

CONDITIONS OF EMPLOYMENT GOVERNING RESEARCH AND ANALOGOUS STAFF

Note: Documents referred to in these conditions for which a web address is given may also be obtained from the Office of the Director of Human Resources on request.

Structure of the University

1. The University is organised into Colleges. A structure of Professional Services Budget Centres alongside the Colleges provides support to academic activities.

Interpretation

2. In these conditions the term 'School' is used throughout to denote all organisations at the Budget Centre level; the term 'Department' includes any organisational unit within a School or Budget Centre; and the term 'Letter of Appointment' refers to the formal offer of employment to an individual.

University Legislation

3. All appointments and conditions of employment are subject to the Ordinances and Regulations of the University and these in turn are made under powers contained in the University's Constitution laid down in the Charter and Statutes. The current version of the Charter, Statutes, Ordinances and Regulations is available at www.birmingham.ac.uk/university/governance/Legislation/index.aspx

General

4. Appointments are full-time and open ended unless otherwise stated in the letter of appointment.
5. Where an appointment is for a fixed period, the duration of the appointment normally reflects the limited extent of funding available to support the appointment, usually from external sources or from general funds available only for a limited period. Such appointments may subsequently be extended by mutual agreement but there can be no guarantee of this and the contractual period of employment is for the current fixed term only.
6. All members of staff are required to live within a reasonable distance or travelling time from the University.
7. The University recognises the University and College Union (UCU) as the appropriate trade union to negotiate or consult on behalf of members of staff and has entered into a procedure agreement with the Birmingham branch of UCU for these purposes.
8. References in these conditions to any statutory provision, enactment, order, regulation or other similar instrument shall be construed as a reference to the statutory provision, enactment, order, regulation or instrument (including any EU instrument) as amended, replaced, consolidated or re-enacted from time to time and shall include any orders, regulations, codes of practice, instruments or other subordinate legislation made under it.

Annual Review of Staff

9. Every year a review is conducted of all non-professorial academic and academic-related staff to assess and, where appropriate, reward performance. In the annual review, the cases of those due to reach the end of their probationary period are considered, together with recommendations for promotion. Personal applications for promotion will also be invited. The salaries of professorial equivalent staff are kept under review by the Vice-Chancellor.

Appraisal and Staff Development

10. All members of staff are required to participate in the University's appraisal scheme. The sole objectives of the appraisal scheme are to help individual members of staff develop their careers within the University; to improve staff performance; to identify changes in organisation which would enable individuals to improve their performance; to identify and develop potential for promotion; and to improve the efficiency with which the University is managed. These objectives are achieved by the preparation by the member of staff of a statement of achievements during the current appraisal period drawing attention to specific issues for discussion in an appraisal interview with a senior colleague. At the interview, the appraiser and appraisee will agree objectives for the next appraisal period and a plan of action to implement them. This will then form the starting point for the following appraisal.

Duties

11. Members of staff are responsible to the University for contributing to the advancement and diffusion of knowledge through advanced study and original research during both term and vacation. They may also be required to undertake a limited amount of teaching work without extra payment.
12. Individual members of staff are responsible to the Head of School either directly or through another designated senior member of staff (who may be the Principal Investigator of the project for which he or she is appointed) nominated by the Head of School. In the case of a School with more than one department, the responsibilities of the Head of School in respect of staff are exercised in consultation with the Head of the Department in which the individual member of staff is employed.

Salary and Pensions

13. Salaries are paid monthly in arrears by credit transfer.
14. Where a salary is payable on an incremental scale, the incremental date will be on 1 October each year unless otherwise specified in the letter of appointment. Salaries are subject to the University's arrangements for annual review and any other special conditions stipulated in the letter of appointment.
15. Members of staff will on joining the University automatically be entered as members of the Universities' Superannuation Scheme (USS) from the commencement of their employment. The appropriate deductions will be made from their salary in order to pay such contributions to USS as may be required by USS rules as may be amended from time to time. As USS is contracted out of the State Second Pension, USS members will pay National Insurance contributions at the lower rate. Members of staff will be offered the opportunity of opting out of USS if they wish.
16. Existing members of the National Health Service Superannuation Scheme (ie who have made contributions to the Scheme in the previous 12-month period) may choose to remain subject to that Scheme instead of USS providing their appointment is held in either the Medical or Dental School of the University.
17. Members of staff who choose to cease membership of USS (or the NHS Scheme) will pay National Insurance contributions at the higher rate. In these circumstances the University will contribute no more than the statutory minimum amount to the State Second Pension. Members of staff who opt out of USS (or the NHS Scheme) are liable periodically to be re-enrolled (or enrolled) into USS and will be given further opportunities to opt out of USS in accordance with current legislation.

Holidays

18. No specified periods of holiday are laid down. However, holidays must be taken in consultation with the Head of School and normally in accordance with University practice which requires them to be taken outside term time. Full salary is payable during holidays.
19. In addition to the annual holiday entitlement, members of staff shall be entitled to public and University holidays or, subject to prior approval of the Head of School, days in substitution for those holidays, amounting to a total of fifteen days a year.

Leave and Secondment

Leave of Absence, Study Leave, Secondment and Special Leave may be granted in accordance with the conditions and arrangements in [appendix 1](#).

