

**Guidance on Appointment of Part Time Hourly Paid Academic Staff**

1. **Introduction**
	1. This procedure applies to the recruitment and appointment of **non-established Hourly Paid Academic Staff**. It sets out the responsibilities of recruiters in ensuring that BU meets its obligations in terms of internal establishment control process, legislative compliance, including eligibility to work checks, other pre-employment information and issuing appropriate documentation.
	2. Part time hourly paid lecturing staff are intended to achieve necessary flexibility, to:
* teach specialist areas
* teach subjects and programmes where demand is highly variable or unknown
* cover for full time employees unavailable in the short-term
* cover sickness absence or short term maternity absence
	1. It is important to note that this procedure also includes **BU students** who might be engaged to work in an academic staff role on a short term basis. The University limits the number of working hours to 15 hours per week for all students during term-time for all contracts of employment.
	2. Part time hourly paid lecturing staff are normally used for the situations detailed under 1.2 above. Approval from the Executive Dean, Director of Operations/Operations Manager, Business Accountant/Assistant Business Accountant and Human Resources must be provided via the [PTHP Appointment Form](https://intranetsp.bournemouth.ac.uk/formsrep/PTHP%20Appointment%20Form.xlsx) for each appointment. In cases where part time hourly paid staff are engaged to cover posts outside the establishment, and /or at a rate that is not the normal rate for the job as graded, then approval may need to be sought at UET level as outlined in the Establishment Control Procedures table found in [Appendix 1](#Appendix1).

1.5 In addition to the specific principles underpinning the [Recruitment and Selection Strategy](http://intranetsp.bournemouth.ac.uk/policy/Recruitment%20and%20Selection%20Strategy%20-%20version%202.docx) the University values diversity and is committed to ensuring that:

* we treat all individuals fairly and with dignity and respect;
* the opportunities we provide are open to all;
* we provide a safe, supportive and welcoming environment;
* no person experiences more or less favourable treatment on the grounds of a protected characteristic.
	1. The University’s full [Equality and Diversity Policy](http://intranetsp.bournemouth.ac.uk/policy/dignity-diversity-and-equality-policy.doc) can be found on the Staff Intranet.
1. **Appointment/Contract Type**
	1. An hourly paid arrangement is normally appropriate when the work assignment is short term, normally less than 3 months. A guaranteed minimum number of hours will be offered. BU do not engage employees via zero hour contracts. If the intention is to cover a vacant post within the establishment for a longer period then due consideration should be given as to whether a fixed term contract may be more appropriate. Refer to the [Code of Practice– Use of Fixed-Term Contracts](http://intranetsp.bournemouth.ac.uk/policy/code-of-practice-use-of-fixed-term-contracts.doc) for further guidance.
2. **Responsibility**
	1. It is the responsibility of the Faculty with the guidance from Human Resources, to ensure that the appropriate employment relationship is established. For more information on the different types of employment relationship including Volunteers and Guest Speakers, please see [Guidance on Determining Employment Status.](https://intranetsp.bournemouth.ac.uk/policy/Guidance%20B%20-%20Determining%20Employment%20status%20-%202017.docx)
	2. The Faculty is responsible for ensuring that they do not commence a work assignment or offer hours of work until Human Resources have provided confirmation to them that the prospective employee is fully compliant in respect of their new start documentation and pre-employment checks.
	3. Hourly Paid Appointment letters and terms and conditions of employment are issued only by Human Resources once all legislative and pre-employment requirements are completed and compliant.

3.4 [Appendix 2](#Appendix) provides a step by step guide to the part time hourly paid process.

1. **Appointment Form and Appointment Letter**

4.1 Regardless of the length of appointment, a [PTHP Appointment Form](https://intranetsp.bournemouth.ac.uk/formsrep/PTHP%20Appointment%20Form.xlsx) (including all appropriate approvals) must be completed in every instance and returned to pthp@bournemouth.ac.uk.

4.2 Please note the following important information:

* No-one can start work until all of the documents are in place and signed off by Human Resources.
* No documents are to be authorised retrospectively – that is authorised after the contract start date as this could constitute a breach of the Immigration Regulations. In this event, the individual **cannot commence work** and the employment contract start will be in line with the documents being authorised and compliant.
* **The University limits the number of working hours at the University to 15 hours per week during term-time for all Undergraduate students and those students undertaking full time studies at any level, across all contracts of employment with the University.**

4.3 Once Human Resources receives the paperwork from the individual, they will check the details and only set up a record/input a contract once **all** paperwork/details have been received and HR are satisfied that all legislative requirements are compliant.

