Researchers, fixed-term contracts and universities:
understanding law in context

RESEARCH COUNCILS UK

CRAC

**'Researchers, fixed-term contracts and universities: understanding law in context'
– published by the Careers Research and Advisory Centre (CRAC) Limited**

'Researchers, fixed-term contracts and universities: understanding law in context' has been written by Dr Liz Oliver and Dr Tristram Hooley

To order a copy, please contact Vitae
Telephone 01223 460277 or email orders@vitae.ac.uk

ISBN: 978-1-906774-09-7

Contents

Foreword

It gives me great pleasure to introduce this new Vitae publication on researchers, fixed-term contracts and universities. Universities Human Resources (UHR) is dedicated to working with HR professionals and other stakeholders to ensure high quality people management across the higher education sector. We believe that a positive management culture which supports the development of staff is essential to building a successful higher education institution. To make the case that a well-managed workforce is a productive workforce it is important that we are able to provide institutions with high quality, evidence-based information to benchmark themselves against. This Vitae report represents a major contribution to the evidence base about how to successfully manage researchers to ensure positive outcomes for researchers, their managers, the institutions where they work and the sector as a whole.

I will be recommending that HR professionals all examine the findings of this report carefully. There are important findings about how to develop and implement HR strategy around researchers. However, one of the most important findings of this study is that successful implementation of HR strategy requires a whole institution response. It is therefore very important that university senior managers, heads of departments, principal investigators (PIs) and researchers themselves also engage with the findings of this study. We have seen enormous changes in the culture of management for researchers and this report highlights a wide range of the good practice that has developed in the wake of legislative and policy changes. It also provides some strong ideas about how to take this culture change forward.

UK higher education is entering a particularly challenging time and it is important to remember that an effective, efficient and engaged workforce is key to any institution's success. This report provides a wealth of ideas about how higher education institutions (HEIs) can optimise the research workforce by implementing the right communication, management and development strategies.

Mike Moore
(Chair of UHR)

Executive summary

This report examines UK legislation on fixed-term contracts[1] in the context of higher education institutions (HEIs). Since fixed-term employment has become a common feature of working life within universities and periods of fixed-term employment have constituted a key step in many research career contexts, the legislation raises specific issues for HEIs and researchers.

Broadly, employers have been challenged to think about how they treat different staff groups and to reduce the extent to which contractual status informs the treatment of employees. They have also been required to address the use of successive fixed-term contracts and to acknowledge a shift to open-ended status in some cases.

This report is the result of a project that aimed to extend research into the management of researchers within universities in the light of the fixed-term employment legislation. It aimed to develop a more detailed understanding of how HEIs are implementing the legislation and how researchers experience it 'on the ground'. The project involved legal and policy analysis, key informant interviews and institutional case studies based on policy analysis and interviews (see appendix).

The main findings of the report are considered under the following chapter headings.

Sector responses

Across the sector as a whole, there is a reduction in the use of fixed-term contracts to employ researchers.

HEIs are autonomous and diverse institutions with different characteristics and goals; responses to the legislation have not been uniform. However, some sector wide initiatives and responses have been put in place to promote modernisation in human resource (HR) management. These include the Concordat[2] (which sets out the expectations and responsibilities of researchers, their managers, employers and funders) and guidance on fixed-term and casual employment in HEIs by the Joint Negotiating Committee for Higher Education Staff (JNCHES) (which HEIs are encouraged to implement in partnership with the locally recognised unions).

Institutional policy responses

Phase one of this study (see appendix) entailed a review of documents on fixed-term employment, obtained from Russell Group (20) and 1994 Group (19) institutions' websites[3]. In the majority of cases, some information relating to the policy on fixed-term employment was publicly available. Key elements of the policies on fixed-term employment found within and across institutions were identified and clustered under four umbrellas:

- changing institutional culture around fixed-term contracts
- beyond minimum legal requirements
- better managing status quo
- other policy elements.

Whilst not presenting a typology of institutions, these headings are useful to articulate broad responses.

Translating policy into practice

This report draws from empirical insights, generated through four institutional case studies, to examine how institutional policies are translated into practice. The case studies were selected to explore a range of policy responses, institutional sizes and disciplinary mixes. They involved a combination of policy analysis and visits to the institutions, where a range of staff at all levels were interviewed or involved in focus groups.

Strategy and approach

The legislation has been a key driver for changes in institutional policy and practice, pushing matters relating to researchers' contracts up the institutional agenda. The form of the contracts used to employ researchers is, however, just one part of a broader picture involving the recruitment, management and development of this staff group.

It is for senior managers of universities to determine the role played by researchers within the institution and to link that to employment and management policies. A common approach to policy development was to bring together a working group representing different institutional stakeholders to develop the policy. Within the working groups, extensive discussion was often required, in order to reconcile different stakeholders' opinions and to develop a policy.

Different stakeholders and institutional contexts meant that each case study institution developed a different approach. However, in most contexts, the importance of having a senior and respected figure with experience of research who was part of the group and could drive the policy forward at senior management level was stressed.

Communicating and embedding policy

HEIs have made changes to their policies on fixed-term employment, driven by HR or personnel departments. It is important, however, that such policies work within the context of planning and doing research and are both owned and 'own-able' by academic staff. Within institutions, research is conducted and managed in a diversity of ways. A key challenge has been to develop a policy that can apply consistently throughout the institution but which is sensitive to the range of research contexts operating within the institution.

---

[1] European Directive (Council Directive 99/70/EC Concerning the Framework Agreement on Fixed-Term Work); implemented in the UK by The Fixed-term Employees (Prevention of Less Favourable Treatment) Regulations 2002 and by the Fixed-term Employees (Prevention of Less Favourable Treatment) Regulations (Northern Ireland) 2002

[2] The Concordat to Support the Development of Researchers, The Concordat (2008)

[3] The Russell Group is made up of 20 large research oriented universities. The core aim of this organisation is to ensure that member universities have optimal conditions to contribute at regional and national level through world-leading research and teaching (Russell Group, 2010). The 1994 Group brings together 19 research-intensive universities to promote common interests. The group was established to promote excellence in research and teaching, enhance student and staff experience and to set the agenda for higher education (1994 Group, 2010).

Principal investigators (PIs) and research managers have a key role in implementing policy changes. However, PIs may not identify with the role of 'line-manager' in terms of the implementation of HR policies. A key challenge is to ensure that institutional policies and line management roles fit with and become embedded within 'doing research', rather than being seen as external to it.

Researchers' engagement with information about their employment differs depending on the context and may change over time. A multi-layered approach, combining accurate online information with face to face interaction and advice, seems to be key to informing researchers about their rights.

Managing open-ended and fixed-term employment

The legislative changes have meant that the rights of fixed-term and open-ended employees are increasingly similar. However, the nature of research funding continues to be linked with a risk of redundancy. There is increasing diversity in the use of fixed-term and open-ended employment and in the nature and quality of these positions. The type of contract used is not, of itself, a useful indicator of the quality or security of the post. More nuanced understandings based on a range of factors, including the risk of redundancy, should be sought.

The case studies revealed a level of uncertainty amongst researchers about the nature of open-ended employment and the likelihood of redundancy. Institutions are conscious of the need to 'manage' expectations of the researchers employed on open-ended contracts. They use a range of means to inform researchers of the likelihood of ongoing employment. Researchers need to be aware of differing approaches across the sector and to ensure that they understand the nature of their employment relationship.

Responses to short-term funding

In some cases, responses to the legislation have prompted better centralised monitoring and record keeping. In many cases, HR departments have put in place, or are developing, systems that serve to trigger looking ahead and planning and communicating with staff where the ending of short-term funding is approaching. However the local context appears to be key to determining which approaches to retaining staff and mitigating the risk of redundancy will work and how they work out in practice. A range of factors come in to play encompassing: the nature of research and research funding; approaches to research planning and management and perceptions about managing open-ended and fixed-term staff.

Some examples of local approaches include:

■ strategies such as enhanced communication about forthcoming projects and applications between PIs working in similar fields to support forward planning and clarity about the options available

■ in some contexts researchers work across a number of projects within centres and groups, which can support retention and the development of research capacity but requires management and administration

■ other strategies for retaining researchers are based around the generation of further project funding either by a PI or by the researchers themselves.

Managing and communicating expectations

Managing the expectations of staff employed on contracts that are linked to grant funding has been seen by institutions as an important way of clarifying the likelihood of continued employment and ensuring that researchers are actively planning their careers. This involves giving researchers consistent messages throughout the life course of their employment about where they stand in relation to ongoing employment. It is important that messages associated with appraisal and staff review and with consultation about redundancy are consistent, made clearly and the purpose of them understood.

Termination of employment: redundancy

Much of the work undertaken by HR departments in this area has focused on establishing the processes and procedures that are to be followed at the termination of an open-ended contract or expiry of a fixed-term contract. This has been shaped by the complexity of internal governance requirements.

Despite the risk of redundancy often associated with research posts, researchers are not always aware of the policies and procedures associated with redundancy. Moreover, such procedures are not always clearly understood and implemented on the ground by PIs. It is important to clearly communicate what these processes are and why they are followed, and to ensure that managers implement them.

Do open-ended contracts feel more secure?

There is a level of uncertainty amongst researchers about the nature of open-ended employment and the likelihood of redundancy. There is a sense that researchers anticipated that the move to open-ended employment would change things substantially. However, a link between short-term funding and the likely duration of appointments continues. Some researchers express disappointment or confusion over what has actually changed. In some cases, it was unclear whether open-ended employment had changed the way that researchers experienced employment linked to short-term grant funding. Institutions may wish to consider whether there is a need for further clarification about what policy changes mean for research staff in practice.

Conclusion

HEIs are autonomous, complex and diverse institutions. The nature of academic employment and specifically the employment of researchers has changed over the past decade. Legal developments have played an important role in catalysing this change in recent years. However, the nature of the change experienced by both HEIs and researchers themselves is based on a complex interaction between legislation, institutional policy and HR and management practice. This means that there are likely to be many different approaches to research employment. Nonetheless the findings of this report suggest that where there is a commitment from senior managers and where institutional policy, HR and departmental management work together there is a strong chance of developing systems that better respond to the needs of the researchers as well as the institution.

Key messages for stakeholders

Research staff

- A range of initiatives to address the employment, management and career development of researchers and academic staff more generally has been developed nationally

- Recent legislative changes around fixed-term employees seek to strike a balance between flexibility (for employers) and security (for employees). They do not seek to abolish or prevent fixed-term employment. However some key rights and measures have been introduced:
  - Fixed-term employees have the right not to be treated less favourably than comparable permanent employees who undertake the same or broadly similar work unless less favourable treatment can be justified on objective grounds
  - Employees who are employed on successive fixed-term contracts for four years or more are considered by law to be permanent unless a fixed-term contract can be justified on objective grounds

- HEIs are autonomous and diverse institutions with different characteristics and goals. Responses to the legislation, and to national policies, vary between institutions. Researchers should therefore identify their institution's policy

- It appears that changes to institutional policies are taking time to become part of working life within departments, groups or teams

- Some researchers anticipated that a move to open-ended employment would change things substantially, however a link between short-term funding and the likely duration of appointments continues.

Managers of researchers/principal investigators

- Policies developed within HEIs are likely to be responding to a range of national initiatives addressing the management and development of researchers as well as the legislation on fixed-term employment

- Key features of the research context shape approaches to retaining staff and mitigating the risk of redundancy. This means that the local department level is key to approaches to retain researchers. Such approaches should be integrated with broader institutional policies and strategies

- Principal investigators (PIs) and research managers play a key role in implementing policy changes. However PIs may not always identify with the role of 'line-manager' in terms of the implementation of HR policies. PIs should seek, and make use of, institutional support in their management role

- Researchers should receive clear and consistent messages about where they stand and about the opportunities that are available to them within the institution. PIs and research managers have a key role to play here.

HR specialists

- Many universities have developed a policy response to the legislation on fixed-term employment

- It is important that policies function within, and are sensitive to, the context of planning and doing research. Policies should be both owned and 'own-able' by academic staff

- Within institutions, research is conducted and managed in a diversity of ways. A key challenge has been to develop a policy that can apply consistently throughout the institution but which is sensitive to the range of research contexts operating within the institution

- Much effort has focused on ensuring that the correct formal processes and procedures are in place. Communicating and embedding these processes is key to their success

- PIs may not identify with the role of 'line-manager' in terms of the implementation of HR policies

- Researchers' engagement with, and requirement for information about their employment differs depending on the context and may change over time. A multi-layered approach which combines accurate online information with face to face interaction and advice seems to be key to informing researchers about their rights

- Despite the risk of redundancy associated with research posts, researchers are not always aware of the policies and procedures associated with redundancy. Nor are such procedures always clearly understood and implemented on the ground by PIs

- Some researchers express disappointment or confusion over what has actually changed

- In some cases it is unclear whether open-ended employment has changed the way that researchers experience employment linked to short-term grant funding.

Senior managers

- The legislation raises a number of specific issues for HEIs and for researchers themselves. This is because fixed-term employment has become a common feature of working life within universities and periods of fixed-term employment have constituted a key step in many research career contexts

- Employers have been challenged to think about how they treat different staff groups and to reduce the extent to which contractual status can inform the treatment of employees. They have also been required to address the use of successive fixed-term contracts and to acknowledge a shift to open-ended status in some cases

- The legislation has been a key driver for changes in institutional policy and practice, pushing matters relating to researchers' contracts up the institutional agenda. The form of the contracts used to employ researchers is, however, one part of a broader picture involving the recruitment, management and development of this staff group

- It is for senior managers of universities to determine the role played by researchers within the institution and to link that to employment and management policies

- A common approach to policy development is to bring together a working group representing different institutional stakeholders to develop the policy. In many cases these working groups required extensive discussion in order to reconcile different stakeholders' opinions and to develop a policy

- A key challenge is ensuring that messages about the valuable role that researchers play within institutions is communicated to researchers themselves.

National organisations

- Over the last decade or more the higher education sector has begun to re-imagine the role of research staff

- This has been both driven and supported by a range of policy initiatives including the Concordat, the Research Careers Initiative, the European Charter and Code, the Roberts agenda and now the new Concordat to Support the Career Development of Researchers

- The legislation on fixed-term employment raises a number of specific issues for HEIs and for researchers themselves. However these are shaped by individual and institutional contexts

- HEIs are autonomous and diverse institutions with different characteristics and goals. Responses to the legislation have not been uniform, however some sector wide initiatives and responses have been put in place

- Across the sector as a whole, a reduction in the use of fixed-term contracts to employ researchers can be found

- The nature of research funding continues to be linked with a risk of redundancy

- There is increasing diversity in the use of fixed-term and open-ended employment and in the nature and quality of these positions

- The type of contract used is not a useful indicator of the quality of the post. More nuanced understandings based on a range of factors, including the risk of redundancy, should be sought

- Individual career trajectories will reflect the increasing diversity of academic positions within and across HEIs. Understandings and characterisations of research careers should reflect this diversity.

Introduction

In 2002 The Fixed-term Employees (Prevention of Less Favourable Treatment) Regulations 2002, SI 2002/2034 were introduced into England, Wales and Scotland and similar legislation was introduced in Northern Ireland. These regulations transpose a European Directive[4] into national law. Whilst the legislation on fixed-term employment is a general measure that is designed to work within a broad range of employment contexts, it raises a number of specific issues for universities and for researchers themselves. This is because fixed-term employment has steadily become a common feature of working life within universities (Bryson, 2004). Moreover periods of fixed-term employment constitute a key step in many research career contexts (Ackers and Oliver, 2007). Key stakeholders recognised that this was likely to have an impact on the higher education sector, challenging the norms and practices associated with managing researchers whose posts were underpinned by short-term research income. The European Commission, for example, suggested that the legislation 'implies a major rethink of the structure and future of postdoctoral fellowships and contract research in the different European countries' (CEC, 2003).

