Job Protection Scheme - Teaching and Scholarship Staff in 2020-21

1. Context

The Covid-19 crisis presents Birkbeck with an unprecedented set of challenges in delivering teaching in 2020-21. As ever, our Teaching and Scholarship (T&S) staff will play a central role in teaching delivery.

The College’s response to Covid-19 has led to the creation of new roles and tasks, many of which will be temporary, but some of which may constitute matters to be addressed in future FNG meetings: however, any agreements reached in this Job Protection Scheme (JPS) will not prejudice or provide precedents for future FNG agreements.

The College has introduced this JPS for members of T&S staff to whom it has a contractual obligation but where it is unable to provide some or all of their work and if eligible, have not opted for a severance payment or a buyout of hours. The College will have also considered a variation in T&S staff’s core hours in accordance with the Variation in Hours policy. In addition, the College will create a ‘bank’ for ex-staff to whom we do not have any contractual obligations but who have lost hours in 2020-21.

The JPS has been written in line with the agreed processes, which are governed by negotiations with (University and College Union) UCU via (Joint Negotiation and Communication Committee) JNCC which gives us the ability to make agreed variations to normal practice within the parameters of the (Framework Negotiating Group) FNG.

There are two groupings of T&S staff impacted by this scheme which will need different approaches:

a) Staff whose hours normally come from modules which will be running on the new delivery model but may be at a reduced volume.

b) Staff whose modules have been withdrawn or merged with other modules and consequently work volumes have diminished.

Implementing the scheme is time critical to ensure, where possible, there are employment opportunities for as many existing staff as possible and enable the issuing of contracts as necessary.

Subject to review by a body including representatives from UCU, the scheme will run until the end of January 2021.

The scheme will be managed centrally to ensure fairness and transparency with an agreed process and corresponding Equality Analysis.

The College cannot guarantee jobs for all staff but is committed to a job protection scheme.

Redeployment (and internal secondments) will form the basis of the scheme in accordance with Birkbeck’s Redeployment Policy.
2. **Contracting for 2020-21 delivery**

2.1. **Staff in Group a:**

Those staff who are undertaking digital transformation work will need contracting to deliver their teaching in 2020-21. In order that they suffer no detriment within the variation in hours parameters, hours used to deliver the digital transformation (DT) over the summer will be taken into consideration. The exception to this will be as follows:

1. For staff undertaking DT work on a 15-credit module, the first 10 hours of the 50 hours allocated to this work will be regarded as additional duties relating to module redesign. The 10 hours will be pro-rata if the DT work is shared with others.
2. For staff undertaking DT work on a 30-credit module, the first 15 hours of the 75 hours allocated to this work will be regarded as additional duties relating to module redesign. The 15 hours will be pro-rata if the DT work is shared with others.
3. For T&S module leaders undertaking the 10 hours DT training and for T&S staff undertaking the three hours bite sized training for assisting on the DT, these hours will be regarded as additional hours.

All payments relating to digital transformation work will be paid at plain rate.

T&S staff members on Open ended and/or Fixed term contracts who taught two or more modules in 2019-20 and for whom all the modules they taught on in 2019-20 are confirmed as running in 2020-21 have been identified.

The College plans to issue contracts based on the pre-COVID-19 timetabling proposals prepared by departments prior to the lockdown which were later updated to reflect any subsequent changes e.g. staff turnover, module withdrawals that may still be subject to some changes. Contract letters are being issued on a ‘business as usual’ basis, however as live timetabling is not yet linked to the Teaching Resource Manager (TRM) there will need to be a process of matching timetabled hours to contracted hours and identifying any changes.

In the context of a new, agile and changing model of blended delivery being adopted as a COVID-19 response, the number of ‘live’/ ‘contact’ hours and its relation to underlying contractual obligations will not be the same as under previous practice. These variations have been recognised by the Unions and by management as normal practice under the **Variation in Hours policy**

Normal procedures around variation in core hours up or down by up to 33.33% will apply if modules are withdrawn in term two due to poor student recruitment, etc. Those staff will also be offered access to the central redeployment pool as appropriate.

2.2. **Staff in Group b: T&S staff whose modules have been withdrawn or merged**

There will be approximately 120 T&S staff who will have lost all or part of their previous teaching allocation. The figures are subject to validation as the teaching allocations are reviewed.
It should be noted that every year there is some level of change in the T&S body as contracts issued to cover temporary need (e.g. covering an absent academic’s teaching and administration duties) are not renewed.

3. The Job Protection Scheme

In the current climate of financial challenges, not least those posed by the current pandemic, and with full support from Academic Executive Team, Strategic Planning Committee and Governors and central to the approach agreed with UCU, the main priority of the Job Protection Scheme will be to make up core hours of contracted staff (within the 33.33% variation), and to offer additional work through redeployment to T&S colleagues who have lost hours.

The Job Protection Scheme is based on a redeployment process with other options alongside it. If we are unable to redeploy staff and eligible staff do not accept voluntary severance it may subsequently lead to a redundancy process.

It is recognised that timing is challenging. As soon as timetables have been generated from the TRM they need to be matched to the contracted hours of T&S staff and hours available from T&S staff seeking redeployment. Whilst the College remains committed to filling it’s T&S posts through this scheme, there may be a small number of cases where the academic speciality needed to support a particular module cannot be covered within the academic establishment or from the T&S redeployment pool. Consideration for the approval for external T&S recruitment or increasing core hours for current T&S staff will not normally be considered by the Vice Master until the timetabling and redeployment processes have been completed.

T&S staff on fixed term contracts which have ended will be offered the opportunity to be placed in a ‘bank of ex-staff’ to be considered for similar work and hours to those that were lost, so that if hours become available later in the year, the College can first approach them.

