WORKPLACE AGREEMENT

**25 OCTOBER 2022**

PERMANENT CONTRACTS FOR RESEARCH STAFF ON FIXED TERM CONTRACTS.

1. **Preamble.**

The University is committed to offering permanent contracts to as many fixed-term Contract Research Staff (CRS) as is possible.

Between June and September 2022, negotiations took place between the University and UCU to agree arrangements to enact this commitment. Both parties agree that the negotiations took place in a constructive and collegial manner. The negotiations covered a number of issues:

* Career development opportunities for researchers that can support employment security in the long term.
* The pathway to permanency for fixed-term CRS.
* The process for reviewing funding and identifying potential redundancies for fixed-term and permanent CRS.
* Transition arrangements for providing bridging funding between externally funded projects and the mechanisms for doing that.
* Consultation arrangements where it is identified that posts occupied by permanent researchers are at risk of being made redundant.

Agreement has been reached on these issues. The purpose of this Workplace Agreement is to ensure that the University, UCU and the affected staff have a shared understanding of how these issues will be handled.

It is noted that fixed-term researcher posts are usually externally funded, project-based positions and legislation already exists, which underpins the right of fixed-term contract employees to request permanency after 4 years, if the employee is on at least their second contract, or the fixed-term contract under which they are employed has been previously renewed. This Workplace Agreement does not interfere with the employee’s statutory right to request permanency under the Fixed Term Employees (Prevention of Less Favourable Treatment) Regulations 2002.

It is recognised that there is no single career pathway for CRS. Some may see a future as a Lecturer, some may wish to move into industry, some may wish to have a career in artistic or professional practice, and some may wish to remain as CRS. The University recognises the legitimacy of each of these pathways and will build developmental interventions to support CRS on their chosen pathway throughout their research career at Ulster University. Work on creating a process to develop these interventions will commence with UCU through the JNC.

The University recognisees the valuable contribution Contract Research Staff make to the institution, and are committed to retaining this talent and skills base, and for those who wish to pursue their career at Ulster University, a pathway to permanency has been developed.

1. **Pathway to permanency**

Where staff have 6 years or more service (on two or more fixed term contracts) they will be considered for permanency. It is noted that the review group who will be considering staff for permanency will be basing the decisions on length of service and availability of external funding to support the posts. The panel will not be considering individual research outputs or performance in the post.

**2.1 Initial implementation phase (Autumn 2022)**

An initial meeting will take place to review the list of current fixed term CRS members. The attendees will include the Associate Dean (Research) with the Research Director for the UoA and the People Partner (plus additional member if required to ensure the panel has a diverse and inclusive membership).

They will seek to confirm permanency for those with 6 or more years’ service (on two or more fixed term contracts) and those with more than 5 years’ service with a current contract end date which would take them beyond 6 years. If however the University has good reason to believe that the post will be at imminent risk of redundancy at the 6 year point (see definition of ‘at imminent risk of redundancy’ below) permanency will not be confirmed.

While it is expected that the vast majority of CRS with 6 years’ service will be offered a permanent contract there may be some exceptional circumstances where this may not be appropriate.

If, for either those with more than 6 years’ service or those with more than 5 years’ service, the University has good reason to believe that the post is at imminent risk of redundancy then permanency will not be offered at this point and the “Guidance for the ending of fixed term contracts” will be followed. (The phrase ‘at imminent risk of redundancy’ will normally be interpreted as situations where funding for the post is expected to end within the next 6 months).

Those not offered permanency may request a review of the decision. The review will be undertaken by either the Executive Dean or the PVC Research. The opportunity to request a review applies at both the initial implementation phase (section 2.1 of this agreement) and the normal operation phase (section 2.2 below). The union and/or the member staff can make representations to the Executive Dean or the PVC as part of the review. The decision arising from this review will be final.

When the permanent CRS contract is issued, it will be accompanied by a cover letter which will indicate that if the funding becomes exhausted, the post may be at risk of redundancy.

**2.2 Normal Working of the Agreement**

Under “normal” working of the agreement beyond the first phase, permanency will only be considered for those with 6 years’ service (on two or more fixed term contracts).

The People Partner for the Faculty will review the CRS list on a quarterly basis and notify the Associate Dean (Research) if any CRS member will be reaching 6 years’ service in the coming 6 months.

The Associate Dean (Research) with the Research Director for the UoA (plus additional member if required to ensure the panel has as diverse and inclusive membership) will review the list at their quarterly meeting.

The normal expectation is that a CRS member who has more than 6 years’ service (on two or more fixed term contracts) will automatically be offered permanency.

