HR policy briefing
23 May 2024
Agenda

• New legislation
• Reminders (Fixed-term contracts)
• Wellcome requirements on Bullying and Harassment
• Training/briefings
• Holiday pay
• General updates
• Updates from Researcher Hub
• Update from HR Systems

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New Legislation: 6 April 2024

As advised previously a number of significant legislative changes came into effect on the following areas of HR Policy:

• Paternity Leave
• Protection from Redundancy (for those whose are pregnant, or are new parents)
• Carer’s Leave
• Flexible Working
• Holiday Pay
New Legislation: Paternity Leave

• For children born or placed on adoption after 6 April 2024 paternity leave can be taken either as a 2 week or as 2 x 1 week blocks.

• The period within which the leave can be taken has been extended from 56 days to 52 weeks after birth/placement.

• The notification periods have also changed:
  o now only need to give 28 days’ notice (previously 15 weeks before EWC)
  o dates booked can be changed with at least 28 days’ notice.

• If employment has started with the University within the first 52 weeks after the child is born/placed and the 2 weeks has not been used, they may carry over any unused portion from their previous employer.

See the full updated guidance: Paternity leave.
New Legislation: Redundancy Protection

• From 6 April 2024 redundancy protection for new parents has been extended.
• Previously this just covered those on maternity/adoption leave.
• Now covers pregnancy, those on maternity/adoption leave or a block of shared parental leave of at least 6 weeks, and anyone who has returned to work from one of these forms of leave and is still within 18 months of the birth/placement of the child.
• As previously this group have priority over any other candidate, inc internal/priority candidates
• The protected period:
  • starts when an employee tells their employer that they are pregnant
  • ends 18 months from date the baby is born/placed
• This protection applies even where the employee has less than 2 years' service
  • If an employee at risk of redundancy has less than 2 years' service you may need to ask them if they fall into one of the protected groups.
  • Be wary of assumptions! Remember that ShPL can be taken by people of any gender and age - do not use a ‘best guess’ approach.
• The web guidance has been updated. The necessary template letters are being updated – check the website for further information.
• We are reviewing the priority candidate process to emphasise the requirements re: priority candidates.

See Redundancy procedure | HR Support (ox.ac.uk) and Priority candidates | HR Support (ox.ac.uk)
New Legislation: Carer's Leave

• New statutory entitlement to 1 week per annum unpaid carer's leave which can be taken in blocks of minimum half a day.

• The University's pre-existing carer's leave scheme already offers up to 4 weeks unpaid leave per annum.

• The scheme guidance has been updated to incorporate the new statutory entitlement, including:
  • making this a Day One entitlement
  • reflecting that the first week can be taken in 0.5 day chunks; the rest in full weeks.

• As a reminder:
  • Staff may also have up to 5 days paid leave per year to deal with ‘domestic emergencies and periods of acute caring needs’ (see Section 4 of the staff handbook)
  • There is a statutory entitlement to unpaid emergency time off for dependants (see Leave for other reasons | HR Support (ox.ac.uk))

• A new working carers Teams channel has been set up and has 90 members already.

See the full updated guidance including details of the Teams channel at Support for carers | HR Support (ox.ac.uk)
New Legislation: Flexible Working

• Most flexible working applications at the University are informal.
• But, as of 6 April 2024, employees can now make a statutory formal request to make permanent changes from day 1 of employment and can make 2 formal flexible working applications in any 12 month period.
• The periods for applications to be considered has been significantly reduced so that the process, including any appeal, must be completed within 2 months (rather than 3 months).
• The information to be provided by the individual has also been simplified (applicants no longer need to comment on the impact of their requested changed working pattern).
• Reminder: good practice to consider whether vacancies can be offered on a part-time basis, to be accessible to those needing part-time for eg family/caring or health/disability reasons.
• Introduction of Day 1 – early consideration of required hours is more important. Where it is determined that, objectively, the post is needed for a particular fixed-hour working pattern, record the reasons for this so you can respond promptly to any Day 1 requests.
• The full flexible working guidance and associated templates have been updated including a new recommended time scales to deal with each stage of a formal request.

See the full updated guidance: Flexible working | HR Support (ox.ac.uk)
Reminders

Fixed-term contract reminder

- **Fixed-term contracts** should only be used where there is a **clear objective justification** for the post being fixed term and this must be set out in the cover letter accompanying contract.

