

# Associate Lecturer Voluntary Severance Scheme Revised Policy and Procedures

## October 2021

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### Note

The ALVS Scheme Policy and Procedures were originally published in August 2019. A review of the ALVS scheme took place after Phase Two of the scheme closed. Given the increase in student numbers and the higher than anticipated level of interest in ALVS Phases One and Two, the University has negotiated amended terms with UCU and has jointly agreed this amended policy and procedures for the final merged phase of ALVS.

### 1. Introduction

The new Associate Lecturer (AL) contract will provide ALs with many additional benefits including improved terms and conditions, time for personal and professional development and an opportunity to integrate into the academic community. However, an Associate Lecturer Voluntary Severance (ALVS) scheme is also available during the migration period to the new AL contract, subject to the criteria for the scheme being met.

Council has delegated the decision to use the enhanced severance package to the University Secretary.

All requests for ALVS will be considered against a specific set of criteria and there is no automatic guarantee of acceptance. Requests will be agreed only if there is evidence to demonstrate that student support and student study experience on a module can be maintained or there are compelling personal reasons for the request. Therefore, putting in a request will not mean a guaranteed release from duties.

Further details of the criteria and process for consideration are provided below.

### 2. Aim

The aim of this final phase of the ALVS scheme is to provide an exit package for ALs who are considering ending their AL work with the University and who meet the criteria for release detailed below.

### 3. Eligibility to apply criteria

To be eligible to request ALVS, ALs must have at least one Every Presentation (or Alternate Presentation) appointment or be on leave of absence (Redundancy with Prior Consideration) as at 31 July 2019. There is no minimum service requirement.

The scheme is open to those who are on adoption leave, maternity leave, or shared parental leave, sick leave or a Leave of Absence (Personal and Redundancy).

The scheme is not open to ALs who only have a Single Presentation appointment, nor to anyone who has resigned or formally notified the University, before the eligible date, that they are retiring.

### Key AL Voluntary Severance principles

- ALVS will open for applications on 1 November 2021 and close on 10 January 2022.
- The University has the right to reject any request for ALVS.
- Leaving the University under ALVS requires mutual agreement.
- The live appointments of ALs who leave the University under the ALVS scheme will not be lost but could be replaced by offering additional work to existing ALs who are in a position to increase their permanent FTE. Exceptionally, they may be opened up to external recruitment.
- If an AL accepts ALVS, they will leave all AL employment and associated tuition related activities completely.
- Members of current OU staff who have work in another staff group (e.g. Academic, Academic Related) and who are also ALs, can request ALVS. If they are granted ALVS, they will stop all AL work (including tuition related activities) but will continue with their other OU work.
- An AL who accepts ALVS and leaves all OU employment completely will not be able to submit an application for any employment or associated tuition related activities at the OU until at least 12 months after leaving has elapsed. If an AL accepts ALVS, but maintains another role at the OU, they will not be able to submit an application for any AL-related work until at least 12 months after leaving their AL role has elapsed.
- Operational needs, specifically the quality of student support and the student study experience, will be the key factor in approving requests for ALVS.
- Leaving dates will be mutually agreed to ensure that under annualised salary arrangements, ALs will be paid for the work they have carried out during the academic year. For example, the leaving date of an AL who only works on the J presentation will be at the end of September not the end of June when modules end.
- Only one request for ALVS should be submitted per Associate Lecturer.
- Once this phase has been completed, the ALVS scheme for ALs will close.
- An AL accepted for ALVS will migrate to the new terms and conditions in August 2022 on their existing modular workload. ALs will leave at the agreed date and will not normally be offered any additional work. Where ALs are offered additional work before their leaving date, this could be a temporary uplift in hours to cover some temporary work, with no change to their FTE.
- An AL will not usually be able to leave mid-presentation as student experience must always be protected. However, there may be exceptional circumstances where presentations overlap, and mutual agreement is reached to end one or more appointments earlier than originally anticipated in order to facilitate module appointment adjustments.
- HMRC taxation rules permit voluntary severance payments of up to £30,000 to be paid free of tax. Any amount over £30,000 will be subject to normal deductions for tax and National Insurance.