Different stakeholders envisaged a variety of different scenarios ranging from a radical reduction of fixed-term employment to a continuation of existing practices. In fact, change has been incremental with individual institutions developing policies that are shaped by local contextual factors. Nevertheless, the legislation and developments in the case law have pushed the issue of contracts up the agenda, prompting institutions to scrutinise their approach to employing and managing researchers. This study draws from new empirical insights into how institutions are dealing with these changes 'on the ground', to convey a message about what progress the sector has made with these developments at the present time.

The debates and developments in the area of fixed-term employment have not taken place in a vacuum. Rather this legislative change has taken place against a policy context within the HE sector that has:

- focused attention on the nature and quality of research posts
- promoted the modernisation of human resource management
- sought to address the sustainability of research funding.

A range of initiatives seek to promote a general move towards culture change within HEIs and these are aligned to some extent with changes in the legal framework around fixed-term employment. However, as noted in the Thrift report (2008: 28), 'cultural change takes time'. National initiatives since the early 1990s have taken steps to address the issues faced by researchers whose employment is underpinned by short-term funding. Following 'SET for Success', the final report of Sir Gareth Roberts' Review into the supply of science and engineering skills in the UK (Roberts, 2002), and the subsequent designation of funding, HEIs across the sector have put in place infrastructures to address training, development and management issues associated with research staff (Rugby Team, 2009).

Recent reviews of career paths within HEIs highlight the continued existence of a tension between short-term funding and longer-term career planning and development for researchers (Thrift, 2008). This tension has been present within policy initiatives designed to promote the better management of researchers. The impact of the legislation on fixed-term employment is that it has challenged the direct link between short-term funding and fixed-term employment in all cases. The requirement to comply with employment legislation combined with broader initiatives aimed at improving the management of researchers within HEIs has the potential to catalyse more creative solutions to this long-standing tension.

This publication is the result of a project that examined the issues around the nature of researchers' employment with a particular focus on how legislation and policy is being translated into practice within HEIs. In detail the project aimed to:

- extend existing research into the management of researchers within universities in the light of the legislation on fixed-term employment
- develop a more detailed understanding of how universities are implementing the legislation on fixed-term employment through institutional policies
- investigate how the legislation on fixed-term employment and related institutional policies are experienced by researchers and their managers 'on the ground'
- generate examples of practice, key challenges and pitfalls to be shared with policy makers and those working with researchers across the HE sector
- investigate the relationship between institutional responses to the legislation on fixed-term employment and the researcher development agenda
- interpret the research outcomes in the context of policy and practice in the HE sector.

---

[4] Council Directive 99/70/EC Concerning the Framework Agreement on Fixed-Term Work Concluded by ETUC, UNICE and CEEP.

An introduction to the law on fixed-term employees

Key messages

- Recent legislative changes around fixed-term employees seek to strike a balance between flexibility (for employers) and security (for employees). They do not seek to abolish or prevent fixed-term employment

- Fixed-term employees have the right not to be treated less favourably than comparable permanent employees who undertake the same or broadly similar work unless less favourable treatment can be justified on objective grounds

- Employees who are employed on successive fixed-term contracts for four years or more are considered by law to be permanent unless a fixed-term contract has been justified on objective grounds

- Establishing objective justification entails considering whether an action: responds to a genuine need; is appropriate for achieving that need and is necessary for that purpose

- A tribunal has found that short-term funding did not objectively justify the use of successive fixed-term contracts in a particular context.

- The expiry and non-renewal of fixed-term contract is legally a dismissal: less favourable treatment of fixed-term employees in the context of a dismissal (e.g. redundancy) would require 'objective justification'

- Waiver clauses cannot be used to exclude fixed-term employees from any right to claim unfair dismissal or from any rights to redundancy payments

This study has investigated university responses to the legislation on fixed-term employment. It is useful to begin with an introduction to the legislation and to the rights and remedies that it creates. This section should be considered an introduction to some of the key features of the legislation rather than a comprehensive overview or a guide to the legislation in this area. It focuses principally on the measures introduced by The Fixed-term Employees (Prevention of Less Favourable Treatment) Regulations 2002, however some aspects of the law relating to the termination of employment are also briefly discussed. It should by no means be considered a comprehensive overview of this extensive and complex area of law.

Striking a balance between flexibility and security

The European Directive on fixed-term work sets out the general principles and minimum requirements for fixed-term employment contracts and employment relationships. At its heart lies an aim to achieve a 'better balance between flexibility in working time and security for workers'[5]. The European Directive[6] itself does not aim to abolish or prevent fixed-term employment, nor does it aim to promote fixed-term employment, rather it aims to find a balance. It is designed to do two main things: first, to improve the quality of fixed-term work by ensuring the application of the principle of non-discrimination, and second, to establish a framework to prevent abuse arising from the use of successive fixed-term employment contracts or relationships (Cl. 1). The European Directive has been transposed into national law through the Fixed-term Employees (Prevention of Less Favourable Treatment) Regulations 2002 ('the Regulations'). The following sections look at key features of the Regulations.

The right not to be treated less favourably

The Regulations set out the right of fixed-term employees[7] not to be treated by their employer less favourably than the employer treats a comparable permanent employee[8]. Exercising the right thus hinges on the capacity for the fixed-term employee to identify a permanent employee who is 'engaged in the same or broadly similar work'.[9] Thus researchers employed on fixed-term contracts are likely to be able to identify a comparator amongst researchers employed on open-ended contracts. However, a question remains as to how far it might be possible to claim that permanent academic staff who perform a teaching and research function could serve as a comparator. This would depend very much on the facts of the case.

The right not to be treated less favourably applies to both the terms of the contract and to any other detriment by any act, or deliberate failure to act, of the employer.[10] An employment tribunal[11] considered the right in an HE context in 'Biggart v University of Ulster'.[12] This case involved the dismissal of a fixed-term lecturer where the university had

---

5   European Directive (Council Directive 99/70/EC Concerning the Framework Agreement on Fixed-Term Work),

6   The Directive gives effect to a framework agreement concluded by representatives of management and labour at European Union level. The framework agreement is annexed to the European Directive and considered an integral component of it. The clauses referred to here are found within the Framework Agreement.

7   Importantly the Regulations only apply to 'employees' and not the broader category of 'workers': establishing employee status is therefore a key hurdle to accessing these rights. Distinguishing the employee relationship from other forms of contract is not a simple task. In recent years a pragmatic approach, based on multiple factors, has been adopted by tribunals and courts. Judges have emphasised the importance of taking into account the facts of the case and of the context of contemporary working practices. Factors likely to be taken into account include: the power to select and dismiss; the payment of remuneration; deduction of PAYE and national insurance contributions; the organisation of the workplace; the supply of tools and material and the economic realities (for example where financial risk lies (Smith and Thomas, 2008: 65).

8   Within the Regulations a permanent employee is defined as 'employee who is not employed under a fixed-term contract' (Reg. 1 (2)). An employee is a comparable employee if, at the time when the treatment that is alleged to be less favourable takes place both employees are employed by the same employer, they are engaged in the same or broadly similar work (having regard, where relevant, to whether they have a similar level of qualification and skills) and the permanent employee works or is based at the same establishment as the fixed-term employee (Reg. 2).

9   Reg. 2(1)

10 This includes, in particular any period of service qualification relating to any particular condition of service; the opportunity to receive training; and the opportunity to secure any permanent position in the establishment (Reg. 3(2)).

11 Note that the decisions of Employment Tribunals are not binding on other Employment Tribunals. In England, Wales and Scotland appeals on a point of law can be made to the Employment Appeal Tribunal (EAT). The decisions of the EAT are binding on Employment Tribunals. Appeals from EAT decisions on a point of law can be made to the Court of Appeal and then to the UK Supreme Court.

12 'Biggart v University of Ulster', Unreported February 19, 2007, (IT) (Northern Ireland)

taken a decision not to renew fixed-term contracts in order to reduce staffing costs. It was found that the selection of fixed-term employees as a staff group for dismissal constituted less favourable treatment compared to permanent staff employed at the university in similar posts.

The right only applies if the treatment is on the grounds that the employee is fixed-term. The link between the treatment and the fixed-term status is important: permanent employees do not have the right to be treated as favourably as fixed-term employees.

The right also only applies if the treatment is not justified on objective grounds. To be justified on objective grounds the treatment must:

- respond to a genuine need
- be appropriate for achieving that need
- be necessary for that purpose.[13]

Less favourable treatment relating to the terms of the contract may also be objectively justified if, taken as a whole, they are at least as favourable as the terms of a comparable permanent employee's contract (Reg. 4). This provides the employer with a choice as to whether they take a 'term-by-term' or a 'package' approach to equal treatment.

Where they feel that their right not to be treated less favourably has been impinged upon by their employer, an employee can bring a complaint to an employment tribunal (Reg. 7). The time limit for bringing a complaint is three months, although a tribunal may consider complaints that are out of time in some circumstances (Reg. 7(3)). The onus is on the employer to identify the ground for the less favourable treatment or detriment (Reg. 7(6)). To remedy a well founded complaint, a tribunal can take the following steps:

- make a declaration about the rights of the employee and the employer
- order the employer to pay compensation
- recommend that the employer takes specified action to reduce the adverse treatment reported by the employee (Reg. 7(7)).

Where compensation is awarded, the amount is calculated according to what the tribunal considers just and equitable in all the circumstances. Regard is to be given to the infringement to which the complaint relates and to any loss which is attributable to the infringement. Loss will include any expenses reasonably incurred in consequence of the infringement as well as loss of any benefit which the employee might reasonably be expected to have had but for the infringement (Reg. 7(8-9)). This will not include compensation for injury to feelings (Reg. 7(10)).

These provisions prompt employers to think about how they treat different staff groups and aim to reduce the extent to which contractual status can inform the treatment of employees. Thinking about the impact of these measures on the management of researchers raises the question of whether their treatment is informed by their fixed-term status alone. It could be argued that a complex interplay between short-term employment, research-only function and the nature of academic career paths determine the treatment of researchers within HEIs.

Successive fixed-term contracts

The Regulations introduce a measure to prevent abuse of successive fixed-term contracts (Reg. 8). The effect is that an employee employed on successive fixed-term contracts for four years or more[14] is considered by law to be a permanent employee,[15] unless there are objective grounds for using a fixed-term contract (Reg. 8(1-3)). Objective justification must be established at the time when the current contract was last renewed or at the time when the current contract was entered into (Reg.8(2)(b)). The test for objective grounds is as above.[16]

The Regulations make provision for local variation to the measures on successive fixed-term employment (Reg 8(5)). Collective or workforce agreements can be used to modify the provisions on successive fixed-term contracts with reference to 'any employee or specified description of employees'. The provisions can be substituted with one or more of the following:

- a maximum total period for which employees may be continuously employed on a fixed-term contract or on successive fixed-term contracts
- a maximum number of successive fixed-term contracts and renewals of such contracts
- objective grounds justifying the renewal of fixed-term contracts or engagement under successive fixed-term contracts.

Some universities have made use of collective agreements to modify the application of the provisions on successive fixed-term contracts (see page 17 and 27).

In the case of researchers within universities, a key question is whether short-term grant funding can constitute objective justification for the use of fixed-term contracts. This has been explored at tribunal level within 'Ball v University of Aberdeen'.[17] Here a researcher had been employed continuously for six years and had had three fixed-term contracts. He had written to his employer requesting a written statement that his contract was no longer fixed-term. The university stated that the employee would continue to be employed on a fixed-term contract because there was no guarantee of further funding beyond the length of the appointment. The issue for the tribunal was to consider whether the use of a fixed-term contract was justified on objective grounds when the third fixed-term contract commenced. The tribunal identified a genuine business need – 'that of coping with the fact that the research funding from grant giving institutions was short term' (para110). It then considered whether the fixed-term contract was an appropriate and necessary means to meet that need. The specificities of this particular case were taken into account and the

---

[13] Case C-307/05 'Yolanda Del Cerro Alonso v Osakidetza-Servicio Vasco de Salud' [2007] ECR 7109

[14] Establishing continuity of employment is key to accessing the protection of Reg. 8. In determining continuous employment, paragraph 4 applies in Chapter 1 of Part 14 of the Employment Rights Act 1996. Under these provisions it is possible, in some circumstances, to preserve continuity of employment between gaps in successive fixed-term contracts. It may be possible to argue that the weeks in between constitute a 'temporary cessation of work' as defined by s.212 (3) of the ERA 1996.

[15] 'Permanent employee' means an employee who is not employed under a fixed-term contract (Reg. 1(2)).

[16] Case C-212/04 'Adeneler and Others v Ellinikos Organismos Galaktos' (ELOG) [2006] ECR 6057

[17] 'Ball v University of Aberdeen', Unreported May 23, 2008 (ET) (Scotland)

advantages and disadvantages to the employer and employee of using an indefinite contract weighed up. It was found that 'the [university's] legitimate business objective could be met just as easily by the adoption of an indefinite contract for the [researcher]' (para. 120).

Where a fixed-term employee believes that their contract should be considered permanent, they have the right to request, from their employer, a written statement confirming that their contract is no longer fixed-term or that they are now a permanent employee. The employee is entitled to receive a statement within 21 days, either confirming that they are a permanent employee, or giving reasons why their contract is still fixed-term (Reg. 9(1)). If there are objective reasons for the continuation of the fixed-term status, these should be set out (Reg. 9(2)). The statement is admissible as evidence within a court or tribunal (Reg.9(3)). Provided that the employee has requested a statement (and the employer has either failed to provide a statement, or given a statement of reasons) he or she can apply to an employment tribunal for a declaration that they are a permanent employee. The employee must be employed by the employer at the time the application is made.

These provisions posed some real challenges in terms of defining what institutions see as an appropriate use of fixed-term employment and putting in place systems to facilitate and oversee the transition to open-ended status. Universities also needed to think about complying with the law at the end of a fixed-term contract if it is not renewed and when ending an open-ended contract, both of which are dismissals. This issue was key as many institutions (particularly chartered universities) have rigorous redundancy procedures, the modification of which requires specific procedures and processes.

Existing legislation on unfair dismissal

This section considers changes that the Regulations and other legislation have made in the area of unfair dismissal. The expiry and non-renewal of a fixed-term contract is a dismissal under the legislation on unfair dismissal.[18] However, in the past, the protection for fixed-term employees was limited in a number of ways. A fixed-term employee could agree in writing, through a waiver clause, to exclude any right to claim unfair dismissal if they were employed for a year or more and any rights to redundancy payments if employed for two years or more, should their contract not be renewed.[19] Another limitation was that a distinction was made between a fixed-term contract and a contract for completion of a particular task. The expiry of a task contract did not constitute a dismissal. Finally the expiry and non-renewal of a fixed-term contract could be found to be fair as 'some other substantial reason' (this has not been changed by the Regulations but will

nonetheless be discussed below: it continues to be an area in which protection for fixed-term employees is potentially curtailed).

The use of waiver clauses has now been addressed. The ability to waive unfair dismissal rights was removed in 1999.[20] Then in 2002 the Regulations removed the provisions on redundancy waivers. Following the amendment, existing contracts or renewals of contracts that contain a waiver will remain valid however no new waiver clauses are permitted within new contracts or within extended or renewed contracts. The Regulations also brought in a new, broader, definition of a 'limited-term contract' for the purposes of the legislation on unfair dismissal.[21] Existing legislation was amended to reflect this broader definition and to ensure that contracts to complete a particular task fell within the definition of a dismissal for the purposes of the legislation on unfair dismissal.

