finance, Other):	
KNOWLEDGE, SKILLS AND EXPERIENCE:	
<ul style="list-style-type: none">A first degree or relevant experience (possibly working towards a PhD), in relevant subject area.Effective interpersonal skills to liaise with students and staff.	

Appendix 1

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Example Job Summaries for Hourly Paid teachers and Demonstrators

NAME: xxx	EXAMPLE JOB SUMMARY CODE: HP1B
TITLE: Demonstrator	
DEPARTMENT: xxx	
BRIEF OUTLINE: Assists in the delivery of teaching and student assessment under direct academic supervision and provides formative assessment or supervised summative assessment, surgeries, etc.	
REPORT TO: Head of Department	
MAIN ACTIVITIES/RESPONSIBILITIES (Ideally in order of importance):	
<ol style="list-style-type: none"> 1. Deliver pre-determined activities to support lecturing staff by acting as a technical demonstrator in practical laboratory classes to develop student skills (e.g. carrying out demonstrations, running samples and experiments and interpreting results for teaching, providing detailed skills coaching or instruction, etc). 2. Assist with other ad hoc activities as required by the department, including field trip support, marking (providing formative assessment or supervised/direct summative assessment), etc. 	
PLANNING AND ORGANISING:	
<ul style="list-style-type: none"> ▪ Teaching-related work is usually allocated by the Head of Department. ▪ Plan and prioritise own daily work, including preparation for teaching. 	
RESOURCE MANAGEMENT RESPONSIBILITIES (eg Staff, Finance, Other):	
KNOWLEDGE, SKILLS AND EXPERIENCE:	
<ul style="list-style-type: none"> ▪ A first degree or relevant experience (possibly working towards a PhD), in relevant subject area. ▪ Effective interpersonal skills to liaise with students and staff. ▪ Awareness of good laboratory practice and relevant health and safety knowledge. 	

Appendix 1

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Example Job Summaries for Hourly Paid teachers and Demonstrators

NAME: xxx	EXAMPLE JOB SUMMARY CODE: HP2
JOB TITLE: Tutor / Teaching Associate	
DEPARTMENT: xxx	
BRIEF OUTLINE: Prepare and deliver whole or parts of modules including contributing to the assessment of students. Deliver lectures as required (content supplied). Undertake seminars, tutorials and group work. Supervise student projects and carry out teaching-related administrative duties. Teaching contributions are typically overseen by an academic member of staff.	
REPORT TO: Head of Department.	
MAIN ACTIVITIES/RESPONSIBILITIES (Ideally in order of importance):	
1. Deliver teaching courses. Includes preparing teaching material, communicating subject matter and encouraging critical discourse to develop rational thinking; observing and reacting to student interventions; responding to questions outside class times and to contingencies in course delivery.	
2. Carry out assessment for courses, including marking and providing written/oral feedback; and collating and providing final assessments of students.	
3. Supervise undergraduate and possibly Masters project students.	
4. Carry out course evaluation, including facilitating student feedback; reflecting on own teaching design and delivery; and implementing ideas for improving own performance.	
5. Carry out administrative duties such as class record keeping, attending meetings, and report writing.	
PLANNING AND ORGANISING:	
<ul style="list-style-type: none"> ▪ Teaching-related and administrative work is allocated by the Head of Department and various Committees. ▪ Plan and prioritise own daily work, and forward plan for some teaching. ▪ Deal with reactive requests such as those relating to teaching, supervising students and administrative tasks, on a daily basis. 	
RESOURCE MANAGEMENT RESPONSIBILITIES (eg Staff, Finance, Other):	
KNOWLEDGE, SKILLS AND EXPERIENCE:	
<ul style="list-style-type: none"> ▪ Good first degree and a PhD or equivalent experience in relevant subject area. ▪ Proven teaching ability, ideally via a teaching qualification. ▪ Effective interpersonal skills to liaise with students and staff. 	

