

Academic Working Arrangements

Consultation/Conversation Guide for the management of Staff who may be under load

About this Guide

This guide outlines the key steps in consulting with staff following the possible identification of having an academic workload that may be under the annual academic workload allocation of 1595 hours per year – that is under load. This guide has been primarily written for supervisors of academic staff, Heads of School and Executive Deans.

It is important to clarify what is meant by under load – this normally occurs when a staff member, who has the capacity and capability, is not able to be allocated a full annual workload allocation of 1595 hours. The guide outlines how to prepare and approach the discussion, who is involved, options to explore, approval processes and how discussions and decisions are recorded and implemented.

The guide draws on the same principles of consultation on change where staff are affected and the various policies that guide the development of options for individual staff affected by change.

The primary consideration in any discussion is to, where possible, maintain the staff member's current employment arrangements, as outlined in their contract of employment.

While this guide provides a step by step approach, it is important to recognise that each staff member, who may be under load, will have their own set of specific circumstances and may transition through the change process in very different ways. Therefore, meetings will need to be tailored to the specific circumstances, the context including University requirements and individual needs and preferences.

Performance Management vs. Under Load

If following the normal preparation for assigning annual workload you identify that a staff member is not able to be assigned a full annual workload due to a performance issue – i.e. you have work that you could allocate, however you are unable to allocate it to the staff member due to a skill gap or potential performance or behavioural concern, then this Consultation Guide should not be utilised. If the possible reason for an under load situation is a performance concern, please liaise with your HR Relationship Manager as the *Managing Unsatisfactory Performance Policy* may apply.

Context to this Guide - Definition Consultation

Consultation, as defined in the Australian Catholic University Staff Enterprise Agreement 2013 – 2017 (the Agreement), means:

'Providing the individual staff member or other relevant person(s) with a bona fide opportunity to influence the decision maker. Consultation is not perfunctory advice on what is to happen, this is a common misconception. Consultation is not a joint decision making process or even a negative or frustrating barrier to the prerogative of management to make decisions. Consultation allows the decision making process to be informed.'

Approach to Consultation

In addition, the Agreement also provides the participative and transparent approach to consultation and change:

'8.4.1.2 It is acknowledged that the sound management of workplace change is enhanced by the involvement of the people who will be affected by that change. The University seeks to manage change in a proactive, transparent and constructive manner, which minimises any adverse effects on the University workplace community while ensuring that the University is able to adapt appropriately to changing circumstances.'

Roles and Responsibilities

There is a consultative approach to change and there is the requirement for affected staff to have an opportunity to influence the final decisions with respect to the impact of the change. For this reason it is important to identify the key staff involved and their responsibilities in this consultation process.¹

Who	Responsibility
Staff Member	<ul style="list-style-type: none"> • Participate in and contribute to the annual workload discussion; • Work with their nominated supervisor in an attempt to attain full participation and a full annual workload; • Consider and discuss possible options to mitigate/lessen the effect of an under load situation; • Should not unreasonably refuse to participate in the process of consultation and discussion; and • Should not unreasonably decline to accept transfer, redeployment, relocation, training or retraining when relevant.
Nominated supervisor and/or National Head of School	<ul style="list-style-type: none"> • Work with staff in an attempt to attain full participation and a full annual workload; • Understand the internal and external factors affecting their work area; • Have, or develop a holistic understanding of the workforce and other internal/external factors within their work area that could affect academic workload – i.e. new courses, changed or discontinued courses, previous workload hours/trends; enrolment numbers, staff leave balances; the number of fixed term staff and when fixed term contracts expire, understand the work profile of sessional staff within their work area; identify (in conjunction with the Executive Dean) any opportunities for intra or cross Faculty teaching; • Provide staff with a genuine and open dialogue – i.e. an opportunity to suggest and explore options to mitigate any adverse effect on their employment conditions; and • Take the lead role in implementing any changes with affected staff in consultation with and in conjunction with the Faculty, HR and Members of the Senior Executive.
Executive Dean	<ul style="list-style-type: none"> • Assist nominated supervisors in the management of staff who are under load when required; • Develop an understanding of any possible intra or cross Faculty teaching opportunities and ensure that nominated supervisors are aware of those opportunities; • Consider options proposed by nominated supervisors in regards to altered working arrangements for staff and where necessary endorse options that require approval by the Provost; • Consider and where appropriate approve Teaching and Scholarship of Teaching projects; Research projects and Leadership/Service projects for inclusion in annual workloads; • Where necessary and appropriate, work with the Faculty's Associate Dean Research to identify and provide research understanding/skill development workshops for staff within the Faculty; • Ensure nominated supervisors have, or develop a holistic understanding of the workforce and other internal/external factors within their work area that could affect academic workload – i.e. new courses, changed/discontinued courses, previous workload hours/trends; enrolment numbers; staff leave balances; the number of fixed term staff and when fixed term contracts expire; understand the work profile of sessional staff within their work area.