- The agreed justifications are where the appointment is:
  - **to cover temporary staff absence** (for example, sabbatical leave, parental leave, sickness absence, secondment)
  - **to provide specialist expertise or experience** which is required for a **specific time or for a specific project**
  - **to develop a product or service** for which the outcome and future need is uncertain (for example, developing a course or service)
  - specifically intended to provide a **time-limited period of training or development**
  - to work on (provide specialist expertise or experience to) a research project which is dependent on a time-limited external research grant and for which there is no expectation that the work will continue beyond the availability of that external funding
  - **limited** to the fixed period for which the person concerned has been granted a **valid visa**

- If there is no clear objective justification, a permanent contract (or open-ended externally funded contract, inc for support staff) should be considered.

- HRBPs can advise on individual cases.
Reminders

Fixed-term contracts process

• Regularly review end dates, looking at least 12 months ahead
• As the end date approaches for those who have 2 or more years’ service – or where the enhanced protections from redundancy for family reasons apply, ensure that actions are taken at the appropriate points.
• It is important to keep a record of discussions and actions using the Record of Consultation form
• See the full guidance: Fixed-term contracts: as end date approaches (2 or more years’ service) | HR Support (ox.ac.uk)

• Variable Hours contracts should only be used where there are no regular or minimum number of hours of work, and the hours are agreed on a week-by-week or ad-hoc basis. Where used, these contracts must be reviewed regularly and the postholder moved to a fixed-hours contract if the hours are settling into a pattern. This includes where there are a minimum number of hours worked each week.
New requirements from Wellcome

Requirements regarding bullying and harassment, abuse and harm

• Wellcome revised its policy last year to include abuse and harm as well as bullying and harassment.

• Requirement to inform Wellcome if anyone named on a Wellcome grant application who has been at the University for less than 12 months has had an allegation of bullying or harassment or research misconduct upheld against them at their previous employer.
  ▪ Job applicants are now asked to declare this at application stage.
  ▪ Ensure you run the "private questions" report at the shortlisting stage to pick this information up.

• For grant applications under consideration, requirement to inform Wellcome of any allegations associated with an employee, either as a lead applicant, sponsor or supervisor, that lead to an investigation.

• Departments must liaise with the Executive Director of Research Services.

• Please make sure that all staff working on or managing external grants are aware of the updated guidance for departments.
Training/briefings

Personnel administration of research awards for Research Administration Managers

- 2-hour session for new RAM Hub - **25 June from 14.00-16.00**
- Covers how managing research grants overlaps with HR management, identifying where to seek advice and information, when alarm bells should ring and when to talk to HAF or HR team.
- Circulate to any relevant new colleagues. Registration via Teams event.

New - HR Induction sessions

- Running quarterly starting 17th June. [Induction for HR staff | HR Support (ox.ac.uk)](https://hr.support.ox.ac.uk)
- Look out for further info and dates in People News (also in Cascade)

Menopause awareness session

- Slides available to departments to run their own sessions – contact hr.policysupport@admin.ox.ac.uk

Shared parental leave

- Briefing session over the summer – details will be circulated
Holiday pay

• Reminder of Harpur Trust V Brazel Supreme Court ruling:
  • **Part-year** workers entitlement = 5.6 weeks with pay to be averaged across weeks worked, not accrued pro-rata to 5.6 weeks as worked ie should not have holiday pro-rated in the same way as **part-time** workers (creating disproportionate entitlements).

• Government consultations resulting in new legislation and guidance for holiday years which start after 6 April 2024:
  • Holiday accrual on basis of hours worked (ie using the familiar 12.07% or 17.1% accrual method) now legal again
  • Option to use rolled-up pay re-introduced for specific categories of part-year workers:
    • **Irregular hours** (wholly or mostly variable)
    • **Part-year** defined as those who are contracted for a period which includes at least a week when they are not working and not paid (inc on holiday).
  • Where rolled-up pay is paid it must be clearly identifiable on payslips
  • **NEW**: Originally workers who are paid annually (eg TTO) were excluded from the new provisions but last minute change now allows proportionate accrual
Our approach