## 5. Timeline for the final merged phase of ALVS

1 November 2021	ALVS opens
10 January 2022	ALVS closes
January 2022 – March 2022	ALVS consideration and ratification
4 March 2022	ALVS outcome letters sent
22 March 2022	Deadline for responses to ALVS offers to be returned
1 August 2022	Migration to the new AL terms and conditions for the start of the 22J presentation

## 6. ALVS application process

- ALs will be able to submit an online request form – available on the People Services Intranet – which will include the opportunity to state their case for release. If an AL is unable to access the online form, they should email [ALVS@open.ac.uk](mailto:ALVS@open.ac.uk).
- Based on module delivery details, Lead Line Managers will complete a recommendation form giving their recommendation to accept or decline the request. If the Lead Line Manager makes a recommendation to accept the request, they will provide evidence to show how the AL meets the release criteria and provide a recommended release date on the recommendation form.
- For the Lead Line Manager to carry out this recommendation process, they will need to liaise with the relevant Cluster Manager(s) and Tuition Task Manager(s).
- The Executive Dean of each Faculty will set up a Faculty Management Panel and appoint a Chair to consider all expressions of interest and the recommendation details that have been gathered. The Faculty Management Panel will decide whether an AL meets the release criteria below and confirm the release date is acceptable. The Faculty Management Panel will include:
  - Faculty Associate Dean (AD) as Chair
  - Faculty AL Contract Implementation Lead
  - Lead Line Manager\*
  - People Services representative\*\*
  - Independent, fully trained note-taker.

*\* A number of Lead Line Managers may need to attend panels in rotation to represent their cases only. They will need to liaise with the relevant faculties.*

*\*\* The People Services representative will be confirmed by the Head of AL People Programme and Industrial Relations.*

- In making their decisions, the panel will ensure that the student experience is not impacted, and the workloads of remaining ALs are managed effectively.
- The Faculty Management Panel will determine all leaving dates based on operational requirements, with leaving dates being no earlier than the end of a presentation and giving at least three months' notice.
- An Institution-wide panel will meet to consider all recommendations for ALVS to ensure that they meet the release criteria.
- Panel release decisions will be ratified by VCE.
- Where there are overlapping presentations or where an AL requests to decrease their workload, in exceptional circumstances, it may be appropriate for an AL to leave in the middle of a presentation.

The University will reject any request for ALVS which is not in the interests of the University. Expressions of interest will be monitored and the Associate Lecturer Negotiating Team (ALNT) will have oversight of the process to ensure there is no bias in the operation of the scheme.

## 7. Release criteria

Protecting the quality of student support and experience will be the priority in making decisions on accepting requests for ALVS. The quality of student experience will be determined based on:

- the ability to deliver tuition to students who have enrolled on modules
- feedback on assessment
- the quality of group tuition
- the quality of tuition delivered by remaining ALs not being adversely affected.

Requests for ALVS are more likely to be accepted where any of the following aspects apply:

- there is evidence of a decrease in student numbers and tutor:student ratios indicate that a reduction in tutors on a module can be accommodated.
- there is an area of curriculum that will no longer be required.
- there are compelling personal reasons to release the AL.

The release criteria for ALVS will be stringently observed and evidence on how these criteria are met must be provided to the Faculty Management Panel before they will agree to release an AL.

Live appointments of ALs who leave the University under ALVS will not be lost but will be replaced by offering additional appointments to existing ALs who are in a position to increase their permanent FTE. Exceptionally, they may be opened up to external recruitment.

### 7.1 Request can be accommodated

If the ALVS request can be accommodated, the Faculty Management Panel will make a recommendation to VCE to ratify the request and provide details on:

- How the work will be reallocated to other ALs or be covered by recruitment
- The appropriate timeframe for releasing the ALs.