¹ The Agreement, clauses 4.1.1 & 8.4

Academic Workload Policy, clauses 9 & 11.2

Change Management Guidelines, clauses 2 & 3

Redeployment, Redundancy and Voluntary Early Retirement Policy, clauses 4.5.4 & 5

Who	Responsibility
Provost	<ul style="list-style-type: none"> • Encourage Executive Deans to develop an understanding of any possible cross Faculty teaching opportunities; • Overview Teaching and Scholarship of Teaching projects; Research projects and Leadership/Service projects approved by the Executive Deans; • Receive and review organisational reporting on annual workload allocation across the academic portfolio to identify risks associated with workload allocation and the academic profile and identify and communicate actions to mitigate; • Support and assist the Executive Deans and nominated supervisors in the management of individual staff issues when required; • Consider options proposed by Executive Deans in regards to altered working arrangements for staff and where necessary endorse options that require approval by the Vice Chancellor.
Vice Chancellor	<ul style="list-style-type: none"> • Consider and if appropriate approve any redundancy recommendations proposed by a relevant Member of the Senior Executive and the Director HR.

Step	Who	Purpose and Actions	Outcome	Resources
Planning	Nominated Supervisor in consultation with National Head of School/Executive Dean and/or HR.	<p>Identification of an under load circumstance/s and a staff member or staff members who maybe or are affected.</p> <p>To develop a comprehensive understanding of the current workforce and workforce profile within the work area.</p> <p>To develop an understanding of the staff member/s who may be affected and to begin initial planning of possible options to mitigate the effect on staff.</p> <p>Key considerations when planning for workload discussions:</p> <ul style="list-style-type: none"> • Understand the enrolment profile and potential teaching profile/requirements of the School/work area; • Examine previous workload allocations and profile of staff member/s – what workload elements have made up previous annual workload allocations and have they experienced under load in previous years; • Know and understand the employment arrangements of the staff – i.e. full-time, part-time, fractional, continuing or fixed term, their current Academic Career Pathway, probationary terms; • Understand the leave balances of staff member/s – do any staff have excessive annual or long service leave balances that may necessitate the management of their leave; • Identify any intra or cross Faculty teaching opportunities; • How many staff are on fixed term contracts and when do those contracts expire? Are there still valid reasons for those fixed term appointments? • Develop an understanding of where and when work is being undertaken by sessional staff – identify if a reduction in sessional hours would increase available workload within the work area; • Teaching and Scholarship of Teaching projects; Research projects and Leadership/Service projects – are there any strategic needs for the School or Faculty that would 	A comprehensive understanding of the current workforce (and workforce profile), the availability of academic staff and academic work within the work area.	<p>Agreement, clauses 4.1.1.2 & 5.2</p> <p>Academic Workload Policy</p> <p>Reports: Leave balances(available from Staff Connect), or a leave liability Report from HR</p> <p>Fixed term contracts and expiry dates (available from Staff Connect) or a Report from HR</p> <p>Sessional Staff from the Sessional Staff System, or review the annual casualisation Report from HR.</p>