• This has proved complex in part as we have found areas of poor/non-compliance with current arrangements, eg:
  • The continued use of rolled-up pay in some areas (for casuals, and casual teachers)
  • Failure to reflect regular overtime in payment for periods of holiday
  • Part-time employees working additional hours without holiday accrual
  • Employees with separate casual appointments, being paid for their casual work against employment appointment

• We therefore adopted a 'watch and wait' approach rather than introducing new arrangements which would then need to be changed again

• Other factors: the PXD timesheeting module is due to come on stream shortly

• To minimise impact on department, we have taken approach of only making changes to current arrangements where there is a pressing reason, or significant benefit in doing so.
What is not changing: Casual workers

Casual workers

• Minor updates to the template LoEs – by end of May
• No change to 12 week max engagement
• Holiday continues to be accrued on basis of 12.07% of hours worked
• Holiday be booked and taken, by agreement during engagement
• Or can be paid in lieu at the end of the engagement

Please use methodology set out in the guidance [Holiday calculation | HR Support (ox.ac.uk)](ox.ac.uk) If you have been using rolled-up pay please do not do so for new contracts.

Rationale

• Moving to rolled up pay would only be allowable for a subset of casuals (those working irregular hours)
• Therefore, we would need two templates and two sets of payment methodologies and as compliance levels are poor this would be high risk
What is not changing – VH & TTO

Variable hours employees

- Holiday continues to be accrued on basis of 17.1% of hours worked
- Holiday is booked and taken, by agreement with the department
- For contracts of less than a year or, if the employee leaves the University during the holiday year, the accrued, untaken holiday can be paid in lieu when employment ends

Term-time only employees

- Latest update to government position means current arrangements can continue.
- Holiday is calculated in advance, and a period of time is allocated out of term as holiday
- Pay may be annualised or paid term by term
- Reminder: TTO workers should NOT take paid holiday during term as pay is based on fixed number of hours being worked during term. Holiday taken during term requires hours to be worked in lieu after end of term or unpaid leave.

Rationale:

- Introducing rolled-up pay would create new workload for departments:
  - Calculate and request rolled-up holiday pay each month
  - And then separately keep leave accrual records and force staff to take leave at a time when no payment is made (rolled up pay is holiday pay in advance)
  - For TTO staff, renegotiate contracts of employment
Holiday pay – what is changing

Casual teachers

Student ambassadors

- Revised contracts and payment terms, with rolled-up holiday pay
- New contracts being issued by end of May
- Max contract length – 11 months with a mandatory minimum gap of 1 month before a new contract can be issued

Rationale:
- Rolled-up pay is the most transparent approach as these are typically very variable hours workers so trying to maintain holiday records and artificially determine a period of 'holiday' is meaningless
- Max term is to avoid risk of repeated contracts giving continuity and employment status, by default.

Casual examiners - Examination Schools managing

TSS staff - dealing with this separately
Paying rolled up pay

• New arrangements only for new contracts issued after April 2024.

• We are working on an automated process to manage calculations (PXD or casual spreadsheet updates) to be in place for start of 24/25 year

• Casual teaching and student ambassador appointments made under NEW contracts (rolled up pay) starting before October:
  o Calculate holiday entitlement on basis of 12.07% of hours worked
  o On casual spreadsheet, enter pay on one line
  o On separate line, enter holiday pay, coded as 'holiday pay'
  o This will ensure that it appears on payslip on a separate line
Holiday carry over

• More onus on employer to:
  • Facilitate and encourage the taking of holiday
  • Make sure staff know they have to take leave within the holiday year (or lose it).

• Contract amendments coming later this month include new specific clause about this

• If staff are blocked from taking leave they may claim more than 5 day carry over.

• Action: regularly remind staff to take leave and that leave can only be carried over in exceptional circumstances with agreement of HoD (max 5 days)

• Reminder: carry over limit is higher for staff who are on sick leave (28 days but sick leave can be paused to take holiday), or on family leave (full leave entitlement can be carried over)
Holiday pay and regular overtime

• Reward guidance updated in 2020
• Where overtime is regular this should be reflected in holiday pay
• Regular is loosely defined as every month or every other month
• The intention is that staff don't earn less when on holiday than when at work
• If you have staff who are doing 'regular overtime' please contact Reward for advice
General updates

Deed Polls

• Under English law creating a ‘deed poll’ document setting out your new chosen name and renouncing use of the old name is sufficient to legally change name.