Maternity Paternity and Adoption Leave and Pay

20. A member of staff shall be entitled to Maternity, Paternity and Adoption leave and pay according to the arrangements in [appendix 2](#).

Sick Leave and Sick Pay

21. In all cases of incapacity for work through sickness or injury members of staff must notify their Head of School as soon as is practicable. The arrangements for sick leave and sick pay are set out in [appendix 3](#).

Probation

22. The appointments of members of the Research Staff may be subject to an initial probationary period which shall not exceed three years subject to a possible one year extension as specified in the letter of appointment. The current probationary procedure is as set out in Ordinance 3.24 at www.birmingham.ac.uk/Documents/university/legal/ordinances324.pdf

Safety

23. All members of staff are required to promote and observe the University's safety policy (attached as [appendix 4](#)). They are also required to comply with the provisions of the Working Time Regulations concerning rest periods. Further guidance on the Working Time Regulations is available at www.direct.gov.uk/en/Employment/Employees/WorkingHoursAndTimeOff/DG_10029451

Equality

24. All members of staff are required to promote and observe the University's policy on equality in employment (attached as [appendix 5](#)).

Data Protection and Use of Computing Facilities

25. Members of staff are required to comply with the provisions of the Data Protection Act 1998 concerning personal data and the registration procedure adopted by the University, a copy of which is available at www.birmingham.ac.uk/university/governance/policies-regs/data-protection.aspx or from the Director of Legal Services.
26. Members of staff are required to comply with the conditions of use of computing facilities, a copy of which is at intranet.birmingham.ac.uk/it/documents/public/General-Conditions-Use-Computing.pdf or available from the Director of IT Services.

Confidentiality

27. Members of staff must not at any time during or after the end of their employment with the University, whether knowingly or through failure to exercise due care and diligence, disclose any confidential information to any unauthorised person, or disclose any personal information about other staff, students or any other people to which they may have access in the course of their work, or use any confidential information in a manner which might cause or be expected to cause loss to the University, whether directly or indirectly.
28. A member of staff who wishes to raise concerns or information which s/he believes in good faith provide evidence of malpractice or impropriety should do so in accordance with the current procedure available at www.birmingham.ac.uk/Documents/university/whistleblowing.pdf or from the Office of the Director of Human Resources.
29. In the event of an actual or potential conflict of interest, a member of staff must act in accordance with the protocol on conflicts of interest available at intranet.birmingham.ac.uk/hr/documents/public/conflict-interest.pdf or from the Office of the Director of Human Resources.

Professional Conduct

30. Members of staff are required to observe and promote the University's Code of Practice on Research, available at www.birmingham.ac.uk/Documents/university/legal/research.pdf or from the Office of the Director of Human Resources.

Patents and Exploitation of Inventions

31. Members of staff must follow the procedures attached as [appendix 6](#), in the event of a potential patent registration or where an invention or discovery may be commercially exploitable.

University Property

32. On leaving the University's employment and unless otherwise agreed in writing by the Head of School, members of staff are required to account for and return any University property in their possession, including furniture and equipment, and items in which the University holds the copyright such as computer software, data and written materials.

Resignation

33. Members of staff may resign their appointment on giving notice of at least three months in writing to the Director of Human Resources of the University.
34. A period of notice less than that provided for above may be accepted with the prior written approval of the Head of School which will not be unreasonably withheld.

Retirement

35. Members of staff may retire from their appointment on giving notice in writing to the Director of Human Resources of the University of at least three months. Once notice of retirement has been submitted in writing, it may not be withdrawn except with the agreement in writing of the Director of Human Resources.
36. Although the UK government has removed the national default retirement age of 65, the University reserves the right to retire members of staff on 30 September after they reach the age of 65 or such later age as it may determine if it considers the retirement to be objectively justified. (In accordance with its existing agreement, the University will not seek to retire members of staff who entered the

University's employment on or before 31 March 1983 and with no subsequent break in service longer than one month before they reach the age of 67 years.)

37. Members of staff will be invited to discuss their career plans, including where appropriate their planned date of retirement and options for flexible working in the period preceding retirement, at regular review meetings.

Discipline and Appeals

38. Members of staff are subject to the disciplinary procedure, the current version of which is available at www.birmingham.ac.uk/Documents/university/legal/ordinances321.pdf

Grievances

39. Members of staff wishing to raise a grievance affecting their employment in the University shall do so in accordance with the current procedure set out at www.birmingham.ac.uk/Documents/university/legal/ordinances327.pdf

Removal from Employment

40. The University may terminate the appointment of members of staff for the reasons set out in Section 14 of the Statutes.

Outside Activities

41. Subject to the provisions of individual letters of appointment, members of the academic staff are encouraged to engage in paid outside activities relevant to their academic work in accordance with the arrangements approved by the Council in [appendix 7](#).
42. Members of staff engaging in any private work including the furnishing of specific reports must not in any circumstances represent that they are acting for and on behalf of the University. Letters to the Press from them intended for publication must not bear the address of the University unless the subject is one with which they are concerned academically or officially in the University and their qualification is made clear.
43. It is the duty of every member of staff who undertakes work for any person or organisation other than the University to inform that person or organisation before the work starts that the work is undertaken in the capacity of a private individual only and that the University is not responsible in any way whatever. This obligation is the same whether the work is to be paid for or not and the expression 'work' includes the giving of advice.