In order for a dismissal to be considered fair, the employer must first establish that the reason for the dismissal falls within one of the six potentially fair reasons set out in the statutory legislation on unfair dismissal.[22] In the context of economic dismissals (for example where grant funding has come to an end) both redundancy or 'some other substantial reason' are potentially fair reasons for dismissal.[23] If the reason is 'some other substantial reason' the employee will not be entitled to a redundancy payment. The courts have found that the temporary nature of a contract, where this is known to the employee, could qualify as a dismissal for 'some other substantial reason'. However it has been stressed that in addressing these questions, tribunals should ensure that the case is genuine.[24] The expiry of the fixed-term will not of itself establish the existence of 'some other substantial reason'. It will need to be shown that the fixed-term contract was adopted for a genuine purpose and that fact was known to the employee, and that the specific purpose for which the contract was adopted has ceased to be applicable.[25] An example of this could be covering a period of temporary absence.

The changes set out above are significant because they underline the fact that universities must handle the expiry and non-renewal of a fixed-term contract appropriately. Mordue argued that the abolition of the waiver of unfair dismissal rights would 'necessitate a sea-change in the way in which universities approach the termination of fixed-term contracts' (2002: 244). He suggests that universities would be required to actively address issues such as conduct and capability throughout the appointment, rather than simply waiting for the fixed-term to expire. Moreover in the context of redundancy, selection processes and procedures would need to be addressed and applied.

---

[18] S.95(1)(b) Employment Rights Act 1996

[19] S.197 Employment Rights Act 1996 see Painter and Holmes, 2008: 425

[20] S.18(1) Employment Relations Act 1999 repealed part of the Employment Rights Act 1996 S. 197

[21] S.235 (2) Employment Rights Act 1996

[22] S.98 Employment Rights Act 1996

[23] S.98 Employment Rights Act 1996 see further Deakin and Morris (2009) chapter 5.

[24] 'Terry v East Sussex County Council' [1977] 1 All ER 567

[25] 'North Yorkshire County Council v Fay' [1985] IRLR 247

The Model Statute and fixed-term employment within chartered universities

In addition to the statutory rights that protect employees from unfair dismissal, employees have contractual rights governed at common law. Here a dismissal may be 'wrongful' if an employer is acting in breach of the contract. Within the chartered universities and Oxbridge colleges the Model Statute[26] is incorporated into the contracts of employment of the academic staff.[27] The definition of dismissal reflects that set out within the unfair dismissal legislation and includes the expiry and non-renewal of a fixed-term contract. It has been suggested that 'The potential application of the Model Statute to this type of dismissal is frequently overlooked' (Mordue, 2002: 219).

The Model Statute usually only applies to academic staff and the definition of academic staff varies by institution. In order to ascertain whether the Model Statute applies to researchers, reference to the statutes of the particular university must be made. In the context of 'redundancy' or 'good cause' dismissals, as defined within the Model Statute, the Model Statute imposes contractual procedures which must be followed in order for the dismissal to be lawful.[28]

Collective redundancy consultation

A final matter, not addressed specifically within the Regulations, but nonetheless relevant to the context of the use of fixed-term contracts within HEIs, is that of the requirement for collective consultation. Employers are obliged to consult and to provide information where they propose to dismiss as redundant 20 or more employees within a period of 90 days or less.[29] Where there is a recognised trade union the employer must consult the union in respect of the affected employees, where no union is recognised employee representatives must be consulted. The definition of dismissal encompasses the expiry and non-renewal of a fixed-term contract. Where the reason for dismissal is redundancy and where several fixed-term contracts will expire and not be renewed within a given 90 day period, the collective consultation obligation may be triggered. An example could be at the end of the academic year (Mordue, 2002). Further, employers are obliged to notify the Secretary of State when 20 or more redundancies are proposed.[30]

---

[26] The Model Statue is found within the statutes of the old chartered institutions. Section 206 of the Education Reform Act 1988 gave university commissioners the power to modify the statutes of institutions so that they would include, amongst other things, provisions enabling the institution to dismiss academic staff by reason of redundancy. A Revised Model Statute has been approved by the Privy Council. Adoption of the Revised Model Statutes by institutions has however been slow. Some institutions have taken steps to adopt a much simplified charter and statutes by moving the provisions of their Model Statutes to ordinances. This would allow future modifications to be made by the institution without requiring Privy Council approval (HEFCE, 2010).

[27] It is possible for institutions to amend the Model Statute but they must first secure the approval of the Privy Council

[28] Some argue that chartered universities are restricted from terminating contracts on grounds other than those set out within the Model Statute. Mordue (2002) however suggests that the Statute does not constitute an exhaustive list of the grounds on which a contract can be terminated. Where dismissals are not covered within the Model Statute they are outside the scope of the Model Statute and are thus governed purely by the contract itself.

[29] S. 188 Trade Union and Labour Relations (Consolidation) Act 1992

[30] S. 193 Trade Union and Labour Relations (Consolidation) Act 1992

Sector responses

Key messages

- The legislation posed challenges to the HE sector where the use of fixed-term employment was prevalent, particularly in the employment of research staff

- Sector-wide guidance was published by The Joint Negotiating Committee for Higher Education Staff (JNCHES)

- Each HEI is different and responses to the legislation will vary according to the context. The JNCHES guidance recommends a partnership approach with the locally recognised unions

- A range of human resource initiatives across the sector have promoted developments in human resource management

- The Concordat sets out the expectations and responsibilities of researchers, their managers, employers and funders

- The use of fixed-term contracts to employ researchers has reduced

The legislation posed challenges to the HE sector where the use of fixed-term contracts was prevalent. In 2002/03, 41.9% of academic staff in UK HEIs were employed on fixed-term contracts (Court, 2004). This challenge was particularly significant in the management of research-only staff where the proportion employed on fixed-term contracts was as high as 93.2% (ibid). The following section discusses the sector-wide guidance produced in 2002 as well as some HR initiatives that encompass responses to the legislation.

Sector guidance

In June 2002, the Joint Negotiating Committee for Higher Education Staff (JNCHES) published guidance on 'Fixed-term and Casual Employment Higher Education Institutions'. This had been drawn up by the JNCHES modernisation group and was agreed between the Universities and Colleges Employers Association (UCEA) and the nationally recognised unions. The guidance is designed to provide steering in implementing the legislation. It emphasises the need to reduce the number of fixed-term and casual posts and to limit their use in the future. It encourages HEIs to employ staff on indefinite (open-ended) contracts as the normal form of employment. Finally it seeks to assist the development of good practice in the use and management of fixed-term and casual employment. The following sections focus on the guidance on fixed-term employment.

The guidance notes that the impact of the regulations will be to reduce the number of new and existing fixed-term contracts and states that institutions need to revise their existing arrangements. It is acknowledged that institutions need to maintain flexibility but suggested that this will require greater management effort.

'The aim must be to achieve a proper balance between flexible working and organisational efficiency, on the one hand, and security of employment and fair treatment of employees on the other.' (JNCHES, 2002, para 3)

The guidance reminds HEIs that, in responding to the Regulations, they should be mindful of the legal obligations in other areas of employment law. It sets out the broader legislative framework encompassing equal treatment, equal pay, employing part-time workers as well as the provision of information about employment contracts and the obligation to consult in the context of a redundancy.

Specific information relating to the implications of the legislation for the management of common HEI staff groups (including research staff) is set out. It is noted that researchers have been employed on fixed-term contracts in response to short-term funding but stressed that the Regulations will 'require a major overhaul of the way they are employed in the future, resulting in a significant transfer to and use of indefinite contracts' (ibid; para 5). It is noted that the end of short-term funding will raise the possibility of redundancy but also stressed that other possibilities should be explored and that institutions should have termination procedures in place, particularly in the handling of redundancy. These procedures should include individual and collective consultation, redeployment and appropriate contractual notice.

The guidance sets out some principles that support good practice in the management of researchers. These include the general use of indefinite (open-ended) employment and the use of fixed-term employment only where justified by objective reasons. These principles cover aspects of equal opportunities as well as access to key support and resources. It also stresses the importance of ensuring that the use of fixed-term contracts does not give rise to unlawful discrimination (noting the over-representation of women and ethnic minorities on fixed-term contracts).

Possible examples of objective justification for the use of fixed-term contracts are set out. These are as follows:

'(a) the post requires specialist expertise or recent experience not already available within the institution in the short term

(b) to cover staff absence as appropriate (eg parental and adoptive leave, long-term sickness, sabbatical leave or secondment)

(c) the contract is to provide a secondment or career development opportunity

(d) input from specialist practitioners

(e) where the student or other business demand can be clearly demonstrated as particularly uncertain

(f) where there is no reasonably foreseeable prospect of short-term funding being renewed nor other external or internal funding being available or becoming available. Where the short-term funding has already been renewed, continuing use of the fixed-term contract would need to be justified by objective reasons.' (ibid; para 9)

Institutions are, however, recommended to identify in partnership with the unions the way in which they would use fixed-term and casual contracts, reflecting the institutional context. There is also guidance on the management and expiry of fixed-term contracts.

Sector wide human resource management initiatives

A range of initiatives has been introduced to encourage the modernisation of human resource management within universities. A major initiative is the introduction of a national framework agreement for the modernisation of pay structures (Oakleigh Consulting, 2009). This was negotiated through the mechanism of the Joint Negotiating Committee for Higher Education Staff (JNCHES). The agreement covered a number of key areas for reform: pay spines, grading, staff development and review, progression between grades, progression within grades, working hours, attraction and retention premia and equal opportunities (JNCHES, 2003). Central to the agreement was the introduction of a single pay spine which was to be used by individual

institutions to determine the pay rates for the majority of HE staff. Pay and grading arrangements were to be determined locally by institutions, based on the outcomes of job evaluation and role analysis. These changes were to commence from 1 August 2004 and to be implemented by August 2006 in most cases.[31] The significance of this development for researchers is that it supports greater clarity and transparency in the grading and pay for researchers within institutions and in the clarification of routes to pay progression.

Another key initiative was the Rewarding and Developing Staff in Higher Education (R&DS) scheme. Through this scheme the Higher Education Funding Council for England (HEFCE) provided funding for English universities to invest in key aspects of human resources (funding was conditional upon HEIs taking a strategic approach to human resource management (HRM)). In the first round of the scheme, fixed-term researchers were not specifically identified within the list of priority HRM issues, however some institutions reported their HRM policies relating to research staff (KPMG LLP, 2005: 28). In the second round, 'staff on fixed-term contracts' was added as an issue that institutions should address (in proportion to their own institutional priorities) (Oakleigh Consulting, 2009). In 2003, the Scottish Higher Education Funding Council (SHEFC) developed a similar scheme. A condition of the grant was introduced which required institutions to devise and implement effective human resource strategies covering all staff, including contract research staff (ibid). Around the same time, the Higher Education Funding Council for Wales (HEFCW) put in place an HR strategies initiative to assist institutions in the development of their HR strategies through the provision of consultancy advice. This scheme followed the same priorities as the HEFCE scheme (ibid).

Between 1999/2000 and 2003/04 HEFCE ran a Good Management Practice (GMP) programme, which provided funding for specific projects and was designed to speed up the implementation of management improvements across the sector. The Leadership, Governance and Management (LGM) fund now encompasses much of this agenda. Evaluation of the schemes found that more effective management of research staff was an area where there was clear evidence of the impact of the schemes (Oakleigh Consulting, 2007).

HEFCE recently commissioned an evaluation of the impact of public policy and investments in human resource management in higher education since 2001 (Oakleigh Consulting, 2009). As part of this review, a survey of HR professionals was conducted. Responses were received from 59, predominantly English, institutions. The survey asked about a range of relevant policy initiatives, legislative changes and other developments and invited respondents to comment on the extent to which these had influenced their institution's approach to HR management. In relation to the Regulations, 21% of respondents reported a significant positive influence and 48% reported some positive influence. However it is significant to note that 8% reported no influence, 19% reported some negative influence and 4% reported a significant negative influence. The authors of the report concluded that institutional views on the influence of the Regulations were mixed. In response to open questions, respondents had mentioned the benefit of the Regulations in forcing the institution to address the use of fixed-term employment whilst other responses suggested that the Regulations were a 'mixed blessing' and that they 'sit awkwardly with Research Council funding and the reality of research careers in the UK' (ibid; 86).

Initiatives to support research staff

This section outlines a number of initiatives that have been introduced in recent years to support the better management of researchers whose employment is underpinned by short-term funding.

The first Concordat to provide a framework for the career management of 'contract research staff' in universities and colleges was drawn up in 1996 (The Concordat, 1996). The Research Careers Initiative (RCI) was also set up in 1997 to monitor progress towards meeting the commitments of the Concordat and to identify and encourage good practice in the career management and development of researchers. In 2002 the RCI came to an end and a final report outlining the activities of the initiative since its creation was published (RCI, 2003). Despite the development of clearer national and institutional policies on research staff, the report noted that there was more to be done to effectively translate policies into better conditions for researchers themselves. Some of the work of the RCI was taken on by the Research Base Funders Forum (RBFF) established by the Government as part of its innovation strategy. The RBFF brings together governmental and non-governmental research funders to consider the impact of their strategies on the Research Base. The Forum has several subgroups, one of which looks at research careers. Following a recommendation of the final RCI report a new Concordat was to be drawn up, led by a joint Universities UK and Research Councils UK sector working group.

Sir Gareth Roberts was integral to the drawing up of the first Concordat and chaired the RCI. He was later asked to undertake a review into the supply of science and engineering skills in the UK (the Roberts Review). This review was to form part of the Government's strategy for improving the UK's productivity and innovation performance. 'SET for success: the Report of Sir Gareth Roberts' Review - the supply of people with science, technology, engineering and mathematics skills' (2002) focused on the supply of science and engineering skills in the UK and looked into the recruitment of highly skilled scientists and engineers from the employer's perspective. Key issues in the production of skilled workers linked to education, further education and HE were identified, and some 36 recommendations were made to Government. In addressing issues relating to research staff, the Roberts Review was principally concerned with the recruitment of postdoctoral researchers (however the pay and conditions of research staff more generally was discussed). The Roberts Review found that, despite the advantages that contract research offers the system, a number of concerns could be identified that affect the recruitment, retention and development of the best postdoctoral researchers. These were a lack of clear career structure, inadequate training and increasingly un-competitive salaries (Roberts, 2002). Following the Roberts Review, HEIs across the sector received funding for Research Council funded researchers and have put in place infrastructures to address training, development and management issues associated with research staff.

Following on from the Roberts Review, Nigel Thrift undertook a review 'Research Careers in the UK: a Review' (Thrift, 2008). Looking at research staff, Thrift noted an increasing focus on the needs and experiences of postdoctoral researchers, however the issues of job security and control over career progression were highlighted as key issues.

---

[31] In 2007 the Universities and Colleges Employers Association (UCEA) surveyed 112 HEIs, just over half had implemented their agreements by August 2006. However around 20% still had not yet implemented their agreement by August 2007 (UCES, 2008).

At EU level, the issue of skills shortages and a greater demand for researchers also prompted attention to the nature of research careers. The European Council of Lisbon in 2000 set itself a goal to transform the European Union by 2010 into 'the most competitive and dynamic knowledge-based economy in the world capable of sustainable economic growth with more and better jobs and greater social cohesion' (Lisbon European Council, 2000: para 5). A key policy driver at EU level is the goal of creating a European Research Area (ERA). The human resource agenda of the ERA is to deliver 'more abundant and more mobile human resources' (CEC, 2000: 16). Efforts have focused on promoting the mobility of researchers and increasing the attractiveness of research careers. The European Commission Communication on the careers of researchers addressed the issue of career structures and placed the use of fixed-term contracts into the context of a tendency towards a deregulation of academic career systems (CEC, 2003).

