



Fram(ework)ing sessional lecturers?

Since November 2007 the Framework Negotiating Group (FNG), comprising representatives from Birkbeck's management and UCU has been meeting to seek to agree new terms of employment for people mainly involved in teaching, such as hourly paid lecturers and teaching assistants. The process is the second part of Birkbeck's implementation of the National Framework Agreement¹, which commits the College to evaluate and grade the roles undertaken by all its employees and assimilate them to a single pay spine.

The process was concluded for academic, professional and support staff in 2007 but, because of the complexities involved in regard to demonstrators, teaching assistants, sessional lecturers and other hourly-paid staff, it was agreed that assimilation for these staff would take place in a second phase. These negotiations have taken place in a more difficult climate. Following the Government's decision in 2007 to withdraw institutional funding for ELQ students, the Government's Autumn spending review has resulted in further cuts in common with the whole HE sector. The College restructuring and the ongoing Portfolio review have resulted in further changes.

There has been some progress. UCU has agreed with College management the four role profiles that were issued for consultation last November. These profiles have gone through the 'Hay' evaluation (a process that assesses the size and complexity of each job), and have been mapped, as expected, to grades 6, 7, 8 and 9 on the pay-spine, with grade 6 being for teaching assistants and demonstrators and grades 7-9 for other staff including sessional lecturers. We have also agreed the process by which everyone will be mapped to one of these profiles and their rights of appeal.

In some areas of the College it's clear that this grading has already happened, but staff have not been informed of the outcome or of their right to appeal. If you believe that you have already been graded, but have not received formal notification of your grade, please let us know.

In parallel Birkbeck HR has checked each hourly paid staff member's employment history to ensure that the employment records currently held by the Schools are an accurate reflection of contracted work with the College and has confirmed their new

¹ <http://www.bbk.ac.uk/jobevaluation/nfa>

contractual status to some of those staff who are entitled to an open-ended contract of employment with the College under regulation 8 of the Fixed-term Employees Regulations of 2002 (usually by having worked for Birkbeck for at least two full terms each year for four successive years).

Beyond this, in March 2010 management undertook with UCU to give everyone with at least two years of continuous service (as defined above) the same hours in 2010/11 as they had in 2009/10 ². It was agreed that for those on open-ended contracts these hours would constitute their "base hours", i.e. the hours they can normally expect each year, subject to a Variation in Hours policy ³ to allow these hours to vary up or down by up to a third. This policy has two main aims: firstly, to allow for temporary fluctuations in student demand and, secondly, to save jobs. For instance, someone who finds that a module they were going to teach hasn't recruited well enough to run may lose up to a third of their teaching in that academic year, but they can then hope to resume their normal base hours. This reduction of one's hours by a third cannot be done repeatedly: one cannot lose a third of one's hours one year and then another third the following year. Thus the guaranteed minimum hours of those covered by the Variation in Hours policy are two thirds of one's base hours. The policy will be reviewed in Spring 2012 years to see if it is still necessary, and, if it is, to see if the downwards variation for which it provides can be reduced. You should note this reduction should not be made unless your department has made strenuous and demonstrable efforts to give your normal hours. If this isn't happening, we need to know about it.

Since the withdrawal of ELQ funding and the subsequent college restructuring and last year's Portfolio Review there have been almost a dozen redundancies amongst Sessional Lecturer staff. It has become clear that the now annual Portfolio Review will be the occasion for further attempts at cutting the College's deficit by proposing redundancies on the grounds that modules taught by Sessionals either duplicate or are otherwise 'not compatible' with teaching provision taught by full time members of staff. Though management has stated that it will make every effort to avoid redundancies and extended the main College Redundancy Policy to hourly paid staff, UCU will continue to vigorously oppose redundancies whenever they arise while continuing to try to work with the College to implement the Framework Agreement.

There are still major areas of disagreement however. One of the most important areas of dispute is the fact that many sessional lecturers (and related staff) continue to receive the old FCE hourly rates of pay. These have not been increased since 2007 (and are not directly attributable to any current scales) although pay for senior College staff has increased hugely since this date. We agreed to some pay restraint on the understanding that senior pay was frozen, and that the lowest paid of the

² www.bbk.ac.uk/jobevaluation/communications/joint_statements_docs/interim

³ http://www.bbk.ac.uk/jobevaluation/evaluation/session_staff/VariationinHours.doc

hourly teaching staff would receive some increase. Neither of these things appears to be the case.

Employment legislation requires part-time staff to be treated no less favourably than their full time or permanent colleagues and UCU has argued that the failure to increase hourly paid rates whilst some senior staff have enjoyed major pay increases is in breach of at least the spirit, if not the letter, of this legislation.

Related to the above is the fact that – in some schools at least – the old FCE rates are now being treated as the standard rates to which all new contracts will be ‘levelled down’ except where senior staff decide that higher rates should be paid. UCU is concerned that College management have yet to provide information about what hourly rates are actually paid in different areas of college, despite agreeing to disclose this information at the very start of the negotiations.

Other areas of disagreement include the issue of equity. For example, UCU have argued that it is unfair that part-time staff with their teaching hours compressed into a single term should not be deemed to maintain ‘continuity of service’ in comparison to those whose hours are spread through two terms. Several important employment rights, including incremental progression, depend on maintaining continuity of service. In other words, if you teach two term-long courses in different terms each year, your rate of pay will increase a little each year until you reach the top of your grade. If you teach the same two courses in the same term, you’ll remain stuck at the bottom of your grade, and your employment will be deemed to be a one-off, unless the College agrees to make an exception in your case.

College management and UCU have agreed that they will continue to work closely to try to establish a longer term harmonisation agreement which is equitable to all. One complex area that still requires substantial discussion has to do with calculating actual working hours. The ‘matching’ of staff to a role at a particular grade, doesn’t of itself indicate what they ought to be paid. For example sessional lecturers are paid by the contact hour, and the pay rates per contact hour may assume additional work (to prepare teaching, mark assessments etc). We cannot implement the full agreement without an agreement about how to calculate actual working hours.

However, UCU is alarmed by recent statements from the Master that the present arrangements regarding sessional lecturers will continue for a further year through 2011-12. We believe that this is in breach of the agreement that we would work towards the aim of full harmonisation for the start of the 2011/12 academic year. There seem to be disquieting indications that Sessional Lecturers — once seen as valued co-workers — are now considered dispensable. This is not in the interests of Birkbeck, which as a small college, needs to retain the breadth of subject expertise if it is to maintain the choice and flexibility to allow it to continue to recruit students. Nor is it in the interests of permanent staff who will be expected to undertake the extra teaching and other duties of the sessional lecturers who have lost their jobs.

More information on www.bbk.ac.uk/ucu