		<p>necessitate a project workload and do you have staff who have the capacity and capability to undertake a project/s?</p> <ul style="list-style-type: none"> • Are there any units/courses that require review/re-writing? This may provide additional workload opportunities; • Understand the research profile of the work area – understand which staff have a C3 workload and identify staff who may be eligible for a C1 (undertaking their own PhD), C2 (eligible Early Career Researchers) or C4 and C5 (HDR supervision) workloads. <p>In situations where under load may exist, understand the University options outlined in the Academic Workload Policy:</p> <ul style="list-style-type: none"> • projects which a staff member can competently perform and contribute to a strategic need; and/or • Teaching into other programs; and/or • A temporary reduction of fraction; and/or • Utilisation of leave entitlements. 		
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Step	Who	Purpose and Actions	Outcome	Resources
<p>Initial Consultation - Identify Impacts</p>	<p>Nominated supervisor and staff member – with option of a support person and HR representative.</p>	<p>Arrange a workload discussion with the staff member. Advise the staff member that this is an initial discussion, but should they feel more comfortable, they are welcome to bring a support person to the meeting (they must not be a practicing barrister or solicitor).</p> <p>The aim of the meeting is to discuss:</p> <ul style="list-style-type: none"> • The staff member’s annual academic workload. An under load situation may occur if the staff member does not reach a full 1595 workload allocation; • Where an under load situation occurs, identify and discuss with the staff member the possible causes for the under load; • In situations where under load may exist, outline the University options outlined in the Academic Workload Policy: <ul style="list-style-type: none"> • projects which a staff member can competently perform and contribute to a strategic need; and/or • Teaching into other programs; and/or • A temporary reduction of fraction; and/or • Utilisation of leave entitlements; • The staff member may seek a better understanding of what these options mean – please refer to Appendix 1. • In your planning, you may have identified short or long term options with respect to Additional workload availability - due to other fixed term contract(s) expiring or not proceeding with an intended fixed term arrangement, decreasing sessional staff hours or as a result of other staff utilising leave etc. • Explore any other options the staff member may 	<p>A genuine two way conversation where the key issues are identified and discussed and the staff member has the ability to consider and provide input into potential options to mitigate a potential under load situation.</p> <p>Following the meeting, an email should be sent to the staff member to:</p> <ul style="list-style-type: none"> • Thank them for their participation and contribution; • Confirm the key topics that were discussed; • Summarise the potential options that were discussed during the meeting – again emphasising that no decisions will be made following this initial meeting; • Confirm the approximate time frame for the next meeting and remind the staff member that they are welcome to bring a support person to assist them. 	<p>Agreement, clause 8.4.2</p> <p>Academic Workload Policy, clauses 9 & 11.2</p> <p>Change Management Guidelines, clauses 4.1 & 4.2</p> <p>Templates:</p> <ul style="list-style-type: none"> ➢ Meeting invite (contact HR Relationship Manager); ➢ Meeting summary email (contact HR Relationship Manager) <p>Info Sheet – role of support staff and representatives</p>