One of the actions proposed within the European Commission Communication was the development of a European Charter for Researchers and a Code of Conduct for the Recruitment of Researchers. These were brought into being through a European Commission Recommendation in 2005 (Commission Recommendation of 11 March 2005). The Charter and the Code serve as non-binding statements of general principles and requirements; however a governance tool known as the 'open method of coordination' is applied to encourage a level of policy activity through exchange of experiences and best practice. The Charter is designed to be a framework for the career management of human resources in research and development. In line with other ERA human resource initiatives it promotes the value of mobility, calls for improvement in the stability of employment for researchers and states that employers should aim for a representative gender balance. The Code of Conduct sets out general principles and requirements that 'should' be followed by employers and funders when appointing or recruiting researchers with the aim of establishing an 'open and sustainable European labour market' (Commission Recommendation of 11 March 2005: 67).

A Concordat sector working group set up by Universities UK and Research Councils UK carried out a 'gap analysis' to map the Charter and Code against existing legislation, guidelines and good practice in the UK. The idea behind this exercise was to help key actors at national level to understand where current practices sat in relation to the Charter and Code and to highlight where action could be taken to better align these with the principles set out therein. In general, the gap analysis found that the UK was complying with the requirements of the Charter and Code and identified no major conflicts (UUK and RCUK, 2006).

The gap analysis produced a comprehensive reference guide to UK policies and practices in relation to the employment and management of researchers. This fed into activity to revise the Concordat which was taken forward by the Concordat working group. The resultant Concordat to Support the Career development of Researchers was launched in June 2008 (Concordat, 2008). Alongside the Concordat, the Vitae programme was launched. Funded by Research Councils UK (RCUK) and managed by CRAC: The Career Development Organisation, Vitae has a remit to enhance the professional and career development of both postgraduate researchers and research staff. Vitae has a major role in implementing the Concordat and works with the HE sector and other stakeholders to review progress in this area[32].

The Concordat applies to all researchers employed in higher education, including researchers whose work is supported by short-term funding. It is noted that, despite progress since the last Concordat, 'this group is still rendered vulnerable by the uncertainty of research funding.' (The Concordat, 2008: 4). The Concordat aims to ensure maximum benefit to the researcher, their employing organisations and the research base during their period of employment as researchers in higher education and research institutions, 'recognising that this may be only part of a much longer career track' (ibid). It is set out around seven principles:

- 'Recognition of the importance of recruiting, selecting and retaining researchers with the highest potential to achieve excellence in research

- Researchers are recognised and valued by their employing organisation as an essential part of their organisation's human resources and a key component of their overall strategy to develop and deliver world-class research

- Researchers are equipped and supported to be adaptable and flexible in an increasingly diverse, mobile, global research environment

- The importance of researchers' personal and career development, and lifelong learning, is clearly recognised and promoted at all stages of their career

- Individual researchers share the responsibility for and need to pro-actively engage in their own personal and career development, and lifelong learning

- Diversity and equality must be promoted in all aspects of the recruitment and career management of researchers

- The sector and all stakeholders will undertake regular and collective review of their progress in strengthening the attractiveness and sustainability of research careers in the UK'.

Evidence of changed practices?

The UK Research Base Funders' Forum[33] requested that the funding bodies should report annually on trends in research staff. A report covering academic years 2003/04 to 2006/07 was published in 2007. It reported a significant reduction in the use of fixed-term contracts to employ researchers (Research Base Funders Forum, 2007). A key issue raised was that, whilst some universities have moved greater proportions of researchers onto open-ended contracts, fewer of the research intense institutions were within that group. This is significant because these institutions employ the highest proportions of researchers in the UK (ibid). The second annual report on research staff (2004/05 to 2007/08) includes a useful and detailed analysis of Higher Education Statistics Agency (HESA) data on research staff. It shows a further reduction in the proportion of researchers who are employed on fixed-term contracts from 2004/05 (88%) to 2007/08 (79%) in the UK. The use of fixed-term contracts to employ researchers reduced in the UK as a whole and in each individual country except Northern Ireland. University and College Union (UCU) analysis has also highlighted a continuing reduction in the proportion of research-only academics being employed on fixed-term contracts between 1995/6 and 2005/6 (UCU, 2007).

---

[32] See www.vitae.ac.uk

[33] The Research Base Funders Forum is made up of governmental and non-governmental research funders. The forum considers the health and sustainability of the Research Base.

Institutional policy responses

Key messages

- The sector has not developed a single response but rather a range of responses that reflect institutional approaches and contexts.

- Key elements of policy documents can be clustered under four broad umbrellas. These reflect broad themes identified within and across policy documents. Most institutional policies contain elements that fall under each of the umbrellas:

  - changing institutional culture around fixed-term contracts

  - beyond minimum legal requirements

  - better managing the status quo

  - other policy elements.

Phase one of the research underlying this report involved a web-based review of HEI policies on fixed-term employment (see appendix). This review was a background exercise designed to support the selection of the four case study institutions and to begin to scope out responses across the sector. It does not provide an exhaustive examination of HEI policies on fixed-term employment, rather a systematic approach to contextualising the case study institutions and thereby laying the groundwork for a more thorough review in the future. The exercise also served to highlight variations in the extent, nature and clarity of information about employment policies that HEIs make publicly available online. This raises the question of whether such information is sought or used by prospective employees. The scope of the review was limited to Russell Group and 94 Group universities because they employ the most researchers and face specific challenges in responding to the legislation on fixed-term employment (Research Base Funders' Forum, 2008). A total of 39 institutions can be found within the two groupings (20 within the Russell Group and 19 within the 94 Group). All but 11 institutions made some information on their fixed-term employment policy publicly available.

The approach taken to this review was to search the websites of the selected institutions and to identify policy documents relating to the use of fixed-term contracts[34]. A list of policy features found within and across policy documents was made. These features were then clustered under four broad umbrellas:

- changing institutional culture around fixed-term contracts

- beyond minimum legal requirements

- better managing the status quo

- other policy elements.

These umbrellas help to identify and explore broad themes found within and across policy documents. Rather than representing a categorisation of institutions, these umbrellas are groupings of policy features identified both within and between institutions. Thus no one institution falls into any of these categories, rather, aspects of their policy can be clustered under the four umbrellas. Indeed, most institutional policies contain elements that fall under each of the

umbrellas. The diversity of approaches to different aspects of university policy on fixed-term employment serve to highlight the point that the sector has not developed a single response but rather a range of responses that reflect institutional approaches and conditions. The following section briefly describes the umbrellas and gives examples of policies that have been clustered under each of them. This information is derived from the web-based policy review.

Changing institutional culture around fixed-term contracts

Within the web review, no institution expressly committed to abolishing the use of fixed-term contracts, however a few expressly set out a commitment to greatly reduce the use of fixed-term contracts. These advertise their policy as a very new approach to employing researchers. The language of 'culture change' and of a 'great reduction' in fixed-term contracts is used and an intention to retain staff is highlighted. As explored later in this report, a greater use of open-ended employment is not *of itself* indicative of a policy that seeks to promote culture change. Rather, open-ended employment in combination with a range of management strategies appears to support genuine culture change. Some institutions have developed these aspects of their policy in agreement with the unions whilst others stress that reducing the use of fixed-term contracts helps to maintain competitiveness or to implement internal strategies. Examples of policy features that were grouped under this umbrella include:

- the use of open-ended contracts as the default and of fixed-term contracts only in very strict circumstances

- a commitment to regularly monitor how fixed-term contracts are used

- discussion of the adaptation of management structures and processes with the emphasis on retaining staff

- information about how career paths and progression routes respond to changing staffing policies.

Beyond minimum legal requirements

Policies grouped under this heading go further than the legal requirements and commonly reflect the JNCHES guidance on reducing the use of fixed-term contracts. This suggests an intention to manage fixed-term employees and transitions to open-ended contracts in a manner that responds to the institutional or individual context and not simply to the stipulations of the Regulations. Examples of policy features within this umbrella include:

- a requirement of objective justification for the use of all fixed-term contracts, not just for successive fixed-term contracts beyond four years

- further restrictions on the use of fixed-term contracts, eg length or number of renewals

- the confirmation that staff employed beyond four years on successive fixed-term contracts are now employed on open-ended contracts, is triggered by the institution (for example through an annual review process) rather than the individual themselves

---

[34] Although a web search provides a selective and subjective identification of institutional policy, it was appropriate for the task of identifying broad policy approaches or common policy features to inform the choice and analysis of the case studies. In some cases old or outdated policy documents still existed on institutional websites, even though newer policies were obviously in place. In around 11 cases the policy relating to fixed-term contracts was either password protected or not possible to find on the website.

- it may be possible for existing fixed-term employees to move on to open-ended contracts prior to the legal trigger of four years and successive fixed-term contracts

- assessment of the use of fixed-term contracts at recruitment stage takes into account the individual's career portfolio

- specific information about how the policy on fixed-term employment applies in the context of the employment of researchers is available

- policies and procedures are clearly set out and communicated.

Better managing the status quo

The Regulations require HEIs to adapt their use of fixed-term contracts and management of fixed-term employees. It is highly unlikely that an HEI would not have had to review or adapt its practices in order to comply with the legal obligations. Some policy features of themselves do not necessarily lead to a departure from existing approaches to the employment of researchers but bring in some changes to reflect the legislation. This umbrella encompasses policy responses that implement and accommodate the legal requirements:

- The policy stresses that there will always be a requirement for fixed-term contracts

- Policy documents state that terms and conditions are to be the same or similar for fixed-term and permanent employees

- Procedures are put in place to be followed where fixed-term contracts expire and are not renewed

- The shift to open-ended employment of existing staff usually occurs with successive fixed-term contracts and four years of continuous service, unless there is objective justification for continuing to use a fixed-term contract

- The policy notes that an increase in open-ended employment will lead to an increase in redundancy

- Institutional structures are put in place to support continuity of employment between grants (eg bridging or redeployment).

Other policy elements

Some policy elements did not fall neatly into the headings above and are accordingly discussed here under 'other'. For example, one response is the use of a collective agreement to modify the provisions of the Regulations on successive fixed-term contracts. As noted above (page 10) the Regulations allow for variations to be developed through collective or workforce agreements (Reg. 8(5)).

The extent to which such agreements support culture change, going beyond the minimum or better managing the status quo will depend on the context and the factors that have contributed to drawing up the agreement.

Some of the information available through institutional websites would suggest that some HEIs have been slower than others to respond, or at least to update the information on their website.

Translating policy into practice

One aim of this project is to investigate how the legislation on fixed-term employment and related institutional policies are experienced by researchers and their managers 'on the ground'. This demands an insight into the complexity of institutional contexts, processes and practices and the interaction of these with the individual researcher (and their career). A case study approach has been taken to investigating institutional and individual experiences of and responses to the legislation.

Four institutional case studies were carried out between September and November 2009. Institutions were selected to capture a range of institutional responses as well as institutions of different sizes and disciplinary focus. Access was negotiated through existing Vitae networks and approval for institutional involvement was sought from high level managers. Some institutions declined to participate, perhaps reflecting the sensitivity of these issues.

The case studies involved gathering and analysing institutional policies and conducting semi-structured interviews and focus groups through site visits lasting two or more days. Interviews were conducted with a range of staff working at different institutional levels. This differed slightly depending on the institution but the following participants were targeted:

- Pro-vice-chancellor for research or human resources

- HR manager

- Finance officer

- Staff development professional

- Head of school or department

- Principal investigators (PIs)

- Researchers (through a focus group)

- UCU representative.

Given the sensitivity of some of the issues raised, care has been taken to maintain the anonymity of the participating institutions and individuals. The findings are reported on a thematic basis with insights drawn from across the case studies. The following sections discuss developing a strategy on the employment and management of researchers, communicating and embedding the policy, and then looking at different approaches to open-ended and fixed-term employment.

Strategy and approach

Key messages

- The legislation has been a key driver for changes in institutional policy and practice

- The nature of an institution's policy is likely to reflect key contextual factors

- Developing a policy is challenging because of the range of perspectives within an institution

- It is important that policies developed are both owned and 'own-able' by academic staff. This means tailoring policies so that they work within the context of planning and doing research

As noted above (pages 13-15), issues relating to the employment of researchers have been debated and discussed across the sector for quite some time. It is clear that these are complex and relate to a combination of factors shaped by external drivers (such as research funding and patterns and supply of skills) as well as internal dynamics (such as approaches to recruitment and retention and the nature and mix of research undertaken). The form of the contracts used to employ researchers, therefore, becomes one part of a broader picture involving the recruitment, management and development of this staff group. As noted above (pages 16-17) there is scope for institutions to develop contextual solutions to the requirements of the legislation. It is for senior managers of universities to determine the role played by researchers within the institution and to link that to employment and management policies. The JNCHES (2002) guidance recommends that HEIs identify measures to implement the required changes in partnership with the locally recognised unions.

Whilst the case study institutions had in the main already developed policy on the management of research staff, there was a clear need to specifically address the nature of researchers' contracts and to ensure that the correct processes and procedures were followed in the ending of both fixed-term and open-ended contracts. The legislation was a key driver here. As one HR manager discusses re-evaluating the processes in her institution:

'...If we didn't have the legislation would we have done that? I think probably it would have been lower down our priority list...The risks, reputationally and also financially of getting it wrong are quite significant now and that again gives us extra weight to move things forward.'

As noted above (pages 9-12) the Regulations allow an employee to bring a complaint to an employment tribunal where they feel that their right not to be treated less favourably has been impinged upon by their employer, or to make a declaration that they are a permanent employee. The tribunal may make a declaration about the rights of the employee and the employer, order the employer to pay compensation, or recommend that the employer takes specified action to reduce the adverse treatment reported by the employee. With regard to the measures on successive fixed-term contracts, the employee may apply to an employment tribunal for a declaration that they are a permanent employee. Other risks may include unfair dismissal claims, actions for breach of the statutory duty to consult on collective redundancies or actions for damages for wrongful dismissal.

Deciding on the direction of policy

The decision about how institutions approach the employment of researchers in the light of the legislation on fixed-term employment is a strategic one. As noted above (p27-31) different institutions have taken their policies in different directions, with some promoting a shift away from fixed-term employment and others maintaining, but better managing, current approaches to employment.

Getting people together

The governance and management of researchers cuts across institutional structures and perspectives. Amongst the case studies, a common approach was to set up a working group or committee including individuals from across the institution to debate the issues and develop a policy. In some cases, these groups considered broader issues relating to researchers as well as dealing with fixed-term employment, particularly the implementation of the new Concordat. One HR professional reflects on working within the group:

'it worked really well actually, it was good to have the union viewpoint right from the beginning and it was good to involve the heads of departments and principal investigators, people that dealt with that on a day to day basis. What we didn't want was HR to come up with a policy that we thought was wonderful [and] that the staff that would have to operate it and deal with these issues every day thought just wouldn't work'.

This approach brings together key figures from different parts of the university who have an interest in the area of fixed-term employment and the management of researchers. Some approaches have included the unions and/or researchers: this allows people with a range of experiences to contribute to the development of the policy. Bringing staff together from a range of perspectives helps to encourage the development of a policy approach that is sensitive to the diversity of contexts within a university. However, reaching consensus about the preferred approach or way forward is not necessarily straightforward.

Defining and articulating how the university is going to use fixed-term employment is challenging as different stakeholders have different perspectives and at times their interests diverge. One HR professional explains:

'There's a legal compliance, HR strategy position. There's the PI position, there's the researchers broadly in one position and then there's the union and ... there's some overlap but actually not a lot of overlap between those four positions.'

The approach to developing a policy was sometimes determined by concrete local factors, for example the need to have a manageable process around converting fixed-term to open-ended status, or the need to address the redundancy procedure. In some cases existing practices, principles and approaches were built on and taken forward through the policy on fixed-term employment.

It is seen as important for working groups to be recognised institutionally and to have status and 'clout' within the institution. Some respondents talked about the importance of the credibility of the policy in supporting implementation on the ground.