Example Job Summaries for Hourly Paid teachers and Demonstrators

NAME: xxx	EXAMPLE JOB SUMMARY CODE: HP3
JOB TITLE: Teacher	
DEPARTMENT: xxx	
BRIEF OUTLINE: Design, prepare, co-ordinate and deliver teaching programmes, including preparing and supervising different modes of assessment. Undertake significant department administrative /other significant managerial-level activities. Supervise student projects and carry out teaching- related administrative duties. May be covering permanent staff on leave (eg on study leave).	
REPORT TO: Head of Department.	
MAIN ACTIVITIES/RESPONSIBILITIES (Ideally in order of importance):	
1. Design teaching programmes for courses. Includes identifying learning objectives and selecting appropriate curricula; selecting teaching methods, resources and reading; determining, designing and producing study material; planning course delivery and planning for contingencies such as slower/faster progress than anticipated.	
2. Deliver teaching courses. Includes preparing teaching material, communicating subject matter and encouraging critical discourse to develop rational thinking; observing and reacting to student interventions; responding to questions outside class times and to contingencies in course delivery.	
3. Carry out a significant administrative role within the department, or undertake another significant activity to contribute to the overall management of the department, as required.	
4. Co-ordinate team teaching, including liaison with other academics and/or postgraduate assistants, to ensure the course complements other courses taken by students.	
5. Carry out assessment for courses. Includes designing assessment instruments and criteria; marking assessments, ensuring adequate moderation; providing written/oral feedback; judging whether student circumstances should be taken into consideration in the assessment; and collating and providing final assessments of students.	
6. Supervise undergraduate and possibly Masters projects.	
7. Carry out course evaluation, including facilitating student feedback; reflecting on own teaching design and delivery; and implementing ideas for improving own performance.	
8. Carry out pastoral role for students such as acting as Personal Tutor. If necessary refer them to the appropriate authority for guidance.	
9. Carry out teaching related administrative duties as required.	
PLANNING AND ORGANISING:	
<ul style="list-style-type: none"> ▪ Teaching-related and administrative work is allocated by the Head of Department and various Committees. ▪ Plan and prioritise own daily work, and forward plan for some teaching. ▪ Deal with reactive requests daily such as those relating to teaching, supervising students and administrative tasks. 	
RESOURCE MANAGEMENT RESPONSIBILITIES (eg Staff, Finance, Other):	
KNOWLEDGE, SKILLS AND EXPERIENCE:	
<ul style="list-style-type: none"> ▪ Good first degree and a PhD or equivalent experience. ▪ Proven teaching ability, ideally via a teaching qualification. ▪ Ability to take full responsibility for the design, delivery and co-ordination of teaching programme(s). ▪ Effective interpersonal skills to liaise with students and staff. 	

Example Job Summaries for Hourly Paid teachers and Demonstrators

NAME: xxx	EXAMPLE JOB SUMMARY CODE: HP4
JOB TITLE: Senior University Teacher	
DEPARTMENT: xxx	
BRIEF OUTLINE: Normally postdoctoral level (or equivalent level gained through experience) with considerable Teaching experience at HE level, and national profile for innovation. Design, prepare, co-ordinate and deliver teaching programmes, including preparing and supervising different modes of assessment with a high standard of creativity and innovation and show evidence of recognised standing in the profession. Undertake significant administrative duties at departmental level and at Faculty/University level. Supervise student projects and carry out teaching-related administrative duties. Engage in an extensive range of professional activities.	
REPORT TO: Head of Department.	
MAIN ACTIVITIES/RESPONSIBILITIES (Ideally in order of importance):	
1. Carry out a <u>significant</u> departmental and University level administrative role, or undertake another significant activity to a high standard, showing evidence of creativity and innovation, to meet the required objectives.	
2. Act in senior faculty/school/departmental roles in order to contribute to the development of teaching/learning policy and standards locally, including for example: programme and course development at both PG and UG level, responsibility for innovation in subject area and submission of bids for Learning and Teaching development, contribution towards development of Teaching standards, etc. Have a <u>significant</u> role such as Chair of Departmental Committee.	
3. Significant responsibility for the design of innovative teaching programmes for courses at undergraduate and post graduate level. Includes identifying learning objectives and selecting appropriate curricula; selecting teaching methods, techniques, resources and reading; determining, designing and producing innovative study material; planning course delivery and planning for contingencies such as slower/faster progress than anticipated.	
4. Significant responsibility for the delivery of innovative teaching courses. Includes preparing teaching material, communicating subject matter and encouraging critical discourse to develop rational thinking; observing and reacting to student interventions; responding to questions outside class times and to contingencies in course delivery.	
5. Show substantial external recognition through an extensive range of professional activities, significant national level responsibilities, and dissemination for example: being elected to office in national or international societies, receiving academic honours, or holding key roles in national societies to maintain professional standing, membership of major bodies, dissemination of Teaching developments, professional networks etc, and organisation of workshops or national conferences.	
6. Co-ordinate team teaching, including liaison with other academic staff and/or postgraduate assistants, to ensure the course complements other courses taken by students.	
7. Carry out assessment for courses. Includes designing assessment instruments and criteria; marking assessments, ensuring adequate moderation; providing written/oral feedback; judging whether student circumstances should be taken into consideration in the assessment; and collating and providing final assessments of students.	
8. Carry out course evaluation, including facilitating student feedback; reflecting on own teaching design and delivery; and implementing ideas for improving own performance.	
9. Supervise undergraduate and possibly Masters projects.	
10. Provide support, coaching, mentoring and review to other Teaching staff.	
11. Carry out pastoral role for students such as acting as Personal Tutor. If necessary refer them to the appropriate authority for guidance.	
12. Carry out teaching related administrative duties as required.	

