

BANK WORKER'S LANDMARK VICTORY
THERE'S MUTUAL OBLIGATION AFTER ALL . . .

HAS THE PRACTICE OF ENGAGING TEACHERS AS BANK WORKERS AT THE UNIVERSITY OF SHEFFIELD FINALLY COME TO AN END?

After submitting a claim to an employment tribunal that he was an employee and had continuity of service, with employment rights, back to the start of his employment in September 2001, a language teacher has been successful in reaching a settlement with the University of Sheffield. The door is now open for others to seek redress.

Along with approximately 50 other tutors the member attended a departmental meeting in 2009 to be told the outcome from the University's regularisation process. After teaching each semester for 8 years he and the other tutors who had significant length of service were told that they were not regarded as "an employee" but would henceforth be called a "bank worker" and were not obliged to continue to work at the university if not satisfied.

The member appealed twice and each time his appeal was not upheld by the University. The appeals' panel disregarded employment law cited by the appellant on the basis that "it predated the Framework Agreement" even though their brief was to ascertain whether or not the FA had been correctly implemented, which, of course, should have included the application of employment law which prevailed at that time. **That the law predated the FA is irrelevant and this should have been recognised by the appeals panel.** There is a lesson to be learned here and we expect in future appeals panels to be correctly advised. The member was informed that the appeals' panel decision was final. He had no other route available to him other than taking his case to an employment tribunal.

The Union solicitors responded by informing the University that the member intended to take legal action and the University backed down and recognised that he was an employee and was entitled to employee rights, but would not agree that continuity of service dated from the start of his employment 11 years before.

Although the member accepted the employee status, he decided to take the continuity issue to Tribunal and this he did in March 2012 with the help of SUCU.

In November 2012, the day before the case was due to be discussed at tribunal and 10 days before the full Hearing was to take place, after much procrastination and delays by the University's lawyers, the University agreed to an "amicable settlement" of the case.



ALL bank workers who teach should benefit from this victory. *Are you a bank worker or do you know anyone who is? Have you had an appeal for employee status turned down? Are you less favourably treated?* Did you know that bank worker teachers for example receive 13 days' less annual leave pro rata than regulated teachers and significantly less leave than regulated staff on the lowest grade despite working for an equal opportunities employer? If student numbers decline then long-serving teachers are denied access to the redundancy policy just because the university calls them "bank workers".

Our VC wrote a blog "in praise of teaching" yet, despite this, the university continues to treat its bank worker teachers disgracefully. During the regularisation process the unions were assured by the then Pro VC for Staffing that bank worker status was not appropriate for those undertaking teaching roles but would be used for casual work, such as one-off catering functions, and it is disappointing that the university has backtracked on this assurance. Non-academic departments, such as the library and HR do not employ bank workers and it is difficult to understand why *(continued overleaf)*

Spring 2013

In This Issue

Bank Worker Victory

Fixed Term Contracts

Staff Survey

Workload Allocation Models

REF

Transport Group

Changes to Statutes

twitter

Follow us on Twitter to receive news updates from [@SheffieldUCU](https://twitter.com/SheffieldUCU)

Sheffield UCU
2 Hounsfield Road

Tel: 0114 222 8976
ucu@sheffield.ac.uk

<http://ucu.group.shef.ac.uk>

(Bank Workers Landmark Victory continued)

teachers are discriminated against in this way especially when some departments, such as the English Language Teaching Centre, properly recognise the status of their teachers and apply the appropriate grade.

It was possible to reach a settlement in this case not only because the member had a good case, and was determined in pursuit of justice, but also because of the support by your own UCU committee. It would have failed had that support not been forthcoming.

ARE YOU ON A FIXED TERM CONTRACT?

The latest HESA figures available, 2010-2011, show that 90.7% of research-only academics are on fixed term contracts at the University of Sheffield, and this figure is the third highest amongst the Russell Group only being beaten by Kings College, London (95.6%) and Queen Mary and Westfield College, London (91%). Out of 105 HE institutions, only 7 employ a greater percentage of fixed term research-only academics than Sheffield.

In 2009-10 1,005 research only academics were employed by the university and 90.6% of these were on fixed term contracts.

It is essential that the majority of fixed term employees join UCU as only then can effective campaigning take place to stamp out the widespread use of continuous fixed term contracts.