Communicating and embedding policy

Key messages

- Within institutions research is likely to be conducted in a diversity of contexts. This creates the challenge of responding to diversity and maintaining a level of consistency across institutions

- PIs may not identify with the role of 'line-manager' in terms of the implementation of HR policies

- Researchers' engagement with and requirement for information about their employment rights differs depending on the context and may change over time

- A key challenge is to ensure that institutional policies and line management roles fit with and become embedded within 'doing research' rather than being seen as external to it

- A multi-layered approach which combines accurate online information with face to face interaction and advice seems to be key

- Researchers tend to become better informed about their employment conditions the longer they spend within the institution

- Communication from peers, administrators and academics at the local/departmental level was very important in getting messages about policy to researchers

It is essential that the policies developed become part of work practices and cultures. The empirical phase of this study has identified several challenges to ensuring that policies are communicated and embedded. For example, the challenge of responding to the diversity of contexts within institutions, the need to ensure that research managers and PIs are implementing the policy and broader issues around communicating with and engaging researchers. A thread running through this area is the tenacity of embedded attitudes and working cultures that draw a direct line between research jobs and fixed-term contracts in all circumstances. It seems that, in some contexts, the turnover associated with fixed-term contracts has been so integral to the management of researchers that, at the local level, managers and administrators are concerned that without using fixed-term contracts they will not be able to manage staff effectively.

Diversity of contexts and approaches within the university

A key challenge has been to develop a policy that can apply consistently throughout the institution but which is sensitive to the range of research contexts operating within it. Some HR managers have stressed a need for a 'light touch' approach with an emphasis on providing advice and support rather than 'imposing' a particular model or approach to managing staff. A balance is sought between the requirement to ensure that the institution operates within the legislation and minimises a risk of litigation (see page 22) and the need for responses that reflect local contexts. This report has highlighted a diversity of university policy responses to the legislation on fixed-term employment across the sector (see pages 16-17), however even within a university, a diversity of contexts and practices can be found. Researchers may work alone or in teams, have different relationships to funding (self-generated or generated by a PI) and they may work on

one project or across projects. Added to this departments, groups and centres may have different approaches or management styles. Disciplinary differences reflect funding sources and availability as well as different career paths. However, there are commonalities in experience of research managers across disciplines and these could usefully be shared.

Principal investigators and line managers

Leadership and management has been identified as an emerging challenge for the HE sector (Oakleigh, 2009). This study has confirmed the importance of principal investigators (PIs) in the management of researchers. In recent years the role that PIs play within leadership and management in HEIs has come to light (see for example Leadership Development for Principal Investigators, 2008). PIs play a critical role in the management of researchers and some are passionate about their role in developing and bringing on research staff. The role of PIs in supporting researchers is evidenced by the findings of the CROS survey 2009 which found that 40% of respondents had consulted their PI or line manager about their career development (CROS, 2009). However empirical work with the case study institutions found that despite the close working relationship between PIs and researchers, PIs may not necessarily identify with or take on the role of line manager in terms of implementing HR policies.

Within an institution that had put in place a range of policies relating to researchers, one HR professional suggested that they had done as much as they could centrally:

'Having done a lot of the stuff that's institutional and policy driven, what we really need is good management'.

A key issue is whether PIs are identified and identify themselves as line managers. This respondent was also asked whether PIs were considered line managers within the institution's policy:

'They're the line manager, the question is do they see themselves as line manager? Even if they do (and they wouldn't necessarily use those words) how do they practice their management and how does the university support them in doing that?'

Another HR manager noted that identifying the manager can be a 'thorny issue'. In the case of PIs there are two linked issues here, the first relates to defining the substantive role of PIs and the second to ensuring that PIs are equipped to carry out that role.

One of the PI respondents cared a lot about the researchers working within the group and was actively involved in formal and informal mentoring processes but felt less directly involved with HR infrastructures:

'I'm aware there's that [HR] infrastructure there to support to me but I don't on a day to day basis have much to do with it. I get grants, I employ people for three years, I look after them as well I can.'

It is perhaps assumed that HR only have a role if something goes wrong. A key challenge is to ensure that these policies and roles fit with and become embedded within 'doing research' rather than being seen as external to it.

A further issue relating to PIs is that of hostility or opposition to changes in the way researchers are employed and managed. The PIs who participated in this study did not convey hostility to change; some HR managers and administrators, however, recalled that they had experienced resistance from some PIs.

All of the case studies had in place or were developing management training specifically tailored to PIs and in some cases this was also open to senior researchers. One institution has set out a document containing the responsibilities of PIs.

Informing researchers about their rights

Researchers seek and utilise information in different ways in different contexts. The findings of the CROS survey (CROS, 2009) indicate that the vast majority of researchers (92%) have received information about their employment contract and the majority of these found this information useful (75%). The survey also indicates a good degree of knowledge of institutional policies and processes in areas such as fixed-term employment and the terms and conditions of employment whilst levels of awareness and understanding of redundancy and redeployment polices were much lower (see page 27). Where respondents had a knowledge of policies, the proportions of those having a good understanding of these were lower (36% and 37% for fixed-term employment and terms and conditions of employment respectively). These findings highlight the importance of both providing and 'translating' information about contracts and employment. Researchers have a responsibility to ensure that they know where they stand. However, where policies are changing and perhaps running contrary to common working cultures and practices, researchers may be getting mixed messages about their rights.

The case study research revealed a number of approaches to disseminating information involving induction, websites and the dissemination of information via email distribution lists. The combination of accurate and easy to find information with face to face interaction and advice seems key. Some institutions have developed dedicated web space for researchers containing information about relevant human resource policies as well as training and development and careers resources. This seems a useful approach as some respondents discussed finding policies difficult to locate within HR websites. Where well designed and updated these resources are well received by researchers. Some researchers have identified a need for information to be 'interpreted' or 'distilled' for it to be relevant to them:

'[the institution is] quite good about putting that kind of thing on the internet. There's an issue about whether you can understand what's written, how transparent it is, whether it means anything to you, but they do put all the information there.'

Departments play a key role in the communication of information and researchers discuss seeking information and advice from various sources. Some suggested that an administrator with good knowledge of their grant and of institutional policy would be a good contact for information:

'I often don't understand what I read and she's very good at distilling it and making it clear. I don't think it would occur to me to look at my contract...I would always go to her first, especially because she manages my grant as well.'

Well informed administrators appear to be key mediators between university-wide systems and processes and local level research practices and cultures. Engaging staff at the departmental levels is therefore key to an institution's translation of policy into lived experience for researchers. The importance of engaging and informing PIs was highlighted by the fact that some researchers questioned the quality of information about policies and processes obtained from PIs. Some of the respondents who had sought advice on new policies questioned

the extent to which they could trust the information they received from managers and PIs:

'...the last person I would ask would be my PI because I know he knows nothing. He came to me a couple of weeks ago and asked me when I was being made redundant. Surely, he's the one who should know that, not me.'

One researcher was concerned that her university was not doing enough to ensure that PIs and heads of department were aware of policies relating to fixed-term employment and the Concordat:

'This university is doing nothing or very little to make the people who could actually do something in each department be aware of the rights of the people that they have to deal with.'

How institutions engage managers at the departmental level is likely to be key in the implementation of policy. Where departments are not implementing policies, it is difficult for researchers to engage with their rights, even if they are aware of them. Some discussed challenging their managers, however there was a real sense that people did not want to engage in a 'battle' about policies and practices, or alienate the people with whom they worked closely. Importantly, they did not want to cause conflict with people on whom they would rely for a reference in order to get another job. The above respondent continued:

'So in the end you say, yeah I know I have rights but I can't be bothered any more, I'm fed up.'

Some researchers pointed out that the extent to which they engage with or question the employment policies and practices of their institution changes over time. There was a sense that researchers in the early stages of their career were less likely to think about some of the issues relating to their contract of employment whereas those who had worked within an institution for longer would be more interested in thinking about their rights within the institution. This issue was also discussed in relation to the likelihood of researchers to join a union. The matter of timing is important as well: one researcher beginning work on a four year project discussed not paying much attention to a letter he received about the university's policy on open-ended contracts.

The question of disseminating information at a time and in a way that this useful to researchers raises broader issues relating to communication and engagement with this staff group. The case study institutions had attempted, to different degrees, to engage researchers as a key staff group within the institution. One HR professional expressed a level of disappointment at the extent to which she had succeeded at engaging researchers in policy making at an institutional level. The findings of CROS suggest that researchers generally feel better integrated at departmental rather than institutional level: 71% of respondents agreed or strongly agreed that they are integrated into their department's research community whereas 53% of respondents agreed or strongly agreed that they are integrated into the institutional research community (CROS, 2009). Responses were different, however, for different groups of researchers. Researchers who had had five or more contracts with their current HEI reported the lowest levels of agreement with the statements (66% agreed or strongly agreed that they are integrated into their department's research community) and were better integrated at institutional level (56% agreed or strongly agreed that they are integrated into the institutional research community). The empirical work conducted within this study would suggest that factors such as being part of a group or team versus being a lone researcher and the career intentions or stage of the researcher might also come into play here. These findings suggest that

strategies to engage researchers should not necessarily be top down and should be tailored to different subsets of the researcher population. This strong identification with the department further emphasises the need for institutions to be aware of key departmental decision makers such as the Head of Department, PIs and departmental administrators in the implementation of policy.

Managing open-ended and fixed-term employment

Key messages

- The nature of research funding continues to entail a risk of redundancy

- HEIs have been keen to 'manage the expectations' of researchers through the language used to describe contracts

- There is increasing diversity in the use of fixed-term and open-ended employment and in the nature and quality of these positions

- The legislative changes have meant that the rights of fixed-term and open-ended employees are increasingly similar

- The type of contract used is not a useful indicator of the quality of the post

It is important to stress that understandings and measures of the quality of research jobs need to become much more nuanced to reflect an increasing diversity of practices and contexts. Fixed-term jobs are commonly equated with poor employment conditions and insecure employment, whereas open-ended contracts are assumed to be higher quality and more secure. However, as measures are taken to improve the quality of fixed-term jobs and, by the same token, as open-ended contracts are used more readily to employ researchers, the importance of looking beyond these labels in order to make a judgement about the quality of a post is underlined. Experiences of these different contractual forms are shaped by a range of management practices, working cultures, broader labour market conditions and the career stage or intention of the individual. In terms of job security, the risk of redundancy becomes a more useful indicator than the question of whether a post is fixed-term or open-ended. In some contexts, particularly where researchers are early career researchers, an emphasis is increasingly placed on the importance of making transitions from research positions into other posts either within the HE sector or in other sectors. Here it is envisaged that, whilst the research position may be insecure, broader employment security can be achieved through a combination of developing the skills and employability of the researcher and there being available a range of

jobs into which researchers can move. In such contexts, a measure of quality should take into account both the nature of the post itself and the likelihood and quality of transitions. Such a measure should combine information about the transitions made with information about whether researchers feel confident that they will get another job. This study did not set out to measure the quality of research jobs: it did however reveal a diversity of practices and contexts. Policy makers must move beyond simply looking at the proportions of researchers employed on open-ended or on fixed-term contracts in order to make judgements about the nature and quality of posts. Researchers themselves will also need to be aware of differing approaches across the sector and ensure that they understand both the terms of their contract and the approach taken to managing researchers within an institution.[35]

The Regulations created the possibility for researchers who had been employed on successive fixed-term contracts and had at least four years of continuous service to be employed on open-ended contracts. Along with other legislative changes, the Regulations also served to bolster the rights of fixed-term employees in the context of the processes and procedures relating to the end of a fixed-term contract (see pages 27-29). These two developments have challenged universities to think about the use of open-ended contracts in employing researchers and about the processes and procedures required to end both open-ended and fixed-term contracts.

A common response has been for institutions to establish an open-ended contract for use in the context of the employment of researchers whose posts are underpinned by short-term funding and who are, therefore, at greater risk of redundancy than other permanent academic staff. Such contracts are permanent in that they do not contain an end-date or a limiting event, however care has been taken to 'manage the expectations' of staff as the risk of redundancy is expected to be higher than other academic staff. Thus in some institutions the language of 'open-ended' or 'non-fixed term' rather than 'permanent' has been used to describe these contracts. This status highlights different approaches to the internal management of academic staff who have different functions (teaching-only, research-only or teaching and research).

One HR professional notes:

'I think staff in the early days thought it would be fantastic, 'I'll get a permanent contract and that'll be it, I don't need to worry any more'; but actually it is a harsh reality of the way higher education is funded that we still have to be mindful of that funding ending.'

Given that the risk of redundancy is likely to be higher for staff employed to work on projects underpinned by short-term grants, the measures put in place in the context of redundancy are key. Importantly, the strategies and measures taken to avoid redundancy will determine the longevity of open-ended contracts.

---

35 Some respondents noted that this may be particularly opaque for researchers from overseas.

Responses to short-term funding

Key messages

- The local context is key to determining which approaches to retaining staff and mitigating the risk of redundancy can work and how they work out in practice

- Strategies such as increased communication between PIs working in similar fields about forthcoming projects and grant applications can support forward planning and clarity about available options

- In some contexts, researchers work across a number of projects within centres and clusters. This approach can support retention and the development of research capacity but requires sustained management and an underpinning infrastructure

- Other strategies for retaining researchers are based around the generation of further project funding either by the PI or by the researcher themselves

- Performance related issues should be managed according to relevant policies and practices. There may have been a tendency, prior to the introduction of the Regulations, to rely on the ending of a fixed-term contract in lieu of performance management.

- Responses to the legislation have prompted better monitoring, record-keeping and communication

It appears that, in general, the posts of researchers continue to be linked to short-term rather than core funds. In most cases the existence of external, short-term or 'soft' money continues to raise the possibility of redundancy. Approaches to managing the uncertainty associated with short-term funding appear to focus on:

- putting in place mechanisms to maintain employment where the work of a researcher is likely to continue beyond the end of a particular piece of short-term funding (such as bridging funds)

- having processes in place to handle redundancy appropriately.

Within the case study institutions, examples of approaches such as using a pool of researchers to work on different projects or the use of core funds to underwrite or contribute to the employment of researchers were found at the local level.

Where core funding is not available to guarantee continuity of employment, a level of planning and pro-activity is required to mitigate against redundancy. In many cases, HR departments have put in place, or are developing, systems that serve to trigger looking ahead, planning and communicating with staff where the ending of short-term funding is approaching. These processes are designed to ensure that the correct procedures around redundancy will be followed, should they be necessary. A key point therefore is that responses to the legislation have prompted better monitoring, record keeping and communication. One head of a research centre notes:

'I think we are much better now than we were in terms of the processes we go through in alerting staff to the date in their contracts and being more proactive in having discussions with people trying to help them to find alternative sources of funding if that's necessary....'

In some cases, the processes around keeping track of funding and responding to the end of short-term funding are the same or similar for both fixed-term and open-ended researchers, however it should be noted that in other cases differences in handling redundancy remain.

Local context key to retaining researchers

The local context is key to determining which approaches to retaining staff and mitigating the risk of redundancy can work and how they work out in practice. At the local level, different approaches have been developed to retaining staff. A range of factors come in to play here: some to do with the nature of research and research funding; some to do with approaches to research planning and management; and others to do with perceptions about managing open-ended and fixed-term staff. One senior manager notes:

'The practice within departments is not uniform and so you pretty quickly become conscious that there are patches of really good practice and sometimes getting those people together with the patches of not so good practice is the best way to get the change to spread.'

There is a clear sense that on the one hand imposing approaches to managing researchers that are not sensitive to the research context would be unhelpful. On the other hand some long standing practice that perpetuates a turnover of researchers is no longer appropriate. The following section introduces a few different approaches to retaining researchers encountered through the case studies.