Example Job Summaries for Hourly Paid teachers and Demonstrators

13. Keep abreast of professional developments.

PLANNING AND ORGANISING:

- Teaching-related and administrative work is allocated by the Head of Department and various Committees. Self-generate work through scholarly pursuits plus innovation in teaching and administration.
- Plan and prioritise own daily work and forward plan for up to 5 years for some tasks. For teaching, plan up to 1 year ahead unless there are significant teaching programme changes or new courses, then plan for up to 2 years ahead of their introduction.
- Deal with reactive requests daily such as those relating to teaching, supervising students and administrative tasks.

RESOURCE MANAGEMENT RESPONSIBILITIES (eg Staff, Finance, Other):

KNOWLEDGE, SKILLS AND EXPERIENCE:

- Good first degree and a PhD or equivalent experience.
- Proven teaching ability, ideally via a teaching qualification.
- Ability to take full responsibility for the design, delivery and co-ordination of teaching programme(s).
- Effective interpersonal skills to liaise with students and staff.
- The Academic Promotions Committee will assess the strength of teaching and related activities, administration and standing in the profession to ensure the level is appropriate to hold the title of Senior University Teacher.

Regularisation of Hourly Paid Workers - Appeals Process

1. Potential Areas of Appeal

a) Employment Status

- i. This will be determined through considering a number of defined 'tests' reflecting current legislative requirements. The information gained to make this assessment will initially be gained from the relevant HOD or nominee. However, the individual concerned will be requested to provide relevant details with supporting evidence, where appropriate.
- ii. The categories are: open ended, ftc, worker with a 'Registration Agreement for the University Bank', self employed, agency (1-5 respectively).
- iii. Those who wish to retain their current 'status quo', but who are identified as an employee through the tests, will not be able to activate an appeal on this basis. However, if deemed to be of managerial interest, they could seek to discuss with their HOD how their existing relationship can be amended to reflect the self employed/worker status they wish to attain.

Assessment: A series of legal tests or questions will be used to determine the individual's employment status.

If the appeal is because information was omitted from the original assessment (Ground A), the individual will be asked to provide the relevant information when submitting their appeal. This information could take the form of paperwork, emails, 'payslips', or key dates, etc and will be used by the original panel, plus a member selected from the list in Section 4 to reassess employment status.

If the appeal is because the individual feels that the original assessment of employment status was incorrect (Ground B), a panel will be selected by the University (see Section 4) to re-assess the original case.

b) Continuity of Service Start Date

- i. Appeals will only be on the basis that an employee (i.e. categories 1-2) believes that their Continuity of Service start date should be the earliest implementation date i.e. 1 August 2006.
- ii. Continuity of Service will be assessed through the information gained in determining the employment status. Where an individual is successful in their appeal to move from an original categorisation of 3-5 to 1-2, they will also gain the right to seek the earliest available start date i.e. 1 August 2006, if appropriate.

Assessment: A series of legal tests or questions will be used to determine the Continuity of Service start date (1 August 2006 or later) for any individual with employee status.

