

Variation in Hours – Teaching & Scholarship Staff

INTRODUCTION

The College undertakes a formal review of its subject offering on an annual basis which may lead to amended provision on varying degrees of scale. Similarly, whilst the College strives to schedule realistic provision in its offering of certificate, short courses and elective modules, fluctuation in student demand and enrolment may necessitate the withdrawal of some modules, often at very short notice. As a consequence of both of these factors, the general availability of the core work of Associate Tutors and Associate Lecturers (A&B); the delivery of teaching, may be subject to termly and annual variation.

The Birkbeck model of teaching in the evening means that many part-time Teaching & Scholarship staff combine their work at the College with external professional commitments and Teaching Assistants are often undertaking the role in parallel with post-graduate studies. Consequently Teaching & Scholarship staff often have a need for flexibility from the College in the agreement of the volumes and timing of their work.

POLICY

To enable the College to respond swiftly, fairly and with minimal disruption to the widest group of employees, and to provide individuals with desired flexibility in their employment, contracts for Associate Tutors and Associate Lecturers (A&B) typically contain a clause allowing for a temporary adjustment in working time¹ by one third (33.3%), either by way of increase or decrease within each academic year (1st October to 30th September).

As per the Hours of Work Policy, the statement of terms and conditions of employment for Associate Tutors and Associate Lecturers (A&B) express Working Hours by reference to three figures: Base Annual Working Hours and those within an annual 33.3% higher and lower variation (Minimum Annual Working Hours and Maximum Annual Working Hours).

The Base Annual Working Hours represents the amount of working time which the College will strive to allocate on an annual basis to Associate Tutors and Associate Lecturers (A&B) who are employed on an open-ended basis. The accompanying process outlines how the College will endeavor to allocate Base Annual Working Hours and what will happen where this is not possible.

Variation by a maximum of 33.3% either above or below stated Base Annual Working Hours is accommodated within the variation contractual clause for a maximum consecutive period of two years, where this is necessary and where mitigating action has already been explored. If however, at the outset of a third consecutive year or during the course of that year, an individual's hours continue to be either successively up or down, a permanent adjustment may be made. In the case of a reduction either at the outset or during the course of a third consecutive year, the Teaching staff member has the option, rather than to accept a permanent reduction to Base Annual Working Hours, to terminate their contract and draw a severance payment.

¹ Where working hours are varied, pay and all other pro rata allowances and entitlements will be proportionately adjusted.

SCOPE

This policy applies to all Teaching & Scholarship staff whose terms and conditions of employment include a clause allowing for variation in hours.

MITIGATING ACTION

Where a potential reduction below Base Annual Working Hours is required by the College as a result of planned revised provision, every effort will be made to mitigate the need or extent of the reduction in hours by the following means:

- by not recruiting/assigning work to new Associate Tutors and/or Associate Lecturers (A&B) without first having explored the possibility of that work being undertaken by existing staff in this group.
- by exploring whether work provisionally assigned to other Research & Teaching staff (e.g. any whose hours it is anticipated will increase) can be re-assigned to those who face a potential drop in hours, to ensure the widest and fairest possible distribution of the available work to those able to undertake that work.
- where staff are engaged in the same role by more than one School or subject area and where their work will reduce in one area, by exploring the possibility of a temporary increase in the work offered in the other School subject area, so that the overall number of hours of total employment at the College or can be maintained or any reduction mitigated.
- by exploring the possibility of the allocation of a different working pattern or a revision of scheduling.
- the allocation of appropriate alternative work, as per the full range of duties outlined within the generic role profiles for Associate Tutors and Associate Lecturers (A&B), where there is a requirement for that work to be undertaken.

Where a potential reduction below Base Annual Working Hours is required by the College as a result of the withdrawal of a module at short-notice due to insufficient student enrolments, the following will be considered:

- the availability of suitable alternative work, either during that term or in subsequent terms. Such work may be like for like teaching or may involve other related work within the scope of the appropriate role profile.
- the possibility of the allocation of appropriate temporary additional work in the following academic year, particularly where a reduction is called for in the summer term.

NOTICE OF VARIATION

Where a variation from Base Annual Working Hours (up or down) is required by the College as a result of planned revised provision, the member of staff will be given written notice as a minimum in line with their notice period.

Where the reduction below Base Annual Working Hours is required by the College as a result of low student enrolments, T&S staff will be given written notice as soon as practicable, in line with the College's Redundancy policy. Between notice being given and the

teaching start date the module may still be held open by mutual agreement and ongoing consultation between the parties.

Where a reduction below Base Annual Working Hours is requested by the Teaching & Scholarship staff member, at least 4 weeks written notice will be given, in line with their notice period.

PAYMENT FOR WORK ALREADY UNDERTAKEN

In cases where a reduction in hours within the 33.3% range is required by the College and where preparatory work has already been undertaken (most typically in cases where the reduction is as a result of the withdrawal of a module at short-notice), payment will be made at the appropriate individual basic hourly rate as follows:

For an entirely new module or one that has been subject to major revisions and where the Teaching staff member has had sole or substantial input OR where it is the first time that the Teaching staff member has been engaged to deliver the module = **7** hours for a 15 CATS points module and = **14** hours for a 30 CATS points module

An established module where only standard revision and update has taken place and where the module has previously been delivered by the Teaching staff member = **2** hours for a 15 CATS points module and = **4** hours for a 30 CATS points module

The appropriate individual basic hourly payment is inclusive of the Annual Leave Multiplier.

Where a reduction in hours is required that is in excess of 33.3%, this will trigger a potential redundancy and if evidenced advanced preparatory work has already been undertaken payment will be a constituent part of the payment during notice. If however, an individual chooses to accept a permanent reduction in hours rather than potential redundancy, payment at the rates outlined above will be made.