Enhanced communication and forward planning between PIs working in similar fields

Within the following excerpt, a head of school describes the approach in his department and outlines how, at a local level, open-ended employment could be managed. Here combinations of forward planning, bridging and redeployment were used to prevent redundancy in some cases although some redundancies did occur:

'We set up a certain system so that we'd look each month at the complete list of staff in the department's funding end dates and we'd highlight anything up to twelve months before the end of the funding and say, 'right, okay this person's now at risk, what are we going to do about it, how can we deal with that?' And by planning ahead like that, even though we had...over 30 people who moved across to open-ended contracts at the instigation of the fixed-term contract legislation, I think we've actually made four people redundant in the four years. But at any one time, we've got about ten to 15 people who are at risk so I think we showed the community that we're serious about trying to make sure you don't lose a job and I think that's helped.'

In this context a clear and detailed redeployment policy was in place within the institution and an emphasis on retaining staff was intrinsic to the policy developed centrally. Planning ahead began early, up to a year before funding was due to end and was supported by effective communication between the heads of groups and teams.

Combinations of projects and funding within centres and teams

The following head of a research centre discusses an emphasis on retaining researchers. He notes that they invest quite a lot in developing researchers' skills and contextual knowledge. He would not want to lose people if he could avoid it:

'it makes no sense to us'.

Within this context, large, five-year grants have supported longer contracts and shorter-term projects are also taken on to supplement these. Some staff work across projects and are funded from different sources. In recent years, more senior researchers have begun to bring in funding to support the centre and ultimately their employment. In one specific case, where a senior researcher has played an instrumental role in managing the centre and bringing in research funding, the institution has agreed to support a limited period of employment at the end of the current funding. Although some researchers are employed on open-ended contracts, the funding situation is regularly monitored and future employment continues to be linked to the existence of short-term funding.

'But I think individuals who go onto this open-ended contract...I don't think that individuals actually think that that's changed the situation for them because I think we're trying to be very transparent about our funding situation.'

Managing this approach is described as 'complicated' and 'messy'. As it requires an infrastructure of support, the role of a capable administrator is perhaps key.

Developing further funding applications: PI initiated

There are examples of individual PIs developing further research proposals and writing named researchers into the grant, if appropriate, when a particular project is coming to an end. The following researcher describes her experience:

'My PI's quite supportive of me and, and he's kind of, when we're getting towards the end, 'so what shall we write next to get me more funding?' and things like that.'

Some PIs discuss the benefits of working with researchers with whom they have worked before. One respondent notes:

'I'm much more inclined to think about...people that I know who are trustworthy researchers and then build [a project] up around them.'

The decision on the part of a PI to apply for further funding with a researcher, or to seek to maintain employment by applying for further funding with a particular researcher in mind, should be carefully made, particularly where there are several researchers and a decision is taken not to seek further funding in some research areas. The following excerpt from an interview with an administrator demonstrates the tendency in the past to use fixed-term contracts and the end of funding to manage performance-related issues:

'There has been a culture in the past, principal investigators could always rely on the fact that a contract was fixed-term to get rid of people who were no good. But the ones who were good, somehow you would make extra effort to get more funding.'

A further issue in applying for research funding is the matching up of research plans and application processes with the employment of the researcher. Timing is important: a representative of Research Councils UK suggested a time frame of around 12 months for developing, submitting and hearing the outcome of a research proposal. Institutional support through the development of bridging funds and schemes can help to maintain employment between guaranteed grants and projects. However, if funding has not yet been guaranteed it is likely that HR departments will trigger the processes associated with a dismissal to ensure that the correct procedures have been followed before the present funding runs out. One Head of School felt that this approach was too rigid, particularly where funding was 'in the pipeline' but not yet approved. This emphasises the need to match up local processes and practices associated with grant applications to the policies developed centrally and vice versa.

Another issue is the competition for, and unpredictability of, gaining research funding. Seeking further funding should therefore not be considered the sole option. As a one respondent noted:

'If you've got a very good researcher and you really want to keep them you might write another grant, putting them in but you don't always get it so you also have to offer them other chances.'

Some PIs discuss the issue of matching up their future research plans with the need for continued employment for researchers. Not all contexts readily support the development of further research grants. One PI notes:

'...most of my group tend to come in for one post-doc and then I chop and change what I do a reasonable amount, so I have tried writing them in to something before but I've never actually managed to keep one more than once, they tend to move on to something else.'

Similarly, continuing to work on a particular research project may not fit in with the career plans of a researcher. One senior researcher stressed the need for PIs to be open with researchers about the merits of continuing to work together on a further grant or project. She suggested that researchers may place too much hope in co-applications with a PI and that it may not be clear what their prospects would be following that project. The following PI notes that communication about plans and expectations is very important. This PI employed a researcher who he had formerly supervised as a PhD researcher, to work on a pilot project. The pilot went well and they were able to secure further funding for another two years. The PI was able to offer further employment but the researcher was interested in moving on to apply for a fellowship, he notes:

'the easier thing for her would have been just to carry on working on the project she was on but the context meant that really it wasn't absolutely matching her needs and she had other aspirations'

A final point to note is that PIs are constrained, to a certain extent, in their choices around future funding applications by the research plans and direction of the departments within which they work.

Developing further funding applications: researcher initiated

Researchers themselves discussed a strategy of applying for further grant funding (directly or with a senior colleague acting as PI) as a way to continue their research and to maintain their employment. In general it is experienced researchers who consider this option. Indeed, 51% of respondents to the CROS survey reported that they have written a grant/funding proposal (although from the responses it is not clear whether this was for themselves or on behalf of others) (CROS, 2009).

For some, developing grant applications is part of their existing role, for example as a senior researcher on an open-ended contract. For others, a decision to develop a grant proposal was part of a strategy to become more autonomous and to fulfil the criteria necessary to progress on to the next grade within the researcher scale. One researcher was seeking to develop a programme of research involving early career researchers.

Where the development of grant applications was not explicitly part of the researcher's existing role, there was sometimes confusion about the extent to which departments would support the proposal. The following researcher is hoping to continue to work within the same institution: one approach that he has taken to actively maintaining his position is to develop a proposal for grant funding. Although a senior colleague has agreed to be involved in the application, the researcher is not sure whether the department will approve his application. He is writing the proposal in his spare time:

'At the moment I'm just sort of winging it. I know that I'm going to have to get approval from the department then, you know, it has to go through the research office and everything. So it may be that it's been a complete waste of time.'

The following researcher discusses the approach of her peers:

'...discussion in the pub is always about where they're going to get more money from, where the next job's going to be.'

She was then asked whether people were looking to move on or to get money to stay within the same university

'Both, because even if you're applying for money to stay in your post, the likelihood of getting it is small so they're looking at any way of continuing to be in employment at all.'

Therefore, it appears that some researchers are routinely considering developing grant proposals as an option alongside looking for jobs in other institutions. The idea of researchers applying for funding to stay in post links into the career paths and progression routes but also into the role that researchers play within departments and schools. It is not always clear to researchers how their plans to develop funding proposals fit in with broader departmental plans and strategies.

A further issue for researchers lies in eligibility. There are two issues here: eligibility to apply for grants as a PI and eligibility to apply for the cost of their salary. Different funders have different rules on eligibility to apply for grants. For example, some research councils will not allow researchers to apply for a grant as a PI or as a co-investigator but have a category of 'researcher co-investigator'. In some cases, researchers above a particular grade or salary level can apply as a PI. Some research councils will allow researchers to apply as a PI if they have sufficient support from their institution (for example, appropriate accommodation or facilities). Some researchers raised the question of whether, even if they were eligible to apply for a grant as a PI, they would be able to cover the cost of their full-time salary for the duration of the project (as a PI would not be expected to work full time on a project, the full time salary cost would be for a research assistant to work on the project).

One researcher discussed frustration at the idea of having to apply for funding with a senior colleague when the ideas behind the proposal were predominantly her own:

'You can either go for a fellowship, and those are extremely competitive, or you essentially give somebody your own idea on a silver plate and then ask 'please submit it with me as your post-doc' and that's not really what you want. You want to develop it on your own.'

Redeployment

As discussed above, much of the development of policy has focused on managing researchers when a project or grant is coming to an end. If the need for a particular type of work has stopped or reduced, a redundancy situation may arise, in which case the employer is obliged to take reasonable steps to look for alternative work for the employee. Redeployment policies may cover the context of identifying alternative work in a redundancy situation and support the identification of suitable alternative work or broader opportunities for the employee to consider.[36] This process may not involve the existence of a formalised redeployment scheme, although some (though not all) institutions have such schemes in place for academic staff. Redeployment schemes differ by institution. Where redeployment works well it can prompt communication, planning and the joining together of recruitment processes and procedures with the management of staff who are 'at risk' of redundancy or have been selected for redundancy. The following respondent notes an improvement in communication between departments and increased movement between related fields of research:

'I think in the past we didn't have the communication between those departments and unless you saw a job advertised in [a journal] in a department adjacent to you, you wouldn't know about it.'

Again, the local context of faculties and departments is often seen as key to successful redeployment due to the specificity of the skills involved. An academic figure with an overview of the research being undertaken within a department or faculty can be a useful figure here (eg head of department).

Redeployment may involve preferential consideration of staff within the scheme where they meet the criteria for the post. This could mean considering the candidate prior to advertising a post or guaranteeing an interview where the criteria are met, with consideration given to retraining.

The issue of the specificity of certain technical skills or knowledge of specific literatures/theories is important. The matching up of the specific skills of researchers with the requirements of potential vacancies is a key challenge. Sometimes redeployment schemes are focused at departmental or faculty level, but in some cases very different types of research may be undertaken within a department. It may make sense to look at neighbouring fields or areas where similar research is undertaken. Some PIs discussed requiring specific skills for a particular project that may not exist within their department or faculty. The following PI questions whether the scheme operating in her department works well:

'...what happens is we all get an email saying you know 'Bloggs has gone into the [redeployment] pool, have you got a position suitable?'... I've just not had anyone yet I could employ.'

It is very difficult for someone who is not an expert in an area to judge whether skills and experience are transferable. Senior academics may be of help here.

---

[36] They may also be used in other contexts such as illness or disability

The effectiveness of redeployment is dependent on the extent to which the scheme is taken seriously by managers and is linked to approaches to staff planning. One union representative who worked as a researcher stressed that redeployment was taken seriously within his faculty:

'It varies from PI to PI, I think it will take time before everyone's accepting of it, but I think it is taken seriously and people are receptive to it because they realise that, if you're going to get somebody in from outside, it's going to take longer, even if someone's moving from a research group in the department, that's going to take less time than someone coming in from outside because they're familiar with the environment, they're probably familiar with the research you're doing through seminars and stuff.'

Some respondents expressed reservations about redeployment and questioned its effectiveness, for example some PIs and other managers expressed concern that they would be obliged to appoint a researcher to a vacancy who was not suitable for the job. It is important therefore that institutions find ways to communicate how the schemes work and reassure managers that they will not have to employ someone who is not suitable for the post. This point links to one made earlier (see page 23) about a tendency in the past to use ending of fixed-term contracts to manage performance: there may be a hesitance towards redeployment where managers feel ill-equipped to deal with performance issues. This also links to earlier findings which emphasise the key role of the department in bringing policy to life (see page 22). If redeployment is perceived as an external initiative led by HR it is unlikely to be realised. However, if PIs can be persuaded to take ownership of redeployment policies, recruiting from the redeployment pool may be mainstreamed and serve a useful purpose in retaining expertise and reducing recruitment costs.

The scope for redeployment will vary depending on the nature of the roles of researchers within the institution and the types of opportunities that are available. Most of the situations discussed above involve a researcher continuing to conduct research of a similar nature. However, some respondents suggested the possibility for researchers with more generic research skills to move between projects as required within a department. One experienced researcher states:

'You've created people who are highly-trained thinkers, who can organise their time, who are motivated and if you can't use those skills in an organisation there's something not quite right.'

Managing and communicating expectations

Key messages

- HEIs are taking steps to ensure that researchers actively plan their career
- Staff review and mentoring provide space to talk about opportunities and career development
- These spaces may also be used to clarify the likelihood of ongoing employment within the institution
- Assumptions about the nature of researchers' careers do not always match up to the reality. There is a need to examine how researchers' roles can be recognised within existing grading and promotion systems.

This section will look at how clarity about expected ongoing employment is handled right from the recruitment stage. As noted above, managing the expectations of staff employed on contracts that are linked to grant funding has been seen by institutions as an important way of clarifying the likelihood of continued employment and ensuring that researchers are actively planning their career. This involves giving researchers consistent messages throughout the life course of their employment about where they stand with respect to ongoing employment.

Fixed-term contracts have served to demarcate the length of funding for a position and thus the likely length of employment. Where open-ended employment is used, some institutions have stressed the need to flag up the delineation of the source of funding underpinning the post in order to keep the researcher informed about the likelihood of ongoing employment. The labels assigned to different contract types have been designed to flag up the short-term nature of the funding underpinning them. Some institutions have opted to include grant end-dates within letters of appointment and managers and PIs have been expected to flag up and communicate the likelihood of funding coming to an end.

Some HR departments have put in place 'early warning' systems to flag up to departments when funding is likely to come to an end and these are often tied in with processes and procedures designed to handle possible redundancy situations. These are designed to encourage communication at local, departmental levels and to prompt managers and researchers to discuss the options available. Such flags and triggers can support forward planning and looking ahead. However there is a question about whether these processes are integrated with other aspects of planning and management. One head of department notes that triggers from HR are useful because they prompt conversations with researchers about the likely continuation of funding. However, he stresses the importance of broader staff planning and career development of researchers:

'I suppose there is a bit of fear about now and are we doing the right thing legally? Are we complying with the procedures and all of that and what I don't want to happen is for that to obscure the underlying issues which is, what opportunities are we giving this particular person? Where are they going from here? And...how can we make sure that the people that we want to develop and keep here are given an opportunity to stay here'.

Planning and review meetings provide dedicated space for messages about future opportunities and plans to be reinforced. Provision for mentoring and further support for career development and advice can encourage researchers to develop their career plans. One research manager discusses the approach in her centre:

'We basically have a progress planning meeting every three months in which we review the work they've done and what they're planning to do and part of that would be career development: I mean we have a remit to build capacity in [our] area. We take that very seriously and also take the status which they're at very seriously too so we'll encourage them to go on particular courses...helping to secure jobs and discussing career expectations would be part of those three monthly meetings'.

Much of the policy around staff development and the promotion of career planning comes into play here. The following senior manager discusses the message that is given to researchers within his institution:

'We try to give them clear advice early on, we're trying not just to approach them three months before their contract ends but even at the very beginning when they're hired let's say...you have to have responsibility for your career and we're willing to help you.'

The 2009 CROS survey found that 24% of respondents had been employed by their institution for six years or more. Moreover, 12% of respondents have had five or more contracts at their current HEI (CROS, 2009). Situations do exist where employment continues perhaps even in the longer-term (almost 8% of CROS respondents had been employed by the same HEI for over ten years). For messages to be clear they must be understood and consistent at all levels and must reflect practices that actually happen 'on the ground'. Longer-term roles for researchers may be limited, however where they do exist, there should be clarity about what the roles are and how researchers can progress into them. This links to the point above that institutions and departments need to be clear about what they want from researchers, what roles exist and what opportunities are available.

Clarity about career paths and roles

The matter of retaining researchers beyond a discrete project grant or fellowship raises the question of planning, both on the part of the researcher themselves and on the part of the institution or department. As noted above, the emphasis appears to be on managing the issue of potential redundancies where funding is coming to an end. One HR professional suggested that there is scope for better planning at departmental levels:

'I'm sure that if departments had the time or the inclination they could look more creatively about everyone as a whole and moving people around…we still tend to focus on the contract end of that individual. I think they could perhaps be a bit more proactive but that will come. I think it's gradual.'

