

THE COUNCIL

Minutes

This paper presents the confirmed Minutes of the meeting of the Council held by correspondence between 11 – 18 December 2018 at The Open University, Walton Hall, Milton Keynes.

The Council **approved** the Minutes as a correct record at its meeting on 5 March 2019.

Dr Jonathan Nicholls
University Secretary

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Attachments:

C-2018-07-M Minutes of the meeting of the Council held by correspondence between 11-18
December 2018

THE COUNCIL

Minutes of the meeting of the Council held by correspondence between 11-18 December 2018

- Present: Mr R Gillingwater (Chair), Professor M Kellett (Vice-Chancellor), Mrs C Stockmann (Treasurer), Ms C Brown (President, OU Students Association), Mr S Begbie, Professor J Brooks (Vice-Chair), Dr J Byford, Mrs F Chetwynd Mrs M Curnock Cook, Mr J D'Arcy, Ms Maggie Galliers, Ms R Girardet, Mr P Greenwood, Dr R Heffernan, Ms A Henderson, Mrs R Lock, Mr D T Parry, Mr R Spedding, Dr B Tarling, Dr G Walker, Professor J Wolffe
- In Attendance: University Secretary, Head of Governance, Senior Manager, Governance (Working Secretary)
- Apologies: None

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| 1 | ASSOCIATE LECTURER CONTRACT NEGOTIATIONS | C-2018-07-01 |
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- 1.1 The Council welcomed the progress made in the negotiations for a new associate lecturer (AL) contract.
- 1.2 Several members observed that insufficient information had been provided about implementation and on risk, one of the Council's primary responsibilities. It was also noted that the Council had not been presented with a draft of the new contract, but an edited version of the existing standard academic terms and conditions which did not include the specific provisions relating to ALs as described in the paper.
- 1.3 In response to these comments additional information that had been presented to the Vice-Chancellor's Executive (VCE) on 6 December 2018 was provided to Council members on 14 December 2019.
- 1.4 Members observed that it was essential that the University realised any potential benefits offered by a new AL contract to improve the student experience, particularly regarding retention and progression, and that it avoided any detrimental impact on student learning. Whilst the additional material provided some reassurance around implementation and risk, some members felt it was not comprehensive in this respect.
- 1.5 Some members suggested that such a complex matter would be better dealt with at the next face to face meeting (5 March 2019); others were content that due diligence had been undertaken and did not favour a further delay. It was noted that the gap between the meetings in November and March, which had also been raised at the previous Council meeting, was not ideal and scheduling an additional meeting might be a sensible future reform. Moving forward, the Senate should be asked to comment on the operational and academic issues, and the Council should receive regular reports on progress with implementation.

- 1.6 Members raised a number of specific queries; HR and AL Services provided some responses by correspondence and through individual telephone conversations.
- 1.7 A member noted that there might be an increase in the number of ALs obliged to teach a new module with which they were not familiar. HR/AL Services responded that any reallocation would be agreed between the AL and their line manager, and would be subject to the requirements of the module person specification and access to staff development as appropriate.
- 1.8 In response to a member's query, HR confirmed that the reallocation of the work of ALs who resign, retire or die in service to existing ALs would only be possible if the existing ALs had the relevant qualifications and skills, and were prepared to take on more work. Another member said that it would be helpful to understand how the new contract would address the age profile of ALs (the median was late 50s, with a significant proportion over 70) and combat the significant recruitment issues that would be faced by the University over the next decade.
- 1.9 Responding to a question about the reallocation of work for those ALs with a workload of greater than 1.3FTE, HR reported that both the University and the Universities and Colleges Union (UCU) wished to uphold the 48-hour working week under the working time directive (WTD); but had also agreed that no AL would be financially disadvantaged in the change from the old to the new contract. Consequently, the small number of very large fractional AL contracts would be honoured at the point of transition, with the caveat that these ALs should opt out of the WTD and should not be allocated any new additional work. Appointments made under the new contract would be raised within the terms of the WTD.
- 1.10 A member noted that many ALs were academics or practitioners permanently employed by other institutions on contracts that would preclude them from having another permanent contract of employment. There was a risk that, under the new arrangement, the University would be unable to retain such highly qualified and experienced tutors.
- 1.11 Responding to a member's query, HR confirmed that releasing ALs and their line managers from the current AL recruitment process would represent a significant reduction in administrative activity. The test and learn pilot processes for the AL skills audit and profile building and workload allocation would seek a light touch approach for both ALs and line managers supported by a workload management system
- 1.12 Members commented that the new contract would require a significant change in culture and ways of working within faculties and module teams. HR responded that full faculty engagement in the pilot skills audit, AL profile building and workload allocation in the period after the UCU ballot close and a likely implementation date in 2020/21 would provide an opportunity for them to shape the nature of the relationship between ALs, their line managers and their faculties, and the way in which ALs became members of academic communities
- 1.13 In response to a member's query, HR said that the need for AL line manager engagement in implementation had been recognised and would be reflected in the allocation of resource to faculties in the implementation plan. Members of VCE had emphasised that prioritisation of the contract implementation in relation to other initiatives would be critical to successful implementation, and any conflicts should be carefully managed. Some initial prototyping or feasibility work on systems and processes had been undertaken by the negotiation team, but further planning would not be undertaken until it was clear that the new contract had been accepted by UCU and it was possible to engage the skills and knowledge of colleagues across the University, and in particular of AL managers.

- 1.14 HR also confirmed that the management side of the current AL contract project team, which included faculty, HR and Academic Services colleagues, was in discussion with colleagues working on Core Systems Replacement (CSR) as to how the requirements for the new AL contract would be incorporated into the CSR programme.
- 1.15 A member remarked that the potential for giving teaching opportunities to doctoral students was not a benefit of the new contract: these students could already be awarded AL teaching contracts if they met the necessary criteria. Whilst such opportunities provided career advantages to PhD students, the potential impact on the success of an undergraduate student at the OU was far more significant than it would be on one at a conventional university: the AL was an OU student's only named contact, whereas a doctoral student tutor would be just one of many contacts for a student at another institution. Acknowledging the importance of the undergraduate student experience, another member responded that it was necessary to balance this against the concerns of the University's PhD students who were being denied opportunities open to their peers in other institutions, which in turn affected their career prospects and the OU's postgraduate recruitment and satisfaction ratings. It would be helpful to understand how the new contract would help to address this increasingly pressing issue.
- 1.16 The Council **approved** the agreement reached between the University and the OUBCUC on a new employment contract for Associate Lecturers.

2 PRO-CHANCELLOR APPOINTMENT

C-2018-07-2

- 2.1 Mr Paul Greenwood declared an interest, as he had a prior work relationship with the candidate. Mr Greenwood abstained from the vote.
- 2.2 The Council **approved**:
- a) the recommendation of the Pro-Chancellor Appointment Committee for the appointment of Malcolm Sweeting as Pro-Chancellor of The Open University from 1 January 2019 for an initial term of four years; and
 - b) the appointment of Malcolm Sweeting as Chair of the Joint Committee of the Council and the Senate to appoint the Vice-Chancellor.

3 DATE OF NEXT MEETING

The next ordinary business meeting of the Council will be held on Tuesday 5 March 2019 at The Open University offices in Nottingham. There will be a Council Dinner on Monday 4 March 2019.

4 DECLASSIFICATION OF COUNCIL PAPERS

The following papers should remain confidential until the content had been communicated to the University community:

C-2018-07-01	Associate Lecturer Contract Negotiations
C-2018-07-02	Pro-Chancellor Appointment

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University Secretary

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