If the appeal is because information was omitted from the original assessment (Ground A), the individual will be asked to provide the relevant information when submitting their appeal. This information could take the form of paperwork, emails, 'payslips', or key dates, etc and will be used by the original panel to reassess the Continuity of Service start date.

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If the appeal is because the individual feels that the original assessment was incorrect (Ground B), a panel will be selected by the University (see Section 4) to re-assess the original case.

c) Grade Allocation / Point on Grade

- i. An appeal based upon grade allocation will mirror the Pay & Reward Appeal process as far as possible, i.e. a panel will be selected from the University pool of individuals who are trained and experienced in job grading. The assessment of grade will be based on the job summary submitted, which will need to be agreed by both the HOD and individual.
- ii. For those within categories 3-5 this area of appeal will not be available.
- iii. Where the work has varied over time, the assessment will need to be based on current activity. If the job subsequently changes since the job grading took place, it will need to be considered within existing University procedures.
- iv. Grading will be cognisant of the grade profiles and criteria/guidance developed under the National Framework Agreement, Teaching Only Policy and generic job summary templates [Appendix T].
- v. Point on Grade: An individual appointed to the first point of the grade with relevant experience-based knowledge, who has experienced a reduction in their total reward package following regularisation, may appeal against the point they have been appointed to. Success will be on the basis of demonstration of relevant knowledge, skills and experience which warrant a higher point on the appropriate pay grade.

Assessment:

If the appeal is being made due to information omitted from the original grading (Ground A), a revised job summary, which has been agreed by the individual and Head of Department, will be submitted to the original job grading panel.

If the individual is appealing against the original assessment (Ground B), the original job summary will be re-assessed by a new panel (see Section 4 for panel construction).

If the individual wishes to appeal against the point to which they have been appointed, they will be required to provide a written submission detailing the reason for the appeal and the relevant knowledge, skills and experience which they feel to warrant a higher point on the appropriate pay grade.

d) Hours Worked

- i. The number of contracted working hours, will be determined by referring to the principles and approach as defined within the Framework for the Regularisation of Atypical Workers (Hourly paid teachers & casuals) paper.
- ii. Where allocated hours have varied over time, any appeal against hours determined from the commencement of the new contract will relate to the number of hours being undertaken at the time of regularisation and will not be based upon a historical allocation which no longer applies. Should an individual identified as an employee since 1 August 06 or later whose hours changed during the period between 1 August 06 and the date

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of regularisation wish to pursue this, it would need to be done through the relevant University Grievance procedure.

- iii. For those within categories 3-5 this area of appeal will not be available.

Assessment: Will be made by the original panel if appeal is based upon information omitted from the original assessment, or by a University-selected panel (see Section 4) for appeals based on incorrect assessment.

For a Ground A appeal, the individual will be asked to provide the relevant information when submitting their appeal. This information could take the form of paperwork, emails, 'payslips', or key dates, etc and will be used by the original panel to reassess the Continuity of Service start date.

For a Ground B appeal, a new panel will consider whether: contracted hours have been calculated using guidelines as described in the Framework Paper; if not, the reason(s) for this and whether the reason(s) are justifiable (e.g. to fit with departmental teaching strategy, etc).

2. Grounds of Appeal (for each of the above areas)

- i. An individual can seek to appeal on one or more of the above areas, however, anyone within categories 3-5 will only be able to appeal on area 1.a)
- ii. A Ground A appeal will apply to individuals who claim an error has been made in the original assessment, or because information has been omitted from the original assessment. The individual may provide information such as paperwork, emails, an explanation of key dates, etc. Ground A Appeals will be considered by the original panel, plus a member selected from the agreed list (described in Section 4i).
- iii. A Ground B appeal will apply to individuals who feel that an incorrect assessment has been made. In this type of appeal, the original material used to make the assessments on Areas of Appeal a-d will be reviewed by a new panel (see Section 4) who will determine whether the original assessment was correct.