One of the most difficult times can be when a fixed-term contract is coming to an end. If you are in this situation, we can make sure you know what the university's obligations are. These depend



upon the nature of your particular contract, when it was signed, what clauses it contains, whether it has previously been renewed - all of which affect your legal entitlements. **The law is changing and it is very important that anyone who has had two or more fixed term contracts over 4 years are converted to open ended status without delay, and certainly by the end of March 2013. Please contact us by 28 February if you need further information.**

We meet monthly with the university to discuss fixed term employees whose contracts are coming to an end. Have you worked for the university for more than 4

Everyone who teaches on a regular basis, even for only an hour or two each week, should have a contract of employment which includes a statement of employment particulars showing entitlement to incremental progression, USS pension, negotiated sick leave, grade, pay, redundancy and holiday entitlement. **If you have not received a statement of employment you should contact the university without delay, and, if you do not receive this statement, you should contact us no later than 28 February in order that action may be taken before the end of the financial year.**

years and do you still receive fixed term contracts? Do you know a non-member who is in this position? We have already helped over 150 individuals to gain permanent open-ended status. Encourage all those working in your department to read this article. Hourly paid workers and fixed term employees are often invisible. The amount of case work is rising as those who felt that they were not vulnerable, suddenly find that they are but thankfully many have union support to assist them through these difficult times. **There has never been a time when union membership was so important. Can you afford not to be a member of UCU?**

The pattern of research funding creates a serious barrier to the management of research, and funding tends to follow a model of tying researchers to projects often meaning staff spend a year learning the job, a year being productive and then a year looking for their next job – a huge waste of potential.

As a report of the House of Commons Science and Technology Committee (2002) concludes "...universities have deflected the risk onto the researchers; this bad management has added to the plight of contract researchers. In this respect universities have failed their research workforce and the UK's science base."
(Managing for the Ideal Research Environment, Andrew D. Madden)

There are ways of employing researchers differently. Some universities have research units which attract funding from a range of sources and employ permanent researchers on a number of projects. It makes a pool of research expertise and experience available. It implicitly recognises that researchers have transferable research skills, as well as specific expertise with more experienced researchers being able to develop and lead projects. It also provides scope for career development and it helps to ensure that, in the event of researchers leaving or falling ill, the projects with which they have been involved can continue.

We will be having discussions with management to discuss changes which would benefit both the university and researchers alike and it is essential that researchers join UCU and actively engage with us in order that their concerns can be highlighted, and suggestions implemented.

STARK HEADLINE OUTCOMES FOR SENIOR STAFF FROM STAFF SURVEY

All members should have seen reports giving information on the individual departments outcomes of the recent Staff Survey and you will be aware that all responses have been categorised under 3 headings 'celebrate', 'improve' and 'investigate'

In an attempt to whet your appetite for the interesting questions this work is raising here are two interesting facts from the recent staff survey responses were as follows:

Q12 'I am able to cope with the demands of the job'

G6 83%

G7 82%

G8 70%

G9 60%

Professorial 74%

Our question to our employers: how can the outcome to question 12 come under the 'celebrate' heading? Without wishing to spoil the story the reason is that the average response from grades 1-5 comes in at just under 91% bringing the average for all staff to 80%. BUT, the average of grades 6-9 is 73 and professorial staff 74. Is that something to celebrate or to investigate?

Q13 'I feel the level of pressure in my job is reasonable'

G6 71%

G7 69%

G8 54%

G9 42%

Professorial 51%

The outcome for question 13 is more stark grades 1-5 offers 78% positive response to this. Grades 6-9 come in at 59%, but you'll see from the scores above positive responses fall dramatically.

Looking at these two questions, and asserting that it is reasonable to see a correlation between them – 40% of grade 9 staff are unable to cope with the demands of their job and a massive 58% feel the level of pressure in their job is unreasonable! In our view something to *investigate*.

SUCU has commissioned work to compare the outcomes from the recent University of Sheffield survey and the UCU Stress Survey. We will be sharing the results of this work with our employers at the forthcoming Health & Safety Committee in February, raising issues like this within the health and safety arena as well as through regular meetings and negotiations with HR.

We will also be talking to you, asking for your input in gathering evidence and looking at links to personal casework that comes to us to get to the core of what is going wrong here. For example we already know workload allocation for academic staff and expectations on volume of work for the majority of our members is a huge issue, as of course, do our employers. In view of this outcome from the Staff Survey how are they going to address this?

If this or the outcomes of the Staff Survey in your department raise issues and difficulties for you then look at the SUCU web pages (www.ucu.org.uk) and click on *Advice and Support* or *Casework*.

WE CAN ONLY ASSIST WITH CASE WORK AFTER THE COMPLETION OF THREE MONTHS' MEMBERSHIP

Regrettably recently some requests for assistance have had to be turned down owing to the time limit which has to be enforced. It would be unfair to loyal, long serving members to assist those who have been employed at the University for over a decade and who join UCU only when notice of termination has been received.

