

Residency within the UK or Republic of Ireland Policy

In order to ensure consistency of practice across the University, this policy sets out the University rules around residency and how they are applied. These rules apply to internal staff and Associate Lecturers, as well as any non-core employment relationships.

1. Introduction

The University has decided that it will not support employment outside of the United Kingdom or Republic of Ireland and it is therefore a condition of employment that all staff must reside in one of the following locations: England, Scotland, Wales, Northern Ireland or the Republic of Ireland (RoI), and provide the University with a permanent address, at which they can be contacted.

The University is committed to employing only those individuals who are legally allowed to work in the UK and has developed robust procedures to ensure that all necessary checks are undertaken to comply with UK Visa and Immigration (UKVI) requirements. In addition, due to the complexity of HMRC rules around the taxation of employment outside of the UK/RoI, the University must be able to demonstrate to relevant authorities and other parties that it is compliant with all such requirements and therefore not risk being liable to the significant penalties applied in the case of breaches.

In summary, to be eligible to work for University in the UK or Republic of Ireland, there are a number of pre-requisites which need to be met. These pre-requisites are determined by a combination of University Policy, employment legislation and immigration/HMRC rules.

2. Residency Records

The University requires all staff (including all Associate Lecturers) to provide a permanent residential address in England, Scotland, Wales, Northern Ireland or the Republic of Ireland. This must be a current address, where post can be delivered and received by the member of staff and it is the responsibility of all staff to ensure that their details are recorded correctly. It is not acceptable to record an address in the UK or RoI that is not a place of residency.

As the University is required to determine whether staff comply with residency requirements, it may ask for proof of residence. Typically, this would be a utility bill, council tax bill, entry in the register of electors or other documentary evidence that indicates residency at that address.

3. Location (and change of location) within the UK

Internal staff:

Staff members are normally expected to live within reasonable travelling distance of Walton Hall, Milton Keynes or any other permanent place of University employment.

Reasonable means a distance whereby travel to and from work does not significantly impair the member's ability to perform their duties.

Associate Lecturers with a face-to-face teaching requirement:

Associate Lecturers work from home to undertake the majority of their duties and therefore their permanent place of residence must be within the UK or RoI.

Appointments with a face-to-face teaching requirement will relate to a particular region or nation where tutorials are held. Associate Lecturers would normally be expected to live within the boundary of the region/nation to which they are appointed, and to be able to deliver tutorials to students at a tutorial venue within the location.

Should a member of Associate Lecturer staff wish to relocate outside of their appointing region/nation, they may apply to continue tutoring in their current location for a limited period of time. Please see *Associate Lecturers Moving out of Location: Guidance for Managers* for more detail.

Associate Lecturers with an online only teaching requirement:

Appointments that are delivered wholly online do not require an Associate Lecturer to live in a particular region/nation. However, their permanent place of residence must be within the UK or RoI.

4. Holidays and extended periods of unavailability outside of the UK/ROI

Internal staff and Associate Lecturer duties should not be undertaken during periods of annual leave/extended leave, or at any location/residence outside of the UK/RoI.

Annual leave is intended to provide a break from duties, therefore normal work should not be undertaken during this period. However occasional work-related emails or calls may be undertaken when on short holidays abroad provided that they are necessary, and do not result in the staff member carrying out the majority of their duties at a location outside of the UK/RoI.

Internal staff who wish to spend time outside of the UK/RoI in excess of their normal holiday periods should follow the University's unpaid leave procedure.

Associate Lecturers who wish to spend time outside of the UK/RoI in excess of their normal holiday periods may request Leave of Absence (personal) for up to one presentation.

5. Equality, Diversity and Inclusion

Policies are inclusive of all Open University staff, regardless of: race, sex, disability, age, religion or belief, sexual orientation, gender, gender identity, gender expression or gender reassignment.

6. Useful References

Immigration Guidance
Residency within the UK or ROI Guidance
Annual Leave Policy
Annual Leave Guidance
Terms and Conditions of Service for Associate Lecturers
Associate Lecturers Moving out of Location: Guidance for Managers
Unpaid Leave Policy
Unpaid Leave Procedure