Much emphasis has been placed on the importance of researchers taking steps to actively plan their career. Care has also been taken to highlight a variety of paths that have, or may, be taken by individuals with a research training (UK Grad, 2004, Vitae 2009, Vitae and icould, 2010). The Roberts Review stressed the importance of developing pathways out of academia into other sectors stating: 'anything which de-emphasises preparation for jobs outside academia would be a retrograde step' (Roberts, 2002: 151). Three trajectories were envisaged: the industrial trajectory leading out of the higher education sector into the commercial sector; the teaching and learning trajectory, leading into a lecturing post; and the research trajectory for researchers wishing to continue working on research projects and who do not want to include a teaching role (this would be permanent and grant funded but available to the minority of researchers). Within institutions, following the framework agreement for the modernisation of pay structures, pay and grading systems based job evaluation schemes are, in general, in place. HEIs have a range of grade structures and use different means to assimilate staff to grading structures (UCEA, 2008).

The emphasis on managing expectations of those on contracts that are linked to short-term funding (whether fixed-term or open-ended) highlights a need for better communication about the options that are available within an institution and the extent to which those options meet with the career plans of the individual. The case study institutions had in place careers support and advisers with dedicated time to work with researchers. Researchers also had access to staff review and mentoring to support the development of their career plans.

However, there is sometimes however a lack of clarity around:

- the nature of the researcher roles that a department might require
- how these are articulated and communicated
- how they are matched up to the individual.

A number of initiatives supporting staff planning and clarity of roles are in place. The reward agenda (involving role analysis and the placing of grades onto a single pay spine) has prompted the identification of grades and the definition of roles associated with these. This has been a key initiative in supporting the development of an infrastructure to support progression routes available to researchers within institutions. Moreover policies in this area were in some cases being developed in tandem with institutional policies on fixed-term employment. However, it was not always clear to researchers how they could progress within and between those grades.

There is a move towards clearer planning within academic departments in response to developing research plans and strategies. Hybrid fellowships and funding schemes also serve to promote planning where researchers with fellowships are recruited within departments. The following senior manager discusses how hybrid funding in the case of some externally funded fellowships (where departments are required to contribute to the cost of the salary) has encouraged departmental strategic planning:

'So now it's a conscious decision by the department that they're going to pay half this person's salary and you have to then meet with them quite carefully to understand whether this is someone you want to keep in the department, do they fit into the long term position?'

A key issue lies in clarity around the roles that are required at departmental level and what options are available to people. In some cases, roles are understood and articulated by managers as short-term, early career and part of a stepping stone to a lectureship. However, it is clear that in some contexts the roles that researchers are fulfilling are very different from that. For example, within some departments, groups and teams there is a role for researchers who move around between projects and examples of researchers working in such roles in the longer-term. However, these positions might be understood within the model of temporary or short-term work and not expressly articulated as a distinct role. The following researcher discusses her experience of working on successive fixed-term contracts in different capacities:

'Every time I switched that kind of contract I had to have a new contract saying that I was a new kind of person and the department tried to move my office, my pigeon hole was meant to be different, I was supposed to have a different email address and all these things were different.'

Some of the more senior researchers interviewed suggested that their longer-term role had been developed as a response to their individual situation, for which they had to actively negotiate or fight. One researcher with an open-ended contract and a longer-term role talked about uncertainty about how the post would work out and in particular how it would fit in to career structures and paths:

'I really don't know where it's going to go from now on because now the questions are: how does that fit into a career structure? And how does it fit into promotion? So these are all questions that I'm asking as I go along basically so I'm sort of in a brave new world. I don't know where it's going.'

A common issue for some researchers is their ability to plan for developments in the life course. Here, clarity about options available within an institution are key, particularly where family circumstances constrain geographical mobility. It was clear that prevailing assumptions about the career paths and intentions of researchers based on a model of early career researchers moving between short-term positions in different institutions and then on to a lectureship post did not match up with the reality of the roles undertaken by some researchers, or the reality of lives outside of work. As one researcher notes:

'This idea that the research type are young and have no commitments, I mean, lots of people doing PhDs here aren't young and do have commitments. I think it's really narrow-minded and blocks the career pathway for lots of people to expect that. I mean, I can just drop everything and go to another country for three months but most people couldn't practically.'

There was a real sense that developing longer-term roles for researchers within institutions would support the balance between work and family life for researchers. This would mean that excellent researchers who might otherwise consider leaving research could be retained.

Termination of employment: redundancy

Key Messages

■ The management of the termination of fixed-term and open-ended contracts has been central to institutional policy responses to the legislation on fixed-term employment

■ HEIs have done a lot of work in establishing the correct formal processes and procedures to be followed at the termination of an open-ended contract or expiry of a fixed-term contract

■ Despite the risk of redundancy associated with research posts, researchers are not always aware of the policies and procedures

■ Procedures and practices associated with redundancy are not always clearly understood and implemented on the ground

The management of the termination of fixed-term contracts and of open-ended contracts has been central to institutional policy responses to the legislation on fixed-term employment. This is because research posts are generally underpinned by short-term funding. The end of short-term funding continues to give rise to the potential for a dismissal, as acknowledged within the JNHCES guidance 'The ending of short-term funding will continue to raise the possibility of termination of these indefinite contracts'. The tribunal in 'Ball v University of Aberdeen'[37] also made a similar point. It identified a choice between employing researchers on a fixed-term contract or an indefinite contract but with the possibility of redundancy should the university be unable to find sufficient funding to continue their employment once the initial funding has run out. Redundancy is a sensitive issue within universities and particularly so in the light of the current financial climate. Moreover the risk of redundancy is unsettling and stressful for individuals. The terms of reference of this project do not encompass an in-depth discussion of law and good practice in handling redundancy, the following section merely introduces some key points.[38]

In the context of the termination of employment, fixed-term and open-ended employees are in a very similar position in a legal sense (Barnard and Deakin, 2007). Both redundancy or 'some other substantial reason' are potentially fair reasons for dismissal in the context of economic dismissals, for example where grant funding has come to an end[39]. Where the reason for dismissal is redundancy, the employer must act reasonably in treating redundancy as a sufficient reason for dismissing the employee.[40] This has been explored within the case law, and will depend on the circumstances, but may involve: warning and consulting employees; consulting trade unions[41]; using objective criteria to select for redundancy; adopting a fair approach to selecting for redundancy and taking reasonable steps to minimise a redundancy by redeployment within the organisation[42].

The key point is that where funding ends, it should not be automatically assumed that the researcher funded by that grant is redundant, rather agreed procedures should be followed and these will entail

---

[37] 'Ball v University of Aberdeen' Unreported May 23, 2008 (ET) (Scotland)

[38] See Acas (2009)

[39] Employment Rights Act 1996 s.98(1) and (2)

[40] Employment Rights Act 1996 s.98(4)

[41] In the case of collective redundancies there is a statutory obligation to consult recognised trade unions or elected representatives over redundancy Trade Union and Labour Relations Acts 188

[42] Williams v Compair Maxam Ltd' [1982] IRLR 83; 'Langston v Cranfield University' [1998] IRLR 172

considering alternatives to redundancy. The JNCHES guidance notes that:

'Where the research can be continued, all other appropriate sources of funding, both internal and external, need to be considered to replace the ending of the specific funding stream. Where this is not available, redeployment or other measures should be considered in order to render the redundancy procedures fair in accordance with the legislation.' (JNCHES, 2002, para 5)

A key question in ending employment within pre-1992 universities is whether the charter and statutes (or other relevant governing instrument) apply to the employee. In the case of researchers the key question is whether they are considered academic staff by their institution. If the charter and statutes (or other relevant governing instrument) do apply, the provisions on dismissal which relate to redundancy are set out and specific procedures for terminating a contract on this ground are stipulated. The procedures vary by institution but in general involve the appointment of a redundancy committee to oversee procedures (Mordue, 2002; UCU, 2008).

In some institutions the provisions in the statute are not used in the context of the dismissal of researchers and other processes are used (sometimes approved by the union). In some institutions the processes in use at the expiry and non-renewal of a fixed-term contract differ from those at the termination of an open-ended contract. As discussed above where an employer treats a fixed-term employee less favourably than a comparable permanent employee on the grounds that the employee is fixed-term, they must be able to show that the treatment is justified on objective grounds.

Some institutions have taken steps to revise their statutes, however amendments to redundancy procedures take time and commitment to negotiate. The UCU will actively seek consultation on the nature of any changes and on the content of accompanying ordinances and will seek to maintain protection for academic and academic-related staff (UCU, 2004). Moreover the UCU actively seeks to avoid compulsory redundancies and have developed a model redundancy avoidance agreement (UCU, 2008). The nature of the redundancy procedures in place has often shaped the approach to policy development or negotiation in this area.

Despite the high risk of redundancy associated with research posts, researchers are not always aware of the policies and procedures. The results of CROS indicate that researchers are much less clear about redundancy procedures and processes than they are about other institutional policies and processes. 7% of CROS respondents reported that they had a good understanding of redeployment and redundancy policies and processes and 28% reported a partial understanding. Almost half of respondents (46%) said that they knew that these exist but did not know the detail and 15% had never heard of them (CROS, 2009). The following section deals with two key issues around redundancy: the first is procedure and the second is culture.

The application of processes involved with a dismissal, and in particular redundancy, have required a change in approach and culture in relation to ending the employment of researchers (both fixed-term and open-ended). A previous culture of not applying procedures associated with a dismissal at the end of a fixed-term contract (perhaps rooted in the use of waiver clauses to waive unfair dismissal and redundancy rights) means that some of these procedures can seem unfamiliar or even unnecessary at local levels.

In some contexts, central administrative procedures and triggers have served to formalise and keep track of some of the processes of

consultation that had taken place at a local level. However, in many cases, confusion over the processes and procedures and misunderstandings about what redundancy is, have created tensions and uncertainty.

Some HR managers and administrators have reported that researchers themselves have found the processes heavy-handed and have not understood why they have been in place. One administrator notes that researchers:

'Don't seem to be so aware of the process as we are...it doesn't seem like normal practice. It almost comes as some kind of a shock.'

A key question is whether consultation and selection processes are helping to support open communication and discussions around possible solutions at a local level. One union representative suggested that in some cases it felt like a lot of the good work of being employed on an open-ended contract (ie showing that the institution values the employee) had been undone through the redundancy procedure:

'You feel valued because you're put on a permanent contract but then there's this document produced saying 'right, we're going to make this person redundant: they haven't got the skills necessary for other jobs at the university. You're too narrow in your research field and we don't need you any more so we're making you redundant'.'

Universities have done a lot of work in ensuring that the correct formal processes and procedures to be followed at the termination of an open-ended contract or expiry of a fixed-term contract are in place, shaped by the complexity of internal governance requirements. However, perhaps more could be done to make sure that these processes genuinely serve the purpose of consulting and engaging staff who are at risk of redundancy. Moreover, universities are using a range of means to 'manage the expectations' of staff (ie the issue of redundancy) and consequently messages might not be always be articulated and explained. It must be recognised that these practices are not always familiar to researchers and managers 'on the ground'. The concept of dismissal or redundancy may not be understood. As with all policies it is important to clearly communicate what these processes are, why they are in place and to make sure that managers implement them.

Do open-ended contracts feel more secure?

There is a sense that researchers anticipated that the move to open-ended employment would change things substantially, however the link between short-term funding and the likely duration of appointments continues. Some researchers discuss disappointment or confusion over what has actually changed. Some researchers and their managers describe their contracts as fixed-term even where an open-ended contract is used. One researcher described her post as fixed-term even though there was no end date or limiting event in her contract because she knew that she would be unemployed at the end of the project. The following comments demonstrate similar experiences:

'I changed from a fixed-term to an open-ended one halfway through the time I've been here but, it doesn't feel any different at all, I know what date my grant is coming up'.

'I don't think people care terribly much about the difference, at least in our department, between fixed-term or open-ended because of this fact that everybody knows that it's going to end when the funding ends, it just doesn't seem like a very big topic of discussion'.

Other respondents discuss their move to an open-ended contract in more positive terms. One researcher, for example, said that her position feels more longer-term. She noted that there is more responsibility placed on her, her post is self-funded, she is judged on the quality of her research and this requires tough decisions and creativity in order to progress.

Some PIs also question whether open-ended status changes much. The following PI suggests that broader policies relating to the quality of research jobs have improved the general position for researchers, however she notes that posts are still likely to be short-term:

'There are lots and lots of advantages and it is a better job now but the university isn't going to kind of offer you a job at the end, even if you do everything brilliantly.'

There is some optimism, as noted by one PI:

'I am myself positive that despite the fact that a lot of researchers sort of say it's all a bit of a con and their position hasn't really improved. I think having seen what has happened over the years that it has improved. I don't think the situation is perfect'.

Conclusions

Recent legislation focuses attention on the matter of fixed-term employment within HEIs. Responses to the legislation however should be considered within the context of a range of policy developments and initiatives that shape both the recruitment and management of researchers and HR management within HEIs more broadly. Over the last decade or more the higher education sector has begun to address the role of research staff. This has been both driven and supported by a range of policy initiatives culminating in the publication of a new Concordat to Support the Career Development of Researchers. Higher education employers have been encouraged to provide training and careers advice, to reinforce management strategies such as appraisal, and to invest more in the people who make up the research infrastructure. A range of initiatives has also been introduced to encourage the modernisation of HR management within universities and shape policies developed to manage researchers and more recently to support PIs in their role as managers.

Recent legislative changes around fixed-term employees seek to strike a balance between flexibility (for employers) and security (for employees). They do not seek to abolish or prevent fixed-term employment. Key rights and protections have been introduced (the right not to be treated less favourably than comparable permanent employees who undertake the same or broadly similar work and the 'four year' rule on successive fixed-term contracts). The legislation raises a number of specific issues for HEIs and for researchers themselves. This is because fixed-term employment has become a common feature of working life within universities and periods of fixed-term employment have constituted a key step in many research career contexts. Employers have been challenged to think about how they treat different staff groups and reduce the extent to which contractual status informs the treatment of employees. They have also been required to address the use of successive fixed-term contracts and to acknowledge a shift to open-ended status in some cases.

The use of fixed-term contracts to employ researchers has been reduced across the sector. Responses to the legislation have not been uniform; however some sector wide initiatives and responses have been put in place. Given that HEIs are autonomous and diverse institutions, sector wide policies and guidance shape but do not determine the response of individual institutions.

This project has clustered features of institutional policies under four broad umbrellas. Institutions may find it useful to examine their own policy in the light of these umbrellas, to aid understanding about their approach. Whilst not presenting a typology of institutions, these umbrella headings are useful to articulate broad responses.

The report draws from empirical insights generated through four institutional case studies to examine how institutional policies are translated into practice. The case studies were selected to explore a range of policy responses, institutional sizes and disciplinary mixes. The case studies involved a combination of policy analysis and visits to the institutions, where a range of staff at all levels were interviewed or involved in focus groups.

In determining a strategy and approach the study has highlighted the importance of developing and articulating strategies for the employment and management of researchers. The legislation has been a key driver for changes in institutional policy and practice, pushing matters relating to researchers' contracts up the institutional agenda. It is clear however that the form of the contracts used to

employ researchers, is one part of a broader picture involving the recruitment, management and development of this staff group. This study has underlined the message that to be effective, HEI HR policies should be designed to reflect research contexts. Policies should be understood and implemented effectively at local levels, such that they become embedded within the research culture. A key challenge has been to develop a policy that can apply consistently throughout the institution but which is sensitive to the range of research contexts operating within the institution.

The role of PIs and research managers in implementing policy changes is key. However, PIs may not identify with the role of 'line-manager' in terms of the implementation of HR policies. Some institutions and sector wide initiatives have begun to address the evolving management role of PIs. A key challenge is to ensure that institutional policies and line management roles fit with and become embedded within 'doing research' rather than being seen as external to it. It is also essential that researchers have access to accurate information about their employment conditions. Researchers' engagement with, and requirement for, information about their employment differs depending on the context and may change over time. A multi-layered approach which combines accurate online information with face to face interaction and advice seems to be key to informing researchers about their rights.