### 7.2 Request cannot be accommodated

If the ALVS request cannot be accommodated, the AL will be notified in writing of the reason why their request cannot be accommodated. They will migrate to the new Associate Lecturer Terms and Conditions from August 2022 and continue their AL work with the University.

- ALs will be notified in writing of the reason why their request cannot be accommodated.
- ALs can request a review of the decision if they have information to be considered regarding their release from the University. They should complete the Review Request Form (Appendix A) and return it via the [ALVS@open.ac.uk](mailto:ALVS@open.ac.uk) email address.
- A Review Panel will be convened to review the AL's request. The Review Panel will consist of:
  - A Chair - an Associate Dean who has not been involved in the decision to turn down the AL's expression(s) of interest
  - An AL peer from a different module <sup>1</sup>

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<sup>1</sup> As part of the process there will be a list of ALs supplied by UCU and agreed by People Services who will receive full training to enable them to have a full appreciation of the ALVS scheme. They will receive payment and expenses for attending training and panel meetings. All panel members will be provided with training on the process and on equality matters so that they can act in a fair and equitable way.

- A member of People Services, not involved previously
  - An additional member with specialist knowledge of the subject area
  - An independent, fully trained note-taker.
- The outcome of the Review Panel will be the final stage of the ALVS consideration process.
  - There will be no right of appeal against the Review Panel decision and the grievance procedure will not apply to decisions made under the ALVS scheme.

### 7.3 Request is turned down by VCE

Where the Faculty Management Panel Chair makes a recommendation to VCE and there is an exceptional reason why VCE turns down a request, VCE will provide a clear written explanation of the reasons for this to the Faculty Management Panel Chair who will contact the AL to tell them the outcome. If the AL wants to receive feedback, they will be offered feedback and an opportunity to discuss the situation either face to face or online.

## 8. USS pension

There are clear requirements regarding USS pension rights that should be noted if an AL is considering submitting a request for ALVS.

The ALVS criteria make it clear that work that becomes available due to ALVS requests being accepted will be replaced. Therefore, this is not a redundancy situation and therefore USS redundancy rules do not apply.

Any individual holding more than one eligible employment under USS, including ALs accepting ALVS, cannot claim their USS pension until they have ceased all eligible employments. This means that as some ALs hold another eligible employment (or employments) either with the OU or another USS employer, which may be regular or otherwise in nature, they would have to cease that other employment (or employments) to claim their USS benefits.

This applies whether or not an individual is actually in USS membership in that other employment (or employments).

As a result, ALs who are aged 55 or over and who hold another eligible employment (or employments) under USS, might choose to claim an ALVS payment upon ceasing their AL role, but remain in employment with their other eligible employment (or employments). In this case, they would not be eligible to claim their USS pension.

Alternatively, an individual may choose to cease all eligible employments. In this case, subject to satisfying the other relevant criteria, they would be eligible to draw USS benefits.

We encourage ALs who are interested in ALVS and who wish to consider the pension implications of ceasing their AL employment, to contact the OU's Pensions Team at [FBS-Pensions@open.ac.uk](mailto:FBS-Pensions@open.ac.uk). Pensions are important, and individuals are encouraged to seek independent financial advice on their pension options and choices.

## 9. Statutory Redundancy Entitlement Calculator

The Government's Statutory Redundancy Entitlement Calculator table (Appendix B) shows the number of weeks' pay due for statutory redundancy payments. Please note: this calculator is utilised when calculating ALVS even though ALVS is not part of any formal, compulsory redundancy process.

For the ALVS payment calculations, the number of weeks' pay entitlement is determined by age and length of continuous service as at the agreed leaving date, as indicated on this table.