3. Conditions and Timing

- i. Those who have not undertaken any work for the University within the last 12 months will not be considered as having any relationship in need of classification or regularisation, and will not have access to this appeals process.
- ii. This ability to appeal against the 'Employment Status' allocated will be available to categories 3-5, however, all other grounds of appeal (1b, 1c, 1d) will ONLY be available to those allocated categories 1-2 (i.e. Open Ended Contracts, FTC's), with the associated employment status, or those who appeal and are subsequently reclassified within categories 1-2.
- iii. No right of appeal will be provided to enable individuals to seek to claim a start date any earlier than 1 August 2006. Should an individual wish to pursue this they will need to do this through the relevant university Grievance Procedure.
- iv. All appeals must be submitted normally no later than 4 weeks, following the completion of the regularisation process within a given Faculty/School. This will enable the appeals to be dealt with on a phased basis, whilst enabling the University to consider similar cases at the same time. (Some

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exceptions to this rule will need to be defined to take into account various legitimate reasons for potential delay).

- v. As the regularisation process is to be undertaken using a phased departmental approach, it is anticipated that appeals will be raised throughout this period of activity.

4. Construction of the Appeal Panels

- i. As the initial assessment/decisions will be undertaken by the HOD or nominee and a S/HR Advisor, any appeal will be heard by:
 - A Senior University Official/Manager
 - A S/HR Adviser
 - A Senior Member of Staff/ JUCC member or person nominated by JUCC

List of panel names to be jointly approved by University and Trade Unions, which could then be used to fulfil these roles.

- ii. If the basis of the appeal is that information was omitted from the assessment process, the original panel members could be members of the appeal panel. However, where the basis of the appeal is that the assessment process was applied incorrectly, the appeal panel would need to consist of members not previously involved in the assessment.
- iii. Reference can be made to a specialist panel, if appropriate, if grade was the grounds for appeal.

5. Appeals Submission

Where the nature of the appeal is similar to other cases, these can be considered at the same time, if the individual involved is willing to agree to this.

6. Process

- i. In all cases, we would strongly encourage that internal discussions take place prior to seeking to activate the formal appeals process.
- ii. Any appeal is checked initially to make sure that it was not the result of an error, and if this was the case, the error is rectified, the individual informed, and the appeal closed.
- iii. If the grounds for appeal relate solely to the fact that the individual wishes to provide further relevant details not previously available (Ground A), the original group who undertook the original assessment, plus an additional member selected from the agreed list described in 4i, will re-assess the area the individual is appealing against. In all other situations (Ground B) the panel members will be as defined in section 4, and consist of individuals not previously involved in the original assessment.
- iv. The individual is informed of the outcome.
- v. As the decision of the appeals panel is final no further right of appeal will be available.

7. Resource Requirements/Allocation of Responsibilities

HR Assistant

- Tracking/Monitoring individual stages of the appeal process

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- Check appeal submissions to ensure no errors were made in the provision of the outcome
- Liaising with each S/HR Adviser as to the progress/action required on individual cases
- Generating and sending out of correspondence/papers
- Organising meetings/panels
- Gain any additional information from Individual appealing under ground (a)