VARIATION IN HOURS WITHIN A RANGE OF 33.3% BEYOND ONE YEAR AND SUBSEQUENT YEARS

The Base Annual Working Hours represents the amount of working time which the College will strive to allocate on an annual basis to those Associate Tutors and Associate Lecturers (A&B) employed on an open-ended basis.

Within the scope of the policy this variation is allowed for a period of two consecutive years either by way of increase or decrease by 33.3% above or below Base Annual Working Hours.

Reduction in hours at the behest of the College

If at the outset of a third consecutive year, or during the course of a third consecutive year the hours that can be offered are again lower than the Base Annual Working Hours (either as a result of planned revised provision or as a result of the withdrawal of a module at short-notice) but still within the 33.3% variability range, the employee will have the choice of the following two options:

- to accept a permanent adjustment to Base Annual Working Hours²

OR

- to elect to terminate the contract of employment and draw a voluntary redundancy payment in lieu of notice (see 'Severance option and payments' below).

In all such cases the Teaching & Scholarship staff member will be invited to a meeting to discuss the situation and the options available to them.

Severance option and payments

If, in the circumstances outlined above ('Reduction in hours at the behest of the College'), a Teaching & Scholarship staff member elects to terminate their contract of employment and to draw a voluntary redundancy payment, this will constitute a resignation. Notice will be waived in lieu of acceptance of the voluntary redundancy payment.

The voluntary redundancy payment amount will be calculated as follows:

The equivalent of two week's pay (including London Allowance, where applicable) for each full years of service. The two week's pay will be calculated at the full time equivalent rate of Base Annual Working Hours.

The payment will be not be subject to tax and National Insurance, within the tax-free limit for such payments.

Reduction in hours at the behest of the staff member

Those who wish to take a career break should submit an application under the College's Career Break Policy and their application will be given due consideration within the bounds of the Policy.

Associate Tutors and Associate Lecturers (A&B) can also request to vary their hours down, subject to giving the appropriate notice (see Notice of Variation) with the expectation that the College will attempt to match their Base Annual Working Hours in the following academic year.

If however, at the outset of a third consecutive year a Teaching staff member requests that their hours be varied down, this will only be undertaken as a permanent decrease to their Base Annual Working Hours.

It should be noted that such reductions may result in a break in continuity of service and a revision to contractual arrangements e.g. working for just one term per academic year.

Increase in hours at the behest of the College

If at the outset of a third consecutive year, or during the course of a third consecutive year the hours offered and worked are higher than the Base Annual Working Hours, a permanent increase will be offered (except in cases where the additional work existed only as a fixed-term undertaking e.g. sabbatical or maternity leave cover).

² It should be noted that a reduction to Base Annual Working Hours may lead to a break in continuous service and revised contractual terms and conditions.

VARIATION IN HOURS IN EXCESS OF A 33.3% INCREASE OR REDUCTION

Increase

Where an increase in working hours would be in excess of 33.3% of any Associate Tutors and/or Associate Lecturer's (A&B) Base Annual Working Hours a permanent increase may be offered, subject that:

- the increase does not run counter to any attempts at mitigating action for any other Teaching & Scholarship staff
- the additional work is anticipated as being an ongoing requirement

Where an increase in working hours in excess of 33.3% is required for a finite period of time e.g. to cover the work of a substantive role holder when on sabbatical or maternity leave, a temporarily amended or additional contract or letter will be issued to cover the work in question.

Reduction

Where it is anticipated that a required reduction in working hours would potentially be in excess of 33.3% of any Associate Tutors and/or Associate Lecturer's (A&B) Base Annual Working Hours, the College's Redundancy Policy may be invoked.

However, an individual may agree to a reduction in working hours in excess of 33.3% on either a temporary or permanent basis.

The College will only enter into such a discussion with an individual at a point after the Mitigating Action, as outlined in this policy, has been undertaken and shown not to achieve the intended result i.e. avoided the need for potential redundancy.

If the Teaching & Scholarship staff member agrees to a temporary reduction in working hours in excess of 33.33% the College will in subsequent years still strive to offer hours in line with the Base Annual Working Hours. If those hours cannot be matched at the outset of a third consecutive year, the Teaching & Scholarship staff member may choose to elect to take a voluntary redundancy payment calculated on the Base Annual Working Hours.

Whilst a case may be put by the College for a reduction in hours in excess of the 33.3% variation rate as outlined in this policy, there will be no coercion. If a Teaching & Scholarship staff member chooses not to enter into such an arrangement the College's Redundancy Policy will be invoked.

RESPONSIBILITY

Individual managers are responsible for ensuring that this policy is applied within their own area. Any queries on the application or interpretation of this policy must be discussed with HR Partners prior to any action being taken.

HR Partners will monitor the application of this policy and processes within their designated Schools and Departments.

The Director of Human Resources has the overall responsibility for ensuring the maintenance, regular review and updating of this policy. Revisions, amendments or

alterations to this policy will be negotiated with the Trade Unions and discussed with the appropriate HR Strategy and Policy Committee.

RELATED DOCUMENTS

- Hours of Work Policy
- Birkbeck College Redundancy Policy

POLICY REVIEW

Policy:	Variation in Hours – Teaching & Scholarship Staff
Applicable to:	All members of Teaching & Scholarship staff whose terms and conditions of employment include a clause allowing for variation in hours.
Equality Impact Assessment Date:	
Date Last Reviewed:	October 2012
Policy Management:	Human Resources
Approved by Governors:	
Future Review:	Variation percentage and full policy review January 2015