

Ms Éilis Fallon
Committee Secretariat
Committee of Public Accounts
Leinster House
Dublin 2

29 July 2019

Ref: PAC32-I-1520

Dear Ms Fallon,

I refer to your letter of 15 July 2019 in relation to the discussion by the Public Accounts Committee (the Committee) at the meeting on 4 July 2019 on the matter of employment contracts for tutors and part-time lecturers (Ref: PAC32-I-1520).

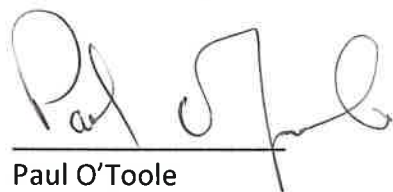
Based on information provided by the Department of Education and Skills and institutional representatives, attached is an information note in relation to the matters raised by the Committee.

Having regard to the statutory remit of the HEA, industrial relations matters at sectoral level are handled by sectoral representatives in conjunction with the Department of Education and Skills (DES). Employment contracts are a matter, in the first instance, for employers, in this case higher education institutions.

As part of the Annual Governance Framework, the HEA seeks the required assurance from higher education institutions that they are operating within public pay policy. The HEA also checks this through rolling reviews of governance in the sector.

I hope this is of assistance to the Committee. If further information is required, please do not hesitate to get in contact.

Yours sincerely,



Paul O'Toole
Chief Executive

Information Note

Employment Contracts for Tutors and Part-Time Lecturers in Higher Education

Background

The increase in the use of part-time contracts for academic and other staff in universities over recent years is related to the growth in student numbers in tandem with the funding available for the sector. Higher education institutions have advised that while the preference is to offer full-time / permanent contracts where possible, this has to be managed with the funding that is available for the sector.

Higher education institutions are subject to an Employment Control Framework (ECF) which places a cap on the number of permanent staff that can be employed by each institution.

The capacity of institutions to offer permanent employment is limited due to the requirements of the ECF and available budgets.

Higher education institutions have employed more part-time and contract staff to cater for the increase in student numbers. Higher education institutions have engaged at a sectoral level to develop policies and processes to address key issues relating to part-time and contract employments. In particular through the implementation of the provisions of the Haddington Road Agreement which provided for the following (quotation):

“FIXED –TERM/ PART-TIME EMPLOYMENT IN LECTURING

An Expert Group will be established to consider and report on the level of fixed-term and part-time employment in lecturing, having regard to the importance for lecturers of employment stability and security and taking account of system and Institute needs.

This group will report on reducing the qualification period for the granting of a CID from 4 years to 3 years to take effect for the 2014/15 academic year. Arrangements will be made in relation to those entering their fourth year in September 2013 with a view to the early application to them of this provision.

HOURLY PAID ASSISTANT/ ASSOCIATE LECTURERS (HPAL)

The Parties will put in place a process for the phased conversion of Hourly Paid Assistant/Associate Lecturers (HPAL) to pro-rata Assistant Lecturers. This process will in the first instance establish and agree those posts which are appropriate to be converted and thereafter, such posts will be converted over a period of 3 years commencing in or before the academic year 2014/15.

A person converted will be assimilated to the Assistant Lecturer pay-scale on the point nearest to and not below his/her current rate from the date of conversion. In the context of the above process the provisions of Circular 93/2007 will apply to Hourly Paid Assistant/Associate Lecturers.”

Cush Report

As above, under the terms of the Haddington Road Agreement an Expert Group was established under the terms of the Agreement “to consider and report on the level of fixed-term and part-time employment in lecturing”. The report from this Expert Group (the Cush Report, May 2016) sets out a number of practical recommendations.

The Universities have agreed a protocol for implementation of the Cush Report with the Irish Federations of University Teachers (IFUT) including referrals, where required, to an Independent Adjudicator, Mr. Kevin Duffy.

University/employer representatives advise that this protocol will serve to address issues relating to employment of lecturers through a rigorous and transparent process.

In the Institute of Technology sector, the Hourly Paid Assistant Lecturer (HPAL) process provided for the phased conversion of hourly paid Assistant Lecturers/Associate Lecturers to pro-rata Assistant Lecturers. Phase 2 of the HPAL process was balloted on by the TUI in April 2019 and has been accepted by members. Outstanding issues mainly relate to the employment of hourly-paid assistant lecturers on evening courses, many of whom have jobs elsewhere and are not available for the full range of duties. HPAL Phase 3 discussions, the final part, will commence in September 2019.

1. What new employment contracts expected in 2020 will include

University representatives have advised that in their respective institutions a standard approved form of employment contract already applies. This contract provides for the terms and conditions of employment including permanent, fixed term, part time or specific purpose contracts.

It is not envisaged by institutions that this contract will be amended in 2020 unless there is a requirement to do so under national employment law or otherwise.

The universities anticipate that the implementation of the Cush report protocol will help to address certain issues in relation to part-time lecturing, in addition to other measures such as the further development of the Researcher Careers Framework will provide a basis for greater clarity around career progression.

The technological higher education sector further advise that employment arrangements are place for tutors, pro-rata lecturing staff or hourly-paid assistant lecturers and that these are governed by circulars and industrial relations agreements. These circulars include the PCW Agreement in relation to the employment of tutors - of which there are very few in the technological higher education sector - and circulars issued by the Department of Education and Skills relating to the employment of pro-rata lecturing staff and hourly-paid assistant lecturers.

2. Whether indefinite contracts will continue to be possible under the new scheme

Institutions/employers have advised that Contracts of Indefinite Duration (CID) are governed by rule of law under the Protection of Employees (Fixed Term) Act, 2003. No agreement or proposal can reduce the right to a CID contained in that Act. A number of the Cush report recommendations address CID arrangements and those recommendations are being implemented by the sector.

3. Whether the new scheme will allow for career progression for part-time staff members

While there is no new scheme as such, the implementation of the Cush report, together with the Researcher Careers Framework (RCF) will help to address progression opportunities for part-time staff. Higher education institutions have advised that their policy is to ensure to provide stability and security to their staff; to ensure that all applicable laws and employment conditions are fully provided for and to ensure that all staff, regardless of their employment status or contract type, are valued and supported.

Institutional/employers advise that the implementation of the Cush report Protocol will help to address certain issues in relation to part-time lecturing.

4. Will it mean there will be a structure for the profession

The universities through the Irish Universities Association (IUA) have been engaged in a cross-sectoral effort to devise a Researcher Careers Framework (RCF). As many researchers are engaged as tutors or part-time lecturers, the RCF will assist in addressing employment issues and terms.

The RCF will, in accordance with the government's Innovation 2020 Policy / Action Plan, develop a structured career progression for researchers, with clearly defined career paths, with approved pay grades and scales.

In May 2019 the RCF was endorsed by the Inter-Departmental Innovation 2020 Steering Group and is now moving to implementation phase.