1. **Statutory Obligations**
	1. **Eligibility to work**
		1. [The Immigration, Asylum and Nationality Act 2006](http://www.legislation.gov.uk/ukpga/2006/13/contents), makes it an offence to employ anyone who does not have permission to be in, or work in, the UK. To avoid making assumptions about such permission, all appointees are asked for the evidence of eligibility to work in the UK. It is a legislative requirement to ensure that every employer checks that prospective employees have eligibility to work in the UK **before**
* The person commences employment; and
* A new appointment for an employee is processed
	+ 1. Original List A or List B documents as outlined in the [Immigration Regulations Guidance](https://intranetsp.bournemouth.ac.uk/policy/Immigration%20Regulations%20%28Guidance%29.docx) must be obtained, copied and verified **before a contract starts and the person commences work at BU**. If anyone is unsure about any aspect of this, please contact Human Resources.
	1. **Student visa or Tier 4 visa holders**
		1. International Students, who are studying at BU or any other institution on a Student/Tier 4 visa, are only permitted by the UK Visa and Immigration Service (UKVI) to work up to 20 hours per week during term time or as defined by the conditions of their visa. **However BU has made a policy decision that Student or Tier 4 visa holders may only be employed for 15 hours per week during term time. The UKVI have confirmed that for the purposes of work, a week is defined as a period of seven days starting on a Monday and ending on a Sunday.** It is the responsibility of the line manager to ensure that this and other home office requirements are complied with. Failure to do so is a breach of the regulations and could have serious implications for BU.
		2. There is an additional requirement to obtain evidence of term and vacation dates as part of the eligibility to work in the UK check for students. This will ensure that we do not employ students outside of their visa conditions. Human Resources will use a screenshot or obtain a ‘Permission to Work (Term Dates)’ letter that confirms term dates from askBU, prior to processing any contract for a Student or Tier 4 visa holder.
		3. Working hours must be agreed and input into the Immigration Spreadsheet by the line manager a minimum of 24 hours in **advance** of the student undertaking work in line with the conditions of their visa and the University’s policy. The Immigration Spreadsheet is used to record all working hours offered to Student or Tier 4 visa holders across the organisation. This is to ensure, that even where there are multiple contracts, the University does not offer hours in excess of 15 per week during term time. **Line managers have a personal responsibility to follow this step of the procedure, updating the** [**Immigration Spreadsheet**](https://livebournemouthac.sharepoint.com/sites/CasualStaffCompliance/SitePages/Casual-Staff-Compliance%281%29.aspx)**, and failure to do so will be treated seriously by the University**.

To be granted access to the Immigration Spreadsheet, line managers must complete mandatory [Part Time Hourly Paid line manager training.](https://brightspace.bournemouth.ac.uk/d2l/le/lessons/25709/units/1071694) This training, alongside the Immigration Spreadsheet guidance page, provides line manager support and guidance to fulfil this responsibility.

* + 1. Once work is complete, students must fill in a Student Visa/Tier 4 Timesheet and submit this to their line manager to approve. **PTHP pay claims must be checked against the immigration spreadsheet before they are approved. No retrospective changes to the immigration spreadsheet should be made**, however where more hours have been worked than were recorded in the immigration spreadsheet, this must be immediately reported to Humans Resources.
		2. Please refer to the [Guidelines for employing Student/Tier 4 visa holders](https://intranetsp.bournemouth.ac.uk/policy/Guidelines%20for%20employing%20Tier%204%20or%20Student%20visa%20holders.docx) and the[Immigration Regulations Guidance](https://intranetsp.bournemouth.ac.uk/policy/Immigration%20Regulations%20%28Guidance%29.docx)for further details.

* 1. **Skilled Worker/Tier 2/Temporary Worker visa holders**
		1. In addition to the work for which their visa was issued, Skilled Worker/Tier 2 and Temporary Worker visa holders may take up supplementary work so long as the role is **either:**
	+ A job in the same profession **and** at the same professional level as the work for which the Certificate of Sponsorship was assigned; **Or**
	+ A job on the [Shortage Occupation List](https://www.gov.uk/guidance/immigration-rules)

**And**:

* + Is for **no more than 20 hours** per week;
	+ is conducted outside of the normal working hours for which the Certificate of Sponsorship was assigned, **and**
	+ the person remains working for the sponsor in the job for which the CoS was assigned

The UKVI do not consider research and teaching as the same profession. Therefore, a researcher would not normally be permitted to give lectures as 'supplementary employment'.

If, however, a researcher has some lecturing responsibilities as part of the role for which their Tier 2/Skilled Worker/Temporary Worker visa was issued, and the lecturing responsibilities were noted on the CoS, then the migrant may give additional lectures as 'supplementary employment', providing this also complies with the above rules.