## 10. ALVS payment calculations

The University is offering the following enhanced terms for this ALVS scheme:

- The number of weeks' severance available will be two times the number of weeks' pay in the statutory redundancy pay table (with no weekly pay cap).
- Subject to a maximum of an AL's annual FTE salary as at 1 October 2021.
- For ALs with two years' continuous service or more as at their agreed leaving date, there will be a minimum severance payment of £2,600.
- ALs with less than two years' continuous service will be counted as having two full years' service, the minimum payment of £2,600 will not apply, and they will receive two times the number of weeks' pay indicated on the Statutory Redundancy Entitlement Calculator.

ALVS figures given in the offer letter sent to ALs and then accepted, will not be recalculated except that any cost of living increase will be added to the figure before it is paid.

### 10.1 Calculating the indicative ALVS payment

To calculate your indicative ALVS payment:

- Use your age and completed years of continuous service as at your leaving date to determine the number of weeks' pay you are due using the Statutory Redundancy Entitlement Calculator table (Appendix B).

Please note that it may not be possible to accommodate your requested leaving date, so ALVS offers will be based upon your agreed leaving date.

- For ALVS payment calculations, a week's pay is based on your FTE salary as at 1 October 2021. A week's pay is calculated by dividing your FTE salary by 52.
- The final figure will be detailed in your formal ALVS offer letter.

### 10.2 Example payment calculations

An AL has an FTE salary of £7,241. This is divided by 52 to give the weekly pay of £139.25.

If the AL is aged 45 and has 10 full years of continuous service, then using the Statutory Redundancy Entitlement Calculator table (Appendix B), they will be eligible for 12 weeks' pay under the statutory redundancy pay scheme. The University will double the number of weeks' entitlement, so they will be due 24 weeks' pay. This would be  $24 \times £139.25 = £3,342.00$ .

If the AL is aged 61 and has 20 full years of continuous service, then using the Statutory Redundancy Entitlement Calculator table (Appendix B), they will be eligible for 30 weeks' pay under the statutory redundancy pay scheme. The University will double the number of weeks' entitlement, so they will be due 60 weeks' pay. This would be  $60 \times £139.25 = £8,355.00$ . However, as this is more than the AL's FTE salary, they would receive £7,241.00.

## 11. ALVS and migration to the new AL Terms and Conditions

If an AL is accepted for ALVS and given a future leaving date, they will migrate to the new AL Terms and Conditions on the formal migration date. They will continue to teach their current modules only and then take voluntary severance on their agreed leaving date. These ALs will not be required to complete the skills audit or the AL profile, and will not normally be allocated new work through the AL workload management system.

## **12. Special circumstances**

There may be some circumstances where the impact on the student experience means that exceptions to this policy and procedure may be necessary. These exceptions will be identified and agreed with UCU before appropriate action is taken.

## **13. Scheme monitoring**

The scheme will be monitored by the following joint Union/management groups, while they are in place:

- AL Negotiating Team (ALNT)
- Employment Policies and Procedures Negotiation Group

# Appendix A: AL Voluntary Severance Review (ALVS) Request Form

Complete this form if your request for ALVS has been declined and you would like the decision to be reviewed.

There is no guarantee that the decision will change as a result of this information.

Name:		Employee ID:	
Name of Lead Line Manager:		Unit:	

Please provide details of any additional information you would like to be considered below

Click here to enter text.

Please return the completed form to [ALVS@open.ac.uk](mailto:ALVS@open.ac.uk).

## Next steps

The Review Panel will consider the information provided and make a decision on whether your request can be accommodated.

The decision of the Review Panel will be the final stage in the consideration phase.



# Appendix B: Statutory Redundancy Entitlement Calculator

Service is in whole years, except where service is below two years, in which case service up to two years will be counted as two years. This calculator is utilised when calculating ALVS, even though ALVS is not part of any formal compulsory redundancy process.