		<p>identify for consideration to address or mitigate/minimise the impact of the under load;</p> <ul style="list-style-type: none"> • Ensure the staff member is aware that no decisions or outcomes will be decided at this initial meeting – the aim of this meeting is to discuss the situation and explore possible options; • Ensure the staff member that should they need to, they can suspend the meeting and reschedule for a time when they can bring along a support person; • Discuss whether the under load situation is believed to be a short term or one off issue – or a longer term occurrence. Seek the staff members thoughts/feelings on this as well; • Capture the key issues of discussion/concerns of the staff member throughout the conversation; • Discuss and potentially identify any particular support that may be required by the staff member to assist them with this process - e.g. EAP Program; • Discuss the approach for follow up meeting/s. If not in attendance at the initial meeting, ensure the staff member that they are welcome to invite a support person to the meeting and that a HR representative may also be in attendance to provide support and assistance with the process. Advise the staff member to continue to consider options that could address the under load between meetings – so that options can be further explored at the subsequent meetings. 		
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Step	Who	Purpose and Actions	Outcome	Resources
<p>Clarify options & reach agreement on way to proceed</p>	<p>Nominated supervisor and staff member</p> <p>Support person or staff representative if requested by the staff member</p> <p>Executive Dean</p> <p>HR</p> <p>Provost</p> <p>Vice Chancellor (possibly)</p>	<ul style="list-style-type: none"> • In consultation with the staff member, attempt to identify whether the under load is a shorter term or longer term/continuing issue, and examine the options to manage the under load; • It should be noted that more than one meeting may be required; • Whether a shorter term or longer term/permanent issue, consideration should first be given to maintaining the staff member’s employment conditions; • If the under load is determined to be a shorter term issue, possible University options could be either one of or a combination of the shorter-term options listed in Appendix 1. • If the under load is determined to be a longer-term or permanent issue, please refer to the longer-term options listed in Appendix 1. 	<p>A genuine, considered examination of all potential options that might be available to manage the situation, involving the staff member and their support person/representatives.</p> <p>Whilst agreement on the recommendations may not always be reached, agreement on the way forward is desired.</p> <p>The desired end result is that all parties have had the opportunity to provide, discuss and consider the options to mitigate the impact of the under load.</p> <ul style="list-style-type: none"> • Following the meeting/s a recommendation/proposal will be developed that includes: <ul style="list-style-type: none"> ➢ A brief summary of the current (under load) situation and brief overview of its causes (background to the situation); ➢ The effect of the under load on the staff member/s; ➢ A brief summary of the options that were considered to minimise the effect on the staff member/s, including options suggested by the staff member; ➢ The proposed altered working arrangements or changes to the employment arrangements for the staff member/s that are being recommended and the rationale for those recommendations; and ➢ The anticipated timeline for the 	<p>Agreement, clauses 5.2.4 & 8.4.2.2 - 8.4.2.3</p> <p>Academic Workload Policy, clauses 6.1; 9 & 11.2</p> <p>Change Management Guidelines, clauses 4.3- 4.4 and & 5– 6</p> <p>Redeployment, Redundancy and Voluntary Early Retirement Policy, clauses 4.1 – 4.2.3 & 4.5.1- 4.5.12</p> <p>Pre-Retirement Agreement Policy</p> <p>Templates:</p> <ul style="list-style-type: none"> ➢ Recommendation / proposal (contact HR Relationship Manager)

			<p>implementation of altered working arrangements or changes to the employment arrangements for the staff member/s.</p> <ul style="list-style-type: none"> • The memo will be circulated to the staff member/s (and their representatives where appropriate) for their reference. The affected staff member/s is welcome to provide any further comments/suggestions that can be included in the recommendation – however it should be noted that the staff member may not or does not have to agree with the recommendations; • Once the staff member/s have had an opportunity to sight and comment on the memo/proposal, it can be forwarded for approval; • Most temporary or permanent alterations to working arrangements or conditions of employment should only need to be endorsed and approved by the Executive Dean and/or Provost. However any recommendation for redundancy will need to be endorsed by the Executive Dean, Provost and the Director, HR, before being provided to the Vice Chancellor for consideration and possible approval. 	
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Step	Who	Purpose and Actions	Outcome	Resources
<p>Effect/implement changes</p>	<p>Nominated supervisor and staff member</p> <p>Executive Dean</p> <p>HR</p> <p>Provost</p> <p>Vice Chancellor</p>	<p>Following the initial consultation and exploration of options described above, the final stage is to implement the required changes to address the under load situation.</p> <p>If not already completed, the staff members Academic PRP should be completed with any changed arrangements, including updated KPIs/goals if relevant. If the PRP has already been completed, then it may need to be amended depending on changes to the staff member's working arrangements or employment conditions.</p> <p>As each situation and case is unique, the list of actions below indicate what will be required to effect/implement the way forward. Your up-line and/or your HR Relationship Manager are well placed to assist you in implementing the changes that may be required to mitigate the under load situation.</p> <p>For implementation actions for shorter and longer-term options, please refer to Appendix 1.</p>	<p>To ensure that changes in working arrangements or employment conditions are actioned fairly, transparently, timely and in accordance with the Agreement and the relevant policies.</p> <p>In addition, effective implementation of the changed arrangements is required to ensure that the staff member's employment records and their electronic records (e.g. PayGlobal and AWPS) are correct.</p>	<p>Agreement, clauses 5.2.4; 7.3 & 8.4.2.2 - 8.4.2.3</p> <p>Academic Workload Policy, clauses 6.1; 9 & 11.2</p> <p>Change Management Guidelines, clauses 4.3- 4.4 and & 5- 6</p> <p>Redeployment, Redundancy and Voluntary Early Retirement Policy, clauses 4.1 – 4.2.3 & 4.5.1- 4.5.12</p> <p>Pre-Retirement Agreement Policy</p> <p>Staff Transfer Policy</p> <p>Travel and Relocations Expenses Policy</p> <p>Academic Performance Review and Planning form</p> <p>Change of Academic Career Pathway form</p> <p>Request to Vary form</p> <p>Academic Workload Planning System.</p>