Prior to a sponsored individual undertaking supplementary employment at BU, if they are not a current employee of the University, a [right to work check](http://intranetsp.bournemouth.ac.uk/policy/Immigration%20Regulations%20%28Guidance%29.docx) must be taken and a letter provided confirming:

* They’re still working for their sponsor;
* The job description and occupation code of their sponsored employment (if supplementary employment is not in a shortage occupation);
* Their normal working hours.

In addition, we require confirmation in writing from the prospective member of staff that they are not doing any other supplementary employment with another employer to ensure they will not be doing more than 20 hours a week in total of supplementary employment.

* + 1. Working hours must be agreed and input into the Immigration Spreadsheet by the line manager a minimum of 24 hours in **advance** of the visa holder undertaking supplementary work in line with the conditions of their visa and the University’s policy. The Immigration Spreadsheet is used to record all working hours offered to visa holders with restricted working hours across the organisation. This is to ensure that even where a Skilled Worker/Tier 2/Temporary Worker visa holder holds multiple contracts, the University does not offer hours in excess of 20 per week. **Line managers have a personal responsibility to follow this step of the procedure, updating the** [**Immigration Spreadsheet**](https://livebournemouthac.sharepoint.com/sites/CasualStaffCompliance/SitePages/Casual-Staff-Compliance%281%29.aspx)**, and failure to do so will be treated seriously by the University.**

To be granted access to the Immigration Spreadsheet, line managers must complete mandatory [Part Time Hourly Paid line manager training.](https://brightspace.bournemouth.ac.uk/d2l/le/lessons/25709/units/1071694) This training, alongside the Immigration Spreadsheet guidance page, provides line manager support and guidance to fulfil this responsibility.

**PTHP pay claims must be checked against the immigration spreadsheet before they are approved.** **No retrospective changes to the immigration spreadsheet should be made**, however where more hours have been worked than were recorded in the immigration spreadsheet, this must be immediately reported to Humans Resources.

* 1. **Rehabilitation of offenders form**
		1. Under the terms of the Rehabilitation of Offenders Act 1974 Bournemouth University, as a prospective employer, is entitled to require new employees to disclose information about any conviction which is not “spent” by completing the [Rehabilitation of Offenders form](https://www1.bournemouth.ac.uk/sites/default/files/asset/document/DBS%20Rehabilitation%20of%20Offenders%20declaration%20form.doc).

5.3.2 However, if the post is exempt from the [Rehabilitation of Offenders Act 1974](http://www.legislation.gov.uk/ukpga/1974/53) then even a spent criminal record must be disclosed and this information must be stated in the job description.

* 1. **Disclosure and Barring Service (DBS) checks**

5.4.1 If a particular role requires a DBS check, this must be clearly stated on the job description. (<https://www.gov.uk/disclosure-barring-service-check/overview>)

5.4.2 The manager/ supervisor must ensure that a [DBS Check Assessment Form](https://intranetsp.bournemouth.ac.uk/formsrep/DBS%20Check%20Assessment%20Form.docx) is completed at the earliest opportunity to ensure a DBS check can be carried out efficiently when an individual has been appointed, as the person will **not be allowed to carry out any relevant duties** until they have received clearance.

* 1. **Occupational Health Pre-Employment Questionnaire**
		1. The [Occupational Health Pre-Employment Questionnaire](https://forms.office.com/Pages/ResponsePage.aspx?id=VZbi7ZfQ5EK7tfONQn-_uJG4ujtm3PpMm1QA7UIT3BBUMklORVhHS0NJNlhWVlk2UDM0VkNLTlZGVy4u) will need to be completed by the individual online prior to commencing employment. If a referral to the Occupational Health Service is required, the individual and the Faculty will be informed and employment should not commence without further guidance.
	2. **Rest Breaks**

5.6.1 In line with the Working Time Regulations 1998, if an hourly paid member of staff is required to work for more than six hours at a stretch, he or she is entitled to an unpaid rest break of 20 minutes. The break should be taken during the six-hour period and not at the beginning or end of it. The University policy is to give at least a 30 minute unpaid rest break.

**6. Rates of Pay**

6.1 Details of Part-Time Hourly Paid Academic Rates are available on the [Intranet](https://intranetsp.bournemouth.ac.uk/policy/Part-Time%20Hourly%20Paid%20Rates%202021-22.docx).

6.2 For hourly paid workers, the basic and holiday pay will be paid at the same time on the understanding that leave will be taken during periods that they are not working, given that they can decide whether or not to accept work if it is offered. This is clearly be shown in the Terms & Conditions of Employment letter as two separate amounts;

For Example:

The rate of pay for [JOB TITLE] is £XX per hour, comprising £XX per hour basic pay, plus £XX per hour holiday entitlement.