Age	Service (Years)																			
	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	
17	1																			
18	1	1½																		
19	1	1½	2																	
20	1	1½	2	2½	-															
21	1	1½	2	2½	3	-														
22	1	1½	2	2½	3	3½	-													
23	1½	2	2½	3	3½	4	4½	-												
24	2	2½	3	3½	4	4½	5	5½	-											
25	2	3	3½	4	4½	5	5½	6	6½	-										
26	2	3	4	4½	5	5½	6	6½	7	7½	-									
27	2	3	4	5	5½	6	6½	7	7½	8	8½	-								
28	2	3	4	5	6	6½	7	7½	8	8½	9	9½	-							
29	2	3	4	5	6	7	7½	8	8½	9	9½	10	10½	-						
30	2	3	4	5	6	7	8	8½	9	9½	10	10½	11	11½	-					
31	2	3	4	5	6	7	8	9	9½	10	10½	11	11½	12	12½	-				
32	2	3	4	5	6	7	8	9	10	10½	11	11½	12	12½	13	13½	-			
33	2	3	4	5	6	7	8	9	10	11	11½	12	12½	13	13½	14	14½	-		
34	2	3	4	5	6	7	8	9	10	11	12	12½	13	13½	14	14½	15	15½	-	
35	2	3	4	5	6	7	8	9	10	11	12	13	13½	14	14½	15	15½	16	16½	17
36	2	3	4	5	6	7	8	9	10	11	12	13	14	14½	15	15½	16	16½	17	
37	2	3	4	5	6	7	8	9	10	11	12	13	14	15	15½	16	16½	17	17½	18
38	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	16½	17	17½	18	
39	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	17½	18	18½	19
40	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	18½	19	
41	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	19½	
42	2½	3½	4½	5½	6½	7½	8½	9½	10½	11½	12½	13½	14½	15½	16½	17½	18½	19½	20½	
43	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	
44	3	4½	5½	6½	7½	8½	9½	10½	11½	12½	13½	14½	15½	16½	17½	18½	19½	20½	21½	
45	3	4½	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	
46	3	4½	6	7½	8½	9½	10½	11½	12½	13½	14½	15½	16½	17½	18½	19½	20½	21½	22½	
47	3	4½	6	7½	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	
48	3	4½	6	7½	9	10½	11½	12½	13½	14½	15½	16½	17½	18½	19½	20½	21½	22½	23½	
49	3	4½	6	7½	9	10½	12	13	14	15	16	17	18	19	20	21	22	23	24	
50	3	4½	6	7½	9	10½	12	13½	14½	15½	16½	17½	18½	19½	20½	21½	22½	23½	24½	
51	3	4½	6	7½	9	10½	12	13½	15	16	17	18	19	20	21	22	23	24	25	
52	3	4½	6	7½	9	10½	12	13½	15	16½	17½	18½	19½	20½	21½	22½	23½	24½	25½	
53	3	4½	6	7½	9	10½	12	13½	15	16½	18	19	20	21	22	23	24	25	26	
54	3	4½	6	7½	9	10½	12	13½	15	16½	18	19½	20½	21½	22½	23½	24½	25½	26½	
55	3	4½	6	7½	9	10½	12	13½	15	16½	18	19½	21	22	23	24	25	26	27	
56	3	4½	6	7½	9	10½	12	13½	15	16½	18	19½	21	22½	23½	24½	25½	26½	27½	
57	3	4½	6	7½	9	10½	12	13½	15	16½	18	19½	21	22½	24	25	26	27	28	
58	3	4½	6	7½	9	10½	12	13½	15	16½	18	19½	21	22½	24	25½	26½	27½	28½	
59	3	4½	6	7½	9	10½	12	13½	15	16½	18	19½	21	22½	24	25½	27	28	29	
60	3	4½	6	7½	9	10½	12	13½	15	16½	18	19½	21	22½	24	25½	27	28½	29½	
61+	3	4½	6	7½	9	10½	12	13½	15	16½	18	19½	21	22½	24	25½	27	28½	30	