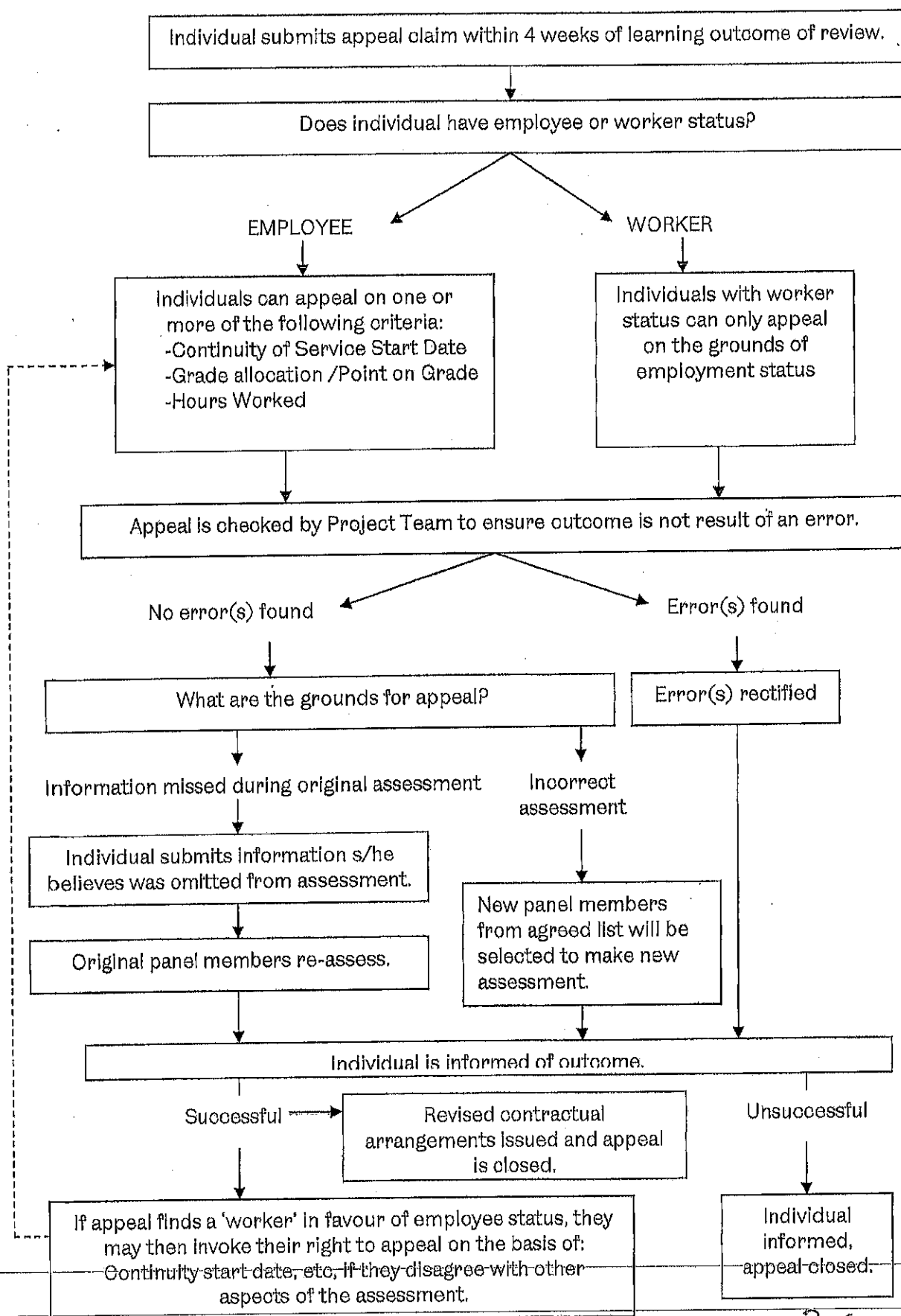
S/HR Advisers

- Attending and supporting panels covering their own areas of departmental/faculty/school responsibilities.

Project Member

- Train individuals to be involved in hearing appeals
- Overseeing process
- Acting as first point of contact for queries from S/HR's offering support and guidance
- Check and record outcomes to prevent bias in favour of particular groups

Appeals Process



Backdating Pay for individuals regularised as employees on open-ended or fixed-term contracts

The following is only applicable for individuals identified as having an employment relationship with the University which should now be formalised as either open-ended or fixed-term.

The employment contract will be backdated to:

- 1 August 06 where it can be established that an employment relationship existed since the 1 Aug 06 and will continue forward
- A date later than 1 August 06 which is acknowledged by all parties as the date when a formal and continuous employment relationship commenced with the University and will continue forward.

Please note the following exceptions:

- Where an individual was engaged by the University on 1 August 2006, but it is identified that an employment relationship did not exist at that time, then backdating to the 1 August 2006 should not apply and the new contract shall commence on the alternative date described above.
- Should it be determined that an individual could have been categorised as "staff" on the 1 August 2006 but that employment relationship has since diminished then the matter of backdating will largely depend on the nature of the proposed new contractual arrangement. For example, should it be determined that an individual should be categorised as "worker" then the issue of possible backdating would not normally be relevant in the provision of these contracts.

Should individuals experience a reduction in remuneration as a result of the regularisation process, the University would not seek to reclaim any salary overpayment.

Payment Method

Where it is identified that an employee would have been better off in relation to total take home pay had they been assimilated onto USGS from the effective date of their employment contract (either 1 August 2006 or 1 Sept 2007) then a lump sum ex-gratia payment, based upon the difference for the appropriate timeframe will be made as a one-off payment.