There is increasing diversity in the use of fixed-term and open-ended employment and in the nature and quality of these positions. Whether a post is fixed-term or open-ended is not a useful indicator of the security or quality of the position. Experiences of different contractual forms are shaped by a range of management practices and working cultures. Researchers will need to be aware of differing approaches across the sector and ensure that they understand the nature of their employment relationship. The case studies revealed a level of uncertainty amongst researchers about the nature of open-ended employment and the likelihood of redundancy. Institutions are conscious of the need to 'manage' expectations of the researchers employed on open-ended contracts and use a range of means to inform researchers of the likelihood of ongoing employment.

This study has found that in some cases, responses to the legislation have prompted better centralised monitoring and record keeping. In many cases HR departments have put in place, or are developing systems that serve to trigger looking ahead, planning and communicating with staff where the ending of short-term funding is approaching. Key features of the research context shape approaches to retaining staff and mitigating the risk of redundancy. This means that the local, department level is key to approaches to retain researchers.

HEIs increasingly provide space for conversations around personal development and review. This study highlights the importance of ensuring that researchers receive clear and consistent messages about the opportunities that are available to them within the institution.

Much of the work undertaken by HR departments in this area has focused on ensuring that the correct processes and procedures to be followed at the termination of an open-ended contract or expiry of a fixed-term contract are in place. This has been shaped by the complexity of internal governance requirements. This study found that procedures and processes associated with dismissals and, in particular, redundancy, are not always familiar to researchers and managers 'on the ground'. As with other policies it is important to clearly communicate what these processes are, why they are followed and to make sure that managers implement them.

The case studies revealed a level of uncertainty amongst researchers about the nature of open-ended employment and the likelihood of redundancy. There is a sense that researchers anticipated that the move to open-ended employment would change things substantially, however the link between short-term funding and the likely duration of appointments continues. Some researchers express disappointment or confusion over what has actually changed. Thus in some cases it was unclear whether open-ended employment changed the way that researchers experience employment linked to short-term grant funding. Institutions may wish to consider whether there is a need for further clarification about what policy changes mean for research staff.

The nature of research employment has clearly changed over the past ten to 15 years. As this report has demonstrated changes in the law have played an important role in catalysing this change in recent years. However, the nature of the change experienced by both HEIs and researchers themselves is based on a complex interaction between legislation, policy, HR and management practice. This means that there are likely to be as many different approaches to research employment as there are research employers. Nonetheless the findings of this report suggest that where institutional policy, HR and departmental management are aligned and researchers are well informed there is a strong chance of developing systems that support the development of researchers and their careers and which allow research organisations to retain talent and build research capacity.

Legal references

EU Directives

Council Directive 99/70/EC of 28 June 1999 concerning the framework agreement on fixed-term work concluded by ETUC, UNICE and CEEP [1999] OJ L 175, 10/07/1999 (p.0043 - 0048)

EU Soft Law Measures

Commission Recommendation of 11 March 2005 on the European Charter for Researchers and on a Code of Conduct for the Recruitment of Researchers OJ [2005] L 075: 67

CEC (2000) Communication from the Commission to the Council and the European Parliament, The Economic and Social Committee and the Committee of the Regions, Towards A European Research Area, COM(2000) 6 final.

CEC (2003) Communication from the Commission to the Council and the European Parliament Researchers in the European Research Area: One Profession, Multiple Careers, COM(2003) 436 final.

Acts of Parliament

Education Reform Act 1988

Trade Union and Labour Relations (Consolidation) Act 1992

UK Employment Rights Act 1996

Employment Relations Act 1999

Statutory Instruments

The Fixed-term Employees (Prevention of Less Favourable Treatment) Regulations 2002

Fixed-term Employees (Prevention of less favourable treatment) Regulations (Northern Ireland) 2002

Cases of the European Court of Justice

(in alphabetical order)

Case C-212/04 'Adeneler and Others v Ellinikos Organismos Galaktos' *(ELOG)* [2006] ECR 6057

Case C-307/05 'Yolanda Del Cerro Alonso v Osakidetza-Servicio Vasco de Salud' [2007] ECR 7109

Cases of UK Employment Tribunals and Courts

(in alphabetical order)

'Ball v University of Aberdeen' Unreported May 23, 2008 (ET) (Scotland)

'Biggart v University of Ulster' Unreported February 19, 2007, (IT) (Northern Ireland)

'Langston v Cranfield University' [1998] IRLR 172

'North Yorkshire County Council v Fay' [1985] IRLR 247

'Terry v East Sussex County Council' [1977] 1 All ER 567

'Williams v Compair Maxam Ltd' [1982] IRLR 83

References

1994 Group (2010) **About us.** Available at: www.1994group.ac.uk/aboutus

ACAS (2009) **Redundancy handling** London, Acas. Available at: www.acas.org.uk/CHttpHandler.ashx?id=877&p=0

Ackers, H.L and EA Oliver (2007) 'From Flexicurity to Flexsecquality? The Impact of the Fixed-term Contract Provisions on Employment in Science Research', **International Studies of Management and Organization**, 37(1): 53-79.

Barnard, C and S Deakin (2007) 'Chapter 7: United Kingdom' in Caruso, B and S Sciarra (eds) **Flexibility and Security in Temporary Work: A Comparative and European Debate** Working Paper, Università degli Studi di Catania Facoltà di Giurisprudenza. Available at: www.cels.law.cam.ac.uk/events/follow-up_paper_for_website.pdf

Bryson, C (2004) 'The Consequences for Women in the Academic Profession of the Widespread Use of Fixed Term Contracts', **Gender, Work and Organization**, 11(2): 187-206.

The Concordat (1996) **A Concordat to Provide a Framework for the Career Management of Contract Research Staff in Universities and Colleges**. London, CVCP

The Concordat (2008) **The Concordat to Support the Development of Researchers**. Available at: www.researchconcordat.ac.uk/documents/concordat.pdf

Court, S (2004) **The Unequal Academy, UK Academic Staff 1995-96 to 2002-03**. London: Association of University Teachers.

CROS (2009) **Careers in Research Online Survey (CROS) 2009 Analysis of aggregated UK results**. Vitae c/o CRAC, Cambridge. Available at: www.vitae.ac.uk/CMS/files/upload/CROS_2009_October.pdf

European Commission (2005) The European Charter for Researchers. The Code of Conduct for the Recruitment of Researchers. Brussels: European Commission. Available at http://europa.eu/eracareers/pdf/am509774CEE_EN_E4.pdf

HEFCE (2010). **The Higher Education Workforce Framework 2010: Overview Report**. Bristol, Higher Education Funding Council for England. Available at: www.hefce.ac.uk/pubs/hefce/2010/10_05a/

JNCHES (2002). **Fixed-Term and Casual Employment: Guidance for Higher Education Institutions**. London: Joint Negotiating Committee for Higher Education Staff. Available at: www.ucea.ac.uk/download.cfm/docid/3C9B8F8E-65B6-A811-3328FFCF37583761

JNCHES (2003) Framework Agreement for the Modernisation of Pay Structures. London Joint Negotiating Committee for Higher Education Staff. Available at: www.ucea.ac.uk/en/Pay_and_Reward/Framework_Agreement/

KPMG LLP (2005) **Evaluation of Rewarding and Developing Staff in HE Initiative 2001-02 to 2003-04: A report to HEFCE by KPMG LLP**. Bristol, Higher Education Funding Council for England.

Leadership Development for Principal Investigators (2008) **Research Leader Home**. Available at: www.le.ac.uk/researchleader/

Lisbon European Council (2000) **Presidency Conclusions Lisbon European Council 23rd and 24th March 2000**. DOC/00/8 of 24/03/2000.

Mordue, C. 'Termination of Employment and the Model Statute: And Notably the Position of Fixed-term Staff' in Palfreyman, P and W Warner (eds) (2002) **Higher Education Law 2nd Edition** Bristol: Jordans, 215-242

Oakleigh Consulting (2007) **Evaluation of HEFCE's Investment in Good Management Practice Development in the HE Sector**. Bristol, Higher Education Funding Council for England. Available at: www.hefce.ac.uk/pubs/rdreports/2007/rd10_07/rd10_07.pdf

Oakleigh Consulting (2009), **Evaluation of the Impact of Public Policy and Investments in Human Resource Management in Higher Education since 2001**. Bristol, Higher Education Funding Council for England. Available at: www.hefce.ac.uk/Pubs/rdreports/2009/rd12_09/rd12_09.pdf

Painter, R. and Holmes, A. (2008) **Cases and Materials on European Law**. Oxford: Oxford University Press.

RCI (2003) **Research Careers Initiative Final Report 1997-2002**. London: Department of Trade and Industry.

Research Base Funders Forum (2007) **Researchers: What is the Situation? Annual Report to the UK Research base Funders' Forum 2007**. London: Research Base Funders Forum. Available at: www.bis.gov.uk/policies/science/science-funding/funders-forum/reports

Research Base Funders Forum, (2009) **Second annual report on research staff (2004/05 to 2007/08)**. Available at: www.bis.gov.uk/policies/science/science-funding/funders-forum/reports

Roberts, G (2002) **SET for Success: The Supply of People with Science, Technology, Engineering and Mathematics Skills**. London, HM Treasury.

Rugby Team (2009) **The Rugby Team Impact Framework: one year on**. Cambridge, Vitae c/o CRAC. Available at: www.vitae.ac.uk/CMS/files/upload/RTIF_update_Sept09.pdf

Russell Group (2010) **Aims and Objectives**. Available at: www.russellgroup.ac.uk/Aims-and-Objectives/

Smith, I and Thomas, G (2008) **'Smith & Wood's Employment Law**, Oxford: Oxford University Press.

Thrift, N (2008) **Research Careers in the UK: A Review**, London: Department for Innovation, Universities and Skills. Available at: http://webarchive.nationalarchives.gov.uk/20090506151438/http://www. dius.gov.uk/higher_education/shape_and_structure/he_debate/~/media /publications/N/Nigel%20Thrift%20contribution%20to%20HE%20Debat e

UCEA (2008) **A review of the implementation of the Framework Agreement for the modernisation of pay structures in higher education**, London: Universities and Colleges Employers Association. Available at: www.ucea.ac.uk/objects_store/a_review_of_the_implementation_of_the _framework_agreement_for_the_modernisation_of_pay_structures_in_h igher_education.pdf

UCU (2004), **Model Statutes - and the Zellick Model**. Available at: www.ucu.org.uk/index.cfm?articleid=2529

UCU (2007) **Use of Fixed Term Contracts in the Employment of UK Academic Staff 1995-6 to 2005-6**. Available at: www.ucu.org.uk/media/pdf/9/b/ucu_acadftcs95-06.pdf

UCU (2008) **Challenging Redundancies in Higher Education: A UCU Briefing Document**. Available at: www.ucu.org.uk/media/pdf/9/3/ucu_challredundancy_jun09.pdf

UCU (2009) **Stamp Out in HE: Background Information**. Available at: www.ucu.org.uk/index.cfm?articleid=3539

UK GRAD (2004) **What Do PhDs Do?**. Cambridge, UK GRAD Programme c/o CRAC. Available at: www.vitae.ac.uk/CMS/files/1.UKGRAD-WDPD-full-report-Sep-2004.pdf

UUK and RCUK (2006) **The European Charter for Researchers and Code of Conduct for the Recruitment of Researchers: A UK HE Sector Gap Analysis**. Available at: www.rcuk.ac.uk/cmsweb/downloads/rcuk/researchcareers/gapanalysis .pdf

Vitae (2009) **What do researchers do? 2009**. Cambridge, Vitae c/o CRAC. Available at: www.vitae.ac.uk/policy-practice/107611/What-do-researchers-do-2009.html

Vitae and icould (2010) What do researchers do? **Career stories on film**. Available at: www.vitae.ac.uk/careerstoriesonfilm

Appendix

In September 2008, Dr Liz Oliver contributed a workshop 'The impact of the fixed-term directive on supporting the careers of research staff' to the Vitae Researcher Development Conference. The session introduced the legislation on fixed-term employees and provided space for discussion. It was concluded that research into the various institutional responses to the legislation and their impact on the careers of researchers was required. After a meeting with Tristram Hooley, formerly of Vitae, Liz developed a proposal for a research project to be conducted on behalf of Vitae.

The project aimed to:

- extend existing research into the management of researchers within universities in the light of the legislation on fixed-term employment

- develop a more detailed understanding of how universities are implementing the legislation on fixed-term employment through institutional policies

- investigate how the legislation on fixed-term employment and related institutional policies are experienced by researchers and their managers 'on the ground'

- generate examples of practice, key challenges and pitfalls to be shared with policy makers and those working with researchers across the HE sector

- investigate the relationship between institutional responses to the legislation on fixed-term employment and the researcher development agenda

- interpret the research outcomes in the context of policy and practice in the HE sector.

In January 2009, the proposal was presented at a workshop at the Vitae policy forum. Participants were given the opportunity to comment on the plans and to shape the project design.

The project was designed around the following three phases:

- Phase one aimed to locate the study within the broader legal and policy context and to identify novel and pertinent issues specifically relating to the implementation of the legislation on fixed-term employment to be addressed through the empirical phase. This was achieved principally through legal and policy analysis, key informant interviews and taking part in email discussion groups. The findings of this stage were presented to the delegates of the Vitae Researcher development conference in September 2009. More information about the workshop can be found here: www.vitae.ac.uk/policy-practice/916-86363/Workshops/121811/Vitae-researcher-development-conference-2009-realising-the-potential-of-researchers-.html#pageInfo

- Phase two aimed to explore institutional and individual responses to the legislation on fixed-term employment in the HE sector through institutional case studies. Four case studies were conducted through a combination of policy analysis and semi-structured interviews with key managers and staff. New empirical insights into how institutions are dealing with issues associated with responding to the legislation on the ground were generated. During this phase emerging ideas were shared with researchers at the Vitae Research staff conference November 2009.

- Phase three entailed analysis and writing up. The data generated via semi-structured interviews and secondary analysis of institutional surveys were brought together with the institutional policy documents and analysed in a non cross-sectional way from the perspective of each institution. Then from these specific findings key themes and issues that could resonate with other institutions were identified and explored. Initial findings were presented at the Vitae policy forum in January 2010. More information about the workshop can be found here: www.vitae.ac.uk/researchers/1151-126801/Workshops/190921/Vitae-policy-forum-2010.html#pageInfo

An advisory group was set up to comment on project processes and outputs. Members included:

Prof Louise Ackers, Law School, University of Liverpool

Rosie Beales, Academic Fellowship Coordinator, Research Councils UK

Dr Christian Carter, Organisational Development Manager, University of Bristol

Dr Alison Leggett, Staff Development Manager, University of Bristol

Dr Ian Lyne, Head of Skills and Careers, Biotechnology and Biological Sciences Research Council

Jane Thompson, HE Policy Officer, University and College Union

Vitae

Vitae is supported by Research Councils UK,(RCUK), managed by CRAC: The Career Development Organisation and delivered in partnership with regional Hub host universities.

Vitae works with UK higher education institutions (HEIs) to embed professional and career development in the research environment. Vitae plays a major role in innovating, sharing practice and enhancing the capability of the higher education sector to provide professional development and training for researchers.

Our vision is for the UK to be world-class in supporting the personal, professional and career development of researchers.

Our aims:

- building human capital by influencing the development and implementation of effective policy relating to researcher development
- enhancing higher education provision to train and develop researchers
- empowering researchers to make an impact in their careers
- evidencing the impact of professional and career development support for researchers.

For further information about the range of Vitae activities go to www.vitae.ac.uk or contact website@vitae.ac.uk

Vitae c/o CRAC, 2nd Floor, Sheraton House, Castle Park, Cambridge, CB3 0AX