During the last two years, we have helped members gain open ended permanent status, accompanied members to meetings with managers, brought Health and Safety issues to the university's attention, had lengthy discussions regarding new policies and procedures, had discussions with the university regarding the introduction of a PG employment contract and suitable training and have been involved in discussions concerning the implementation of the University Teaching Policy. We have also been instrumental in introducing a revised contract of employment letter for new starters, and have obtained backdated holiday pay, employment status and employee rights for members. All giving a huge return on subscriptions. What better investment can there be than this?

We spend a good deal of effort on helping members with individual problems at work, and we know this work is greatly appreciated. We can only assist though in this way for people with at least three months' membership – we do not have the resources to help people who only join the union when they are in trouble and then request immediate help. Unions are organisations of mutual support and it's all of our subs and participation that makes it work.

WORKLOAD ALLOCATION MODELS

Following a recent meeting with management, at which SUCU members' concerns about academic department workload allocation models (WAMs) were discussed, it has been agreed with management that SUCU will propose a set of principles on which WAMs should be based. Existing principles are mainly concerned with equity and transparency. SUCU will propose a set of principles, taking account of members' concerns, and both sides will then jointly discuss and establish an agreed set of principles. We will jointly then look at whether the WAMs are in practice consistent with these principles. Members will be kept informed. If in the meantime any member has concerns or opinions about how the WAMs are/are not working in their department, please e-mail ucu@shef.ac.uk.

RESEARCH EXCELLENCE FRAMEWORK

Some members are now being informed about whether or not they are to be included in the REF, may be included, or are definitely included. Recommendations are being made to the REF Strategy Group (RSG) relating to their provisional inclusion in REF2014. The University is having to trade off between impact case study and researcher output submissions. A recent communication to staff in one department points to the production of impact case studies of sufficient quality as being "critical in determining the overall UOA submission strategy".

Management are at pains to stress that inclusion/exclusion is not a judgement on individuals. A no detriment clause has been posted on the UoS web-site saying "non inclusion within REF will not of itself be used as a measure of research performance, lead to any contractual or workload changes, nor will it be detrimental to the career prospects of an employee at the University of Sheffield". While this may be reassuring, members are asked to be alert for any indications to the contrary and to let the committee know on ucu@shef.ac.uk.

NO WALK IN THE (CAR)PARK

In January UCU sent a representative to the advisory Transport Policy Group to cover for the usual staffside rep. They reasserted campus unions' opposition to increases in car parking fees and the scrapping of wage differentiation for 'B' permits and conveyed members' concerns about paying more and getting less for car parking generally. With the support of HR we got a delay in the doubling of charges for the low paid, but only for one year. The TU's have made clear at TPG and JUCC that we believe the staggered charges should remain, for reasons of fairness and equity, and a meeting with management to discuss this is being arranged. The University insists the motive for the changes is environmental rather than economic and agreed that, in the event the changes do lead to an increase in income, any surplus would be invested in helping meet the transport needs of the lowest-paid staff.

Sitting uneasily alongside the environmental motive for changes to car parking is the University's plan to build a 520-place multi-storey car park on Durham Road. This facility will replace spaces that are disappearing due to building work but will also have 370 public spaces with a view to providing parking for local hospitals. Campus unions will monitor the situation and keep members updated.

Subsidised bus tickets have been cut due to changes in the HMRC's rules: SUCU requested that the University step in to meet this gap, which if it is serious about its environmentally friendly transport agenda it should do without delay.

UCU thanked the group for its excellent cycling provision and is pleased to report that improved secure cycle storage is planned across campus.

SUCU looks forward to attending the Group in future and will represent members' best interests and encourage the University to be consistent in pursuing its green transport agenda.

CHANGES TO STATUTES - A CHANGE FOR THE GOOD

At the instigation of University Council discussions have begun between UCU and University of Sheffield on the intention to review the University's Charter, Statutes and Ordinances.

These discussions are still in the early stages. Our employers are intent on limiting our input and influence to Section 6 and the regulations that relate to this Statute. This is the Statute that relates specifically to terms and conditions of employment and determines who is covered by statute.

You can be sure your negotiating team will be taking a cautious and measured approach to these discussions. We will ensure advice, guidance and support from our Regional and National Officials informs the approach, that proposed changes have a clear benefit to members and that final recommendations are widely consulted on with all UCU members.

You can find the current Charter, Statutes and Ordinances at: www.shef.ac.uk/calendar. If you have any thoughts or concerns on this work please do contact us via ucu@sheffield.ac.uk