3.1. Redeployment

Staff whose hours have reduced by more the 33.33% due to a reduction in modules (including where there are no modules) will be invited to join the redeployment register.

There are three main areas that staff can be considered for redeployment:

- Department/subject area
- School based on relevant experience in in other departments
- College wide either based on experience or generic College wide roles

A short-listing and interview process will normally take place.

In order to be considered for College-wide redeployment, staff will be required to submit their current CV and a brief cover letter outlining the roles they hold/have held within Birkbeck as well as a list of relevant subject areas and levels that they are qualified, and would be willing to teach, providing information where they have previously taught these subjects.
Staff will also be required to indicate if they would be interested in generic non-subject related opportunities. Human Resources will maintain a central redeployment register of staff who have opted to be considered for redeployment outside of their school.

The types of jobs and opportunities (which could be temporary) to be advertised centrally will include delivery of teaching on the undergraduate Foundation Year, support for student induction, and the backfill of general administrative duties, as well as additional seminar moderation or tutorial support should that be necessary in the autumn. It will also include offering additional work to T&S staff in the redeployment pool, to mitigate the impact of TPP work on academic staff who are undertaking digital transformation of three or more modules or whose workload can otherwise be demonstrated to have been severely impacted (for example, if they are on a fractional contract and are undertaking disproportionate digital transformation work to their contract).

Recruiting Managers will be asked to consider if the vacant positions they wish to advertise are potential suitable opportunities for redeployees. Where this is the case, the vacancy will be advertised on the internal recruitment web pages.

4. Groups of Staff within Category b.

4.1. Staff on Open Ended contracts

4.1.1. Some modules are running

ASMs will initiate a face to face (Teams) talk with T&S staff on an Open-ended contract that have been identified as having some modules running but the variation is more than 33.33% down:

- Discuss the hours lost due to modules not running and agree whether the member of staff is willing to accept this loss considering the normal annual fluctuation in hours.
- Where possible, identify alternative work within the department/school and any other work that may be available at a commensurate rate of pay, which could be offered to increase the hours in order to compensate for lost hours. If there is more than one person that could equally be considered for this work, a fair selection process will be followed.
- Encourage the member of staff to provide their details via the ASM to be added onto the redeployment register for partial redeployment if required.
- Discuss a temporary or permanent reduction in hours, including unpaid leave. Permanent reduction in core hours will be based on a buy-out of the reduced core hours.
- ASMs to notify staff that any buy-out calculations can only be finalised when the timetables are entered in the TRM at the end of September. ASMs to clarify the terms of the buyout.
- Discuss Voluntary Severance including the rules of the scheme and eligibility criteria.

4.1.2. No Modules are running
ASM to have a face to face (Teams) talk with T&S staff that have been identified as having no modules running that are on an Open-ended contract with more than two years continuous service:

- Explain to the member of staff why their module/s are not running in 2020/21 using the Jobs Protection Scheme Pro-forma.
- Where possible, identify alternative work within the department/school and any other work that may be available at a commensurate rate of pay, which could be offered to increase the hours in order to compensate for lost hours. If there is more than one person that could equally be considered for this work, a fair selection process will be followed.
- Encourage the member of staff to provide their details via the ASM to then be added onto the redeployment register for redeployment if required.
- Discuss the option of voluntary severance and eligibility criteria

4.2. Fixed Term - 2 years’ or more continuous service

After staff have completed two years continuous service i.e. taught as a minimum for two terms in two consecutive academic years and then contracted and undertaken some work in a third consecutive year, they have full employment rights, including the right to a redundancy payment where appropriate.

4.2.1. Some modules are running

ASM to initiate a face to face (Teams) talk with T&S staff

- Using the Job Protection Scheme Pro-forma, discuss the hours lost due to modules not running and determine whether the member of staff is prepared to accept this loss considering the normal annual fluctuation in hours and wait for the TRM to be finalised.
- Identify alternative work within the department/school or any other work which could be offered at a commensurate rate of pay, to increase the hours in order to compensate for lost hours. If there is more than one person that could equally be considered for this work, a fair selection process will be followed.
- Encourage the member of staff to register onto the redeployment register for partial redeployment if required, in accordance with the Job Protection Scheme.
- Discuss the option of voluntary severance and eligibility criteria

4.2.2. No Modules are running

ASM to have a face to face (Teams) talk with T&S staff

- Explain to the member of staff why their module/s are not running in 2020/21 using the Jobs Protection Scheme Pro-forma
- Identify alternative work within the department/school and any other work that may be available which could be offered at a commensurate rate of pay, to increase the
hours in order to compensate for lost hours. If there is more than one person that could equally be considered for this work, a fair selection process will be followed.

- Encourage the member of staff to register onto the redeployment register for redeployment if required, in accordance with the Job Protection Scheme.
- Discuss the option of voluntary severance and eligibility criteria

4.3. **Fixed Term - less than 2 years’ service – taught two terms or more per year and Fixed Term - less than 2 years’ service that taught for only 1 term and/or with certain conditions**

4.3.1. **Some modules are running**

ASMs to talk with T&S staff

- The member of staff will receive a letter outlining that some modules they teach are still running and that if they are still available to teach these modules in 2020/21, they will be issued with a new Fixed term contract.
- These staff will be given the opportunity to be placed in a ‘bank of ex-staff’ who the College can approach to be considered for similar work and hours to those that were lost, if suitable modules become available later in the 2020/21 academic year.

4.3.2 **No Modules are running**

- The fixed Term contract is terminated on the basis that there is no work available as would normally happen at the end of each Academic Year.
- These staff will be offered the opportunity to be placed in a ‘bank of ex-staff’ who the College can approach to be considered for similar work and hours to those that were lost, if modules become available later in the 2020/21 academic year.