• Deed polls can be ‘enrolled’ with the Royal Courts of Justice but an unenrolled deed poll is legally valid and may be accepted.

• For further information see the EDU’s guidance on changes to records.

HR Support Inbox

• Most emails received to the hr-support@admin.ox.ac.uk account were actually intended for departmental HR teams

• To assist, the HR Support contacts page has been completely updated and now includes contact details for divisional and departmental teams

• The hr-support@admin email address has been closed as it was confusing

• A new hr.policy@admin.ox.ac.uk address is available for feedback on published policies, to advise us of broken links, etc.
Family leave

Surrogacy and family leave
- Surrogate mothers are entitled to full maternity benefits
- Those using a surrogate to become a parent may be entitled to benefits under the adoption leave scheme.
- Speak to your HRBP early on for advice.

Overseas workers and family leave
- Remote workers living overseas who do not pay NI contributions are unlikely to be eligible for UK statutory benefits, eg SMP
- They may be eligible for benefits in their country of residence
- Particular issues for ShPL which requires BOTH parents to pay NICs in GB
- NB the contractual scheme does not offer 26 weeks full pay – it offers “pay equivalent to (...) full rate of pay through a combination of statutory payments from whatever source, and University ‘top up’”
- Therefore, statutory entitlements in country of residence to be claimed, and pay adjusted so that pay is not more than normal full pay.
Introducing the Charter for the career development of researchers

• Target date to replace parts of the current Code of Practice for the employment and career development of research staff with the Charter is October 2024.

• The Charter is a concise version of the ‘Concordat to support the Career Development of Researchers: Action Plan (2022-2025)’.
  o Includes University commitments to researchers like 10 days of professional development, CDRs etc.
  o Lists University commitments & the responsibilities of a researcher towards their own development.

• The Concordat Action Plan mirrors the National Researcher Development Concordat, which we are a signatory to.

• The Charter was signed off by People Committee in November last year and the UCU earlier this year.

• Please keep an eye out for more info from the Researcher Hub & Divisional Research Culture colleagues.
What is the National Concordat to support the career development of researchers?

• The National Researcher Development Concordat is an agreement between employers of researchers and research funders on the expectations for the professional development and employment conditions of researchers in the UK.

• The former Vice-Chancellor Professor Louise Richardson signed the National Concordat to support for Career Development of Researchers on 22nd April 2021.

• Some funders are signatories and have their own policies, e.g. Wellcome etc.
What is the Concordat Action Plan?

• In response to the National Concordat, the University created the ‘Concordat to support the Career Development of Researchers: Action Plan (2022-2025)’.  

• It’s a blueprint for how the University will fulfil its commitments to researchers, as a signatory of the National Concordat.
# HESA key dates

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<tr>
<th>Date</th>
<th>Description</th>
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<tr>
<td>w/c 10 June (After Payroll deadline)</td>
<td>&quot;Check-in&quot; communication to keep data quality on track and provide the latest statistics on data errors.</td>
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<tr>
<td>9 July (Main Payroll deadline)</td>
<td>Make sure data errors are cleared for the HESA 2023-24 staff cohort</td>
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<tr>
<td>23 July (Supplementary Payroll deadline)</td>
<td>Review and record academic titles awarded or revised for the HESA 2023-24 staff cohort in the Academic Titles UDF</td>
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<tr>
<td>w/c 22 July (After Payroll has run)</td>
<td>&quot;Check-in&quot; communication for final opportunity to address remaining data errors before August payroll, and provide the latest statistics on data errors.</td>
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| July - August             | 1. HR Systems will identify staff with significant research responsibility and/or research assistant status and contact relevant departments to verify that the required details have been recorded in PeopleXD.  
2. HR Systems will be assessing clinicians who have received awards for clinical excellence and may ask departments to verify this data. This data is used by HESA to benchmark universities. |
| 9 August (Main Payroll deadline) | Final opportunity to clear remaining data errors.                                                                                                                                                              |
| August - October          | HR Systems carry out data verification exercises, working through millions of data items! Please be ready to respond to any queries that may arise during this period of rigorous HESA checks! |

Full details are available in the HESA special comms shared in March, as it sets out our approach and all the key details and dates: [https://newsletter.admin.ox.ac.uk/q/1cHd5CVKBVLN/wv](https://newsletter.admin.ox.ac.uk/q/1cHd5CVKBVLN/wv)