

Residency within the UK or Republic of Ireland Guidance

1. Introduction

This document provides guidance for managers when implementing the Residency within the UK or Republic of Ireland Policy for internal staff. The policy specifies that staff must be resident within the UK or the Republic of Ireland (RoI), in order to be eligible to work for the Open University.

2. Scope of this guidance

This guidance is specifically in relation to those instances where a member of staff either:

- Notices of a change of address, either within the UK or outside the UK
- Or requests a period of extended leave outside the UK, where there is a risk of work being undertaken.

In all cases where a member of staff provides this notification/makes such a request, the manager should follow these guidelines.

A separate guidance applies to Associate Lecturers.

3. Guidance for Line Managers

In all cases specified in Section 2, the manager must ensure that they treat the member of staff in a fair and consistent manner, following all relevant University policies and procedures.

The manager must initially undertake a full investigation to establish the facts of the situation. Wherever possible, this should involve a face-face conversation with the individual. In the rare instances where a face-face meeting is not possible, this conversation should be conducted over the telephone or via Skype/web-conference. Undertaking the investigation via written correspondence should only take place where all other options have been exhausted.

The purpose of the investigation is to explain the University's requirements of residency and to ensure that the distance the staff member will need to travel to/from work is not so great that it will significantly impair the staff member's ability to perform their duties. During the investigatory meeting/conversation, the manager must offer the member of staff the opportunity to state their case, whilst advising that their employment may be at risk if they do not meet the residency requirements of the University.

The manager must fully document their investigation, including any discussions that they have with the member of staff. Thereafter, full consideration must be given to all the factors involved before making a final decision regarding whether the residency requirements of the University have been met or not. The rationale for this decision must also be documented.

In all instances, where it has been decided that the residency requirements of the University have not been met, this decision must be explained to the individual staff member. A meeting/discussion with the staff member should follow, to explore whether there may be a mutually acceptable solution to the situation, within a time-period that is acceptable to the University.

In those instances where a mutually acceptable solution cannot be found, the manager will inform the staff member that their continued employment is now at risk, as they do not meet the residency requirements of the University. In such cases, the only course of action open to the manager is to apply the appropriate formal disciplinary policy, i.e. the Disciplinary Procedures for Academic and Academic Related Staff or the Disciplinary Procedures for Support Staff. The appropriate policy must be followed in full, prior to any decision to dismiss being taken.

4. Useful references

Annual Leave Policy
Annual Leave Guidance
Disciplinary Procedures for Academic and Academic Related Staff
Disciplinary Procedures for Support Staff
Residency within the UK or Republic of Ireland Policy
Associate Lecturers Moving out of Location: Guidance for Managers