**7.** **Data Protection Act 1998**

7.1 All sensitive information should be treated confidentially and meet the requirements of the Data Protection Act 1998 and The University’s [Confidential Information and the Data Protection Act 1998 document.](http://intranetsp.bournemouth.ac.uk/policy/CONFIDENTIAL%20INFORMATION%20AND%20THE%20DATA%20PROTECTION%20ACT%201998.DOCX)

1. **Induction**

8.1 All new employees should receive an induction appropriate to the role; this should be undertaken by the Faculty.

8.2 Induction should include the main tasks the member of staff will be expected to carry out, expectations with regards to conduct as well as covering the health and safety aspects of the role and the environment they will be working in. Further information can be found in the [Guide to Induction and Probation for Managers](http://intranetsp.bournemouth.ac.uk/documentsrep/Guide%20to%20Induction%20and%20Probation%20for%20Managers.docx). This also includes a checklist of actions that should be completed prior to the employee starting.

* IT log on
* Car Parking
* Extensions
* Sick pay
1. **Statutory Benefits**

9.1 Continuous service will be determined in accordance with statutory rights.

1. **Variations**

10.1 The University reserves the right, depending on the needs of the course(s), to close or amalgamate any classes and to modify the hours of engagement or to discontinue an engagement upon any closure, re-organisation or amalgamation of class(es).

10.2 Subject to the needs of courses, it may be possible for the Faculty to offer work in addition to the teaching duties already agreed to undertake. Should this be the case the Hourly Paid Lecturer is under no obligation to accept, however if this is the case the variation to hours may be incorporated within the existing contract of employment within the same Department within the Faculty as long as the following remain unchanged: work activity (i.e. teaching, marking, etc.) and period of employment. In the event of any other variations the full Part Time Hourly Process as outlined in section 4 above will need to be followed.

1. **Termination procedures**

11.1 The Faculty must inform Human Resources if the part time hourly paid contract has ceased for whatever reason at an earlier date than contract expiry. Upon expiry of the contract, employment will be automatically ‘terminated’, therefore please ensure that final timesheets are submitted within a month of contract expiry. If the worker is continuing beyond this period, please contact Human Resources in advance to discuss how to move them onto a more appropriate agreement.

**12. Quality control/Audit**

12.1 Any documentation held within the Faculty must be available for audit at any time. BU is subject to audit from the UKVI Service as well as other legislative organisations.

12.2 **Allowing an employee to commence employment prior to receiving confirmation from Human Resources of the individual’s legal compliance** **could result in a fine of £20,000, a prison sentence for the person responsible (you) and the loss of sponsorship licence for BU meaning that we can no longer sponsor staff or sponsor students to work or study at the University.**

**13. Contacts**

13.1 If you have any queries regarding Hourly Paid Lecturing roles please email pthp@bournemouth.ac.uk.

**Appendix 1**

**Establishment Control Procedures Table for Part Time Hourly Paid Employment**

|  |  |  |
| --- | --- | --- |
| **Reason for PTHP Appointment** | **Explanation**  | **UET Approval Required** |
| Substantive Cover/Vacant Post  | Cover for posts within the Establishment, e.g. short term maternity cover, sickness absence, vacancy.  | No, as per the normal Establishment Control Process. Standard approvals to include F&P and HR. |
| Specialist Academic Delivery  | Specialist academic delivery as part of the agreed and established curriculum; budget assigned on an annual basis to cover this activity. Paid at the normal rate for the job as graded – i.e. Teaching Rate.  | No, as per the normal Establishment Control Process. Standard approvals to include F&P and HR. |
| Funded Research - Short term funded research projects. | New PTHP Research Assistant/Researcher to undertake short term activity/project.  | No, as per the normal Establishment Control Process. Standard approvals to include F&P and HR. |
| New PTHP recruited to backfill established member of staff in order to release the substantive post holder to under short term activity/project.  | Yes\*, approval required via Chief Operating Officer and Director of Finance & Performance.  |
| Additional Critical Cover | Cover during peak work periods, skills shortage in a particular area, teach subjects and programmes where demand is variable or unknown. | No, as per the normal Establishment Control Process. Standard approvals to include F&P and HR. |
| Any use of non-standard rates |  | Yes\*, approval required via Chief Operating Officer and Director of Finance & Performance; unless the rate is on the FHSS Exceptions List (e.g. OSCE Examiners, Carers & Service Users, etc.)   |

**\* Please refer to and follow the** [**Workforce Planning & Recruitment Controls**](file://bournemouth.ac.uk/data/staff/home/nmunden/Workforce%20Planning%20%20Recruitment%20Process.docx) **process**

**Appendix 2**

**Step-by-Step Part Time Hourly Paid Employment Process**