The People Partner will also alert the Faculty to CRS who have 5 years’ service, so that the provisions of this agreement can be drawn to the attention of researcher, and in particular alert them to the normal expectation of permanency for CRS with more than 6 years’ service (as outlined in the paragraph above). Staff with 5 years’ service will be offered support and guidance to help identify and secure funding and other opportunities to assist the pathway to permanency.

Appropriate arrangements for sharing data with the union, on staff with 4 or more years’ service, will be determined by JUCNC.

While it is expected that the vast majority of CRS with 6 years’ service will be offered a permanent contract there may be some exceptional circumstances where this may not be appropriate. In particular it will not be appropriate to offer a permanent contract if the University has good reason to believe that the post is at imminent risk of redundancy.

When the permanent CRS contract is issued, it will be accompanied by a cover letter which will indicate that if the funding becomes exhausted, the post may be at risk of redundancy.

For staff with less than 6 years’ service the normal “Guidance for the ending of fixed term contracts” (i.e. 6, 3, 1 process) will continue.

1. **The process for reviewing funding and identifying potential redundancies for fixed-term and permanent research staff.**

It is accepted that there may be occasions when funding challenges may present themselves and these challenges may have an impact on the ability of the University to retain the permanent research staff in a particular discipline.

It is hoped that this will occur very infrequently, however it is agreed that there should be a clear agreed mechanism to try to address these challenges at an early stage to avoid them leading to redundancy.

If the potential for a redundancy situation does not look like it can be avoided the process outlined below should ensure clarity on how the University will deal with such scenarios.

On a quarterly basis the Associate Dean (Research) with the Research Director for the UoA (plus additional member if required to ensure the panel has a diverse and inclusive membership) will review the research funding projects/budget forecasts alongside research project funding applications submitted and in progress.

The reviews will look forward at least 6 months (short term) as well as longer term to encourage research centres to horizon scan for funding opportunities that ensure the protection of employment for the permanent research staff as well as funding to support new contract research staff as they begin their careers. This panel will be supported by R&I and P&C teams.

Where a deficit in future research funding is identified, which has the potential to impact on the need for research staff to support activities of a specific kind, ADRI and RDs will work with the research centres to identify alternative funding streams.

Where a researcher is working on a project that is coming to an end but has the skills and experience to support projects which have funding and require additional support, every effort will be made to move the researcher to that project. This could happen regularly throughout the course of employment and may include the researcher moving to undertake projects in another school or faculty where it is identified that the researcher has the relevant skills to support such projects.

1. **Consultation arrangements where it is identified that permanent CRS posts are at risk of redundancy.**

Where there is no suitable alternative projects/funding source (or if movement onto other projects is not agreed by the researcher), the panel will identify who is potentially at risk of redundancy and the RD (supported by P&C) will engage in consultation with the researcher(s) to:

* explain the current research funding issues
* clarify potential for further research funding within and beyond the current UoA/school/faculty
* explore interest in potential redeployment opportunities
* explore interest in VR at the end of current project (should no extension of funding for the specific or similar projects be identified).
* explore the skills / experience of the affected researcher to ensure they can be identified for opportunities arising within their current UoA / Faculty and across the University
* offer support, in line with the principles of the concordat, to help the researcher develop their skills and their own funding proposals and/or to actively contribute to funding proposals with others in their research group.

The pool of those who would be identified as potentially at risk would be those who are engaged in a role which is wholly or mainly linked to the project activity for which funding is ending. The University and the Union agree that the pool will not normally include academic staff.

Consultation with Recognised Trade Union(s) will also begin at this stage and staff will have the right to be accompanied at the consultation meetings (by a trade union representative or work colleague) when they will receive formal notice that their post is at risk of redundancy.

It is anticipated that concerns of this type would usually be highlighted at least 6 months in advance of the current funding streams of the project the researcher(s) is working on coming to an end.

It is noted that an additional 6 months of funding support will be offered by the University as a bridging period to allow some additional time for the outcome of funding proposals to be confirmed and/or to allow researchers the opportunity to seek alternative sources of funding for their research activities.

Throughout this period (i.e. the six month period prior to bridging commencing and the six month bridging period) the researcher will have access to the redeployment opportunities (which can be applied for via the portal).

A second meeting with the RD (supported by P&C) will take place with the researcher 3 months before the end of the current project funding to identify progress and:

* explain the current research funding issues
* clarify potential for further research funding within and beyond the current UoA/school/faculty
* explore interest in potential redeployment opportunities
* explore interest in VR at the end of current project (should no extension of funding for the specific or similar projects be identified).
* explore the skills / experience of the affected researcher to ensure they can be identified for opportunities arising within their current UoA / Faculty and across the University
* offer support, in line with the principles of the concordat, to help the researcher develop their own funding proposals and/or to actively contribute to funding proposals with others in their research group. This will include an offer of support in developing a personal skills profile.

