

# Redundancy Procedures – Associate Lecturers

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## Introduction

Variations in individual Associate Lecturers' workloads will normally be managed within an upper and lower tolerance limit of workload compared to their contracted full time equivalent (FTE). When actual workload is below the lower tolerance limit, the University will seek to increase workload by allocating additional work, for example:

- professional development and scholarly activity
- supplementary pro-active student support as directed by the faculty
- fully or partially covering the work of an absent colleague
- peer support for an AL colleague as directed by the faculty
- other appropriate duties that come up within the academic year

However, redundancies might occur when the work available in the form of teaching duties and other essential duties within a subject area is not sufficient to sustain the total contracted FTEs of the Associate Lecturers allocated to the subject area. In that situation, the Associate Lecturers allocated to the affected subject area(s) will be potentially redundant.

## 2. The Open University Redundancy Policy

The Open University's Redundancy Policy is an umbrella policy that governs the redundancy procedures for all categories of staff. This procedure should be read in conjunction with the Redundancy Policy.

## 3. Mitigating Actions

In the event that potential redundancies are identified, the University will do everything in its power to avoid compulsory redundancies.

The University will consult with staff in the affected subject area and the OUBUCU to identify and investigate courses of action with the aim of avoiding, reducing or mitigating redundancies. This will include discussing some or all of the actions listed below:

- a. Identifying additional activities that Associate Lecturers could carry out to make up any work shortfall, including but not limited to those listed in Section 1 (above).
- b. Where reasonably practicable, re-distributing additional work across the Associate Lecturer cohort to Associate Lecturers within the affected subject area. The University would not normally (except in exceptional circumstances and in consultation with OUBUCU) increase an Associate Lecturer's workload within a subject area when other Associate Lecturers within the subject area are at risk of redundancy.
- c. Seeking volunteers for a temporary or permanent reduction in contracted FTE. Where an Associate Lecturer volunteers for a temporary reduction in FTE, they will return to their

- normal FTE at the end of the agreed period, without any detriment in future redundancy processes as a result of the temporary reduction.
- d. Depending on the circumstances, the use of targeted voluntary severance arrangements to reduce Associate Lecturer overcapacity in a particular subject area.
  - e. Training and development to take on additional work, additional subject areas within their faculty or other subject areas within other faculties.

This stage will operate for a specified period of at least 3 months except where agreed otherwise with the OUBUCU.

If none of these or other mitigating actions was successful in bridging the gap between the Associate Lecturers available to work and the work available within the affected subject area, then compulsory redundancy processes would be initiated.

#### **4. Selection for Redundancy**

In the event that compulsory redundancy processes are initiated, OUBUCU will be consulted on the selection criteria to be used.

The University will ensure that the redundancy selection criteria will be objective, fair and consistently applied. The University is committed to ensuring that the selection criteria will not discriminate against Associate Lecturers because of a protected characteristic. It will also be important to ensure that the criteria used are relevant to the business needs of the University and are consistent with:

- a) the retention of key skills and expertise;
- b) the delivery of an excellent student experience.

#### **5. Right of Appeal**

An Associate Lecturer may appeal against perceived unfair selection for redundancy. The Appeals Process is set out in the Appendix to this document.

# Appendix: Redundancy Appeals Process – Associate Lecturers

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## 1. Notification

An Associate Lecturer who wishes to appeal against the decision to terminate their employment on the grounds of redundancy must provide written notification to the University Secretary within 10 working days\* of notice of redundancy being issued. The letter should set out the grounds for the appeal.

This process only applies when an Associate Lecturer's employment is terminated in its entirety and does not apply to situations where there is an agreed reduction in workload.

## 2. Consideration of the Appeal

A Redundancy Appeal Committee will hear the appeal. The Committee will consist of an Executive Dean, who is unconnected with the faculty and has not been involved in the redundancy decision, a Senate-elected member of the Academic staff, and a Senate-elected member of the Associate Lecturer staff. The Committee will be supported by a member of People Services. Should any difficulties arise in establishing the Committee, alternative membership of the Committee will be agreed with the OUBUCU.

The Associate Lecturer will be invited to attend an appeal hearing and may be accompanied by a University colleague or a trade union representative. Notes will be made during the appeal hearing and copies will be made available on request by the Associate Lecturer after the appeal hearing,

In reaching a decision the Committee will review the proceedings to date, the information used to determine selection for redundancy and any additional information provided by the Associate Lecturer as part of the appeal process.

Where the Committee considers that further clarification is needed on any point, they will contact the relevant party for additional information.

## 3. Time-scales

Every effort will be made to hold the appeal hearing within 10 working days of its receipt and ideally before the date on which the Associate Lecturer's employment is due to end. If it is not possible to convene the appeal hearing before the date of termination, employment will not be extended pending the outcome of the appeal (see section 4 below). The Associate Lecturer will be notified in writing of any delay to the appeal process.

## 4. Outcome

The Committee will endeavour to provide the Associate Lecturer with the written outcome of the appeal within 10 working days of the appeal hearing being held. Where

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\* For the purpose of these calculations, working days are defined as Monday – Friday, excluding bank and public holidays and University closure periods.

this is not possible, a new timescale will be communicated to the Associate Lecturer, giving the reasons for the delay.

This communication will confirm whether the appeal has been upheld or dismissed and the reasons for reaching this decision.

Possible outcomes are:

- The Associate Lecturer is reinstated with full continuity of service and no loss of pay or other employment benefits. The Associate Lecturer will be required to repay any redundancy pay and pay in lieu of notice which has already been paid to them prior to the reinstatement.
- The appeal is not upheld and the redundancy process is concluded.

The Committee's decision will be final and there will be no further internal right of appeal.