Calculation:

Due to the limited information available on previous earnings, the payment may need to be made based upon the approximate difference between an individual's previous year's earnings, and their earnings under the new arrangement for the appropriate timeframe. However, every effort will be made to ensure that the calculation is as accurate as possible.

Calculating Fractional Contracts and Annual Leave entitlements for regularised employees

The following is only applicable for individuals identified as having an employment relationship with the University which should now be formalised as either open-ended or fixed-term.

Calculating FTE for Part Time Staff including annual leave

The FTE associated to the UoS employment contract can normally be calculated using the standard University of Sheffield formula, which for staff who work a varying number of hours each day is:

Total number of assigned contractual hours per year (including annual leave entitlement) / Total maximum number of hours per year (including maximum annual leave entitlement), e.g. $35 \times 52 = 1820$.

Calculating FTE for Part Time Staff excluding annual leave

Occasionally departments may have a fixed period of work which needs to be undertaken, and cannot accommodate annual leave within this fixed period (for example where there is a set number of teaching hours which requires cover).

In such cases, the number of contracted hours will need to be increased sufficiently in order to establish an FTE which includes annual leave entitlement, and the following alternative calculation should be used to do this:

Total number of assigned contractual hours per year (excluding annual leave entitlement) / Total maximum number of hours per year (excluding maximum annual leave entitlement), e.g. $1820 - (41 \times 7) = 1533$.

Calculating Annual Leave entitlements

In both cases, once FTE is established, annual leave entitlement can be calculated by multiplying the FTE by the maximum annual leave entitlement in hours.

Maximum entitlements to annual leave for individuals regularised onto an open-ended or fixed-term contract will be based upon the University of Sheffield terms and conditions for the appropriate job grade.

Appendix 5 - Implementation Timetable
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Pre-implementation activities

Task	When
Agree principles of framework with SUCU and other campus Trade Unions	By end of May 2008
Develop implementation guidance for HoDS	By end of May 2008
Develop communications and training plan	By end of May 2008
Develop and agree relevant processes, and associated documentation and guidance (e.g. appeals, uBASE, pensions arrangements, UCard)	By end of May 2008
Develop record keeping / tracking systems	By end of May 2008
Undertake training for Business Support HR Advisers	May 2008
Communicate to all HoDS (initial communication via 2008/09 academic planning round)	November – December 2007 onwards, further communication for HoDS during June 2008

Faculty / Departmental Process

Task	Who	When
Conduct initial communication with department head to initiate process, and gather data for modelling	HRA / Project team member	May 2008 onwards
Carry out modelling for individuals based upon initial discussion(s)	Project team member	May 2008 onwards
Conduct meetings with departments to discuss individuals, employment relationships, and modelling in more detail	HRA / Project team member	June 2008 onwards
Communicate/discuss with individuals	HRA / Dept	June / July 2008 onwards
Calculate ex-gratia payment for back pay	Project team member	"
Raise paperwork & update uBASE: for employees this is to be done by HR, for workers and self-employed this is to be done by the department	HR or Dept – see left	"
Communicate outcome of review to individuals in writing: for employees this is to be done by HR, for workers and self-employed this is to be done by the department	HR or Dept – see left	"

Appendix 5 - Implementation Timetable
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Task	Who	When
Deal with Appeals.	Project team	July / August 2008 onwards

Implementation Timetable

Task	When
Pilot Implementation – Regularise in: Chemistry, History and Law	Initial Contact, May 2008, meetings from June 2008
Pilot Evaluation	End of Pilots
Regularise in Early-Implementer departments: To be identified from all faculties/support areas, based on priority	Initial contact, June / July 2008 onwards
Interim review & evaluation	End of Early-Implementation
Deal with Pilot / EI appeals	July 2008 onwards
Stage 2: Regularise remaining departments in: Faculty of Arts Faculty of Social Sciences Faculty of Engineering Faculty of Pure Science Faculty of Medicine Central Services & Resources Division	August / September 2008 onwards
Deal with Stage 2 appeals	August onwards
Review & Evaluation	End of Stage 2 implementation
Integration Departments to begin engaging any new workers on new style worker contracts from beginning of 2008/09 academic year.	Summer 2008