At the end of the project funded period/start of the bridging period the researcher will have a further consultation meeting covering the same topics, if there is no suitable alternative projects/funding source found prior to this (or if movement onto other projects is not agreed by the researcher or redeployment opportunities have not become available or availed of).

Throughout the bridging period the researcher will continue working on research projects and related dissemination / impact activities within their discipline area, while spending a proportion of their time on career development, upskilling, and additional grant writing/support for funding proposals.

Further consultation meetings will take place 3 months and 1 month before the end of the bridging period to cover the same topics as before.

If appropriate, consideration will be given to the potential for bumping redundancies. In all cases where a bumping redundancy is being considered, the matter will be referred to the Senior Leadership Team or the Chief People Officer and the Deputy Vice-Chancellor for consideration and approval.

At any time during the bridging period the researcher can avail of Voluntary Redundancy.

When all other options (as outlined above) have been exhausted, the only other option available will be to move to compulsory redundancy. The potential pool of staff for consideration at this stage will be staff who are engaged in a role which is wholly or mainly linked to the project activity for which funding is ending. The University will move to step 4.7 of the Redundancy Policy. UCU reserves the right to oppose any redundancies.

This agreement will be formally reviewed 24 months after it is implemented.

**Flowchart 1**

**Pathway to permanency**

People Partner provides summary report of all Fixed term CRS to Faculty panel (ADRI & RD) on a quarterly basis highlighting those with 5 and 6 years service.

Panel to clarify exceptional reason to justify not offering a permanent contract and information to be shared with CRS member

Is there a good reason to believe that the post is at imminent risk of redundancy?

Yes

No

Permanent contract offered with covering letter outlining caveat regarding funding.

CRS member has 6 years’ service and 2 or more fixed term contracts

**TIMELINE WHERE IT IS IDENTIFIED THAT PERMANENT CRS POSTS ARE AT RISK OF REDUNDANCY.**

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| --- | --- | --- |
| Stage | Time | Details |
| Stage One – ongoing monitoring |  | Research Management provides summary report to Faculty panel (ADRI & RD) of all funding budgets and forecasts to which Permanent and fixed term researchers are linked, on a quarterly basis.  It is anticipated that the Faculty panel will support PIs to seek new funding streams to ensure ongoing funding for permanent research staff and research staff will transfer from one project to another (within their skillset and discipline area). |
| Stage Two – Post identified as POTENTIALLY at risk of redundancy | 6 months before end of current project | If there is a deficit in the funding available to support a permanent researcher (within their discipline) and no alternative projects to switch them onto at the end of the currently funded project, the researcher will be invited to a meeting and notified their post is potentially at risk of redundancy.  Three meetings will take place throughout this 6 month period and the researcher will be given clarity on current and future research funding issues; provided with the opportunity to explore redeployment opportunities; offered VR at the end of current project (should no extension of funding for the specific or other projects for which the researcher has the skills to support be identified or if movement onto other projects is not agreed by the researcher or redeployment opportunities have not become available or availed of). |
| Stage Three – Bridging Period | 6 months | An additional 6 months of funding support will be offered by the University as a bridging period at the end of the “project funded” 6 month consultation period to allow some additional time for the outcome of funding proposals to be confirmed and/or to allow researchers the opportunity to seek alternative sources of funding for their research activities.  The researcher will be expected to support other research projects within the school and will be afforded time to undertake development activity in line with concordat commitments.  Two further meetings will take place throughout this 6 month period and the researcher will be given clarity on current and future research funding issues; provided with the opportunity to explore redeployment opportunities; offered VR (should no extension of funding for the specific or other projects for which the researcher has the skills to support be identified or if movement onto other projects is not agreed by the researcher or redeployment opportunities have not become available or availed of). |
| Stage Four – Compulsory Redundancy  (if VR offer not accepted) | 1 month | If it is confirmed that the researcher will not accept VR at the end of the bridging period (should no extension of funding for the specific or other projects for which the researcher has the skills to support be identified or if movement onto other projects is not agreed by the researcher or redeployment opportunities have not become available or availed of), appropriate consideration will be given to the potential for bumping redundancies within the research group. The option of VR will remain available during stage four.  When these options have been exhausted, the only other option available will be to move to compulsory redundancy. The pool of those who would be identified as potentially at risk would be those who are engaged in a role which is wholly or mainly linked to the project activity for which funding has ended. The University and the Union agree that the pool will not normally include academic staff. The University will move to step 4.7 of the Redundancy Policy. |