Further Assistance

Further assistance should be referred to senior staff within the Faculty i.e. National Head of School or Executive Dean in the first instance. If further advice is required please contact the relevant HR Relationship Manager for advice or referral to the appropriate person/work area within HR.

Faculty of Health Sciences	Gail Bool, HR Relationship Manager
Faculty of Education and Arts	Grace Porter, HR Relationship Manager
Faculty of Theology and Philosophy	Liza Rainbird, HR Relationship Manager
Faculty of Law and Business	Leisa Schmidt, HR Relationship Manager

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Appendix 1 – Potential Under load options and implementation actions

Time Frame	Options	Actions
Shorter-term	<ul style="list-style-type: none"> • <i>Allocation of projects</i> – must contribute to a strategic need, as approved by the Executive Dean; and/or 	<ul style="list-style-type: none"> • Recommend relevant projects to the Executive Dean for consideration and potential approval; once approved, ensure approved workload is entered into the AWPS; ensure that PRP includes any relevant KPIs/goals relating to the projects;
	<ul style="list-style-type: none"> • <i>Teaching in to other programs or cross teaching</i> - reallocation of workload within the School/ Faculty or other School /Faculty where relevant. Strategies to support the staff member to teach into other programs such as professional development or updating of discipline knowledge should also be provided where relevant and may require a separate workload allocation and/or; 	<ul style="list-style-type: none"> • Liaise with the relevant Faculty/School to arrange the teaching; ensure that the access to the relevant units is available via the AWPS; establish any cross Faculty/School costing arrangements - this may be in conjunction with the relevant Faculty Finance Managers and Executive Deans;
	<ul style="list-style-type: none"> • <i>A temporary reduction in fraction</i> – discuss and consider whether a temporary reduction in fraction for a semester or alternative time period would resolve or improve the short-term situation; and/or 	<ul style="list-style-type: none"> • If agreement was reached with a staff member to reduce their fraction for a period of time, ensure a <i>Request to Vary</i> form is completed, approved and processed;
	<ul style="list-style-type: none"> • <i>Utilisation of leave entitlements</i> – managing the leave entitlements (annual and long service) of the affected staff member; or managing excessive leave of another staff member/s within the work area; and/or 	<ul style="list-style-type: none"> • Ensure that staff member has requested their planned leave via Staff Connect. If workload is to be made available via the management of other staff member's excessive annual or long service leave, ensure that the relevant staff member has also requested leave via Staff Connect;
	<ul style="list-style-type: none"> • <i>Temporary change of Academic Career Pathway</i> – a temporary change to the staff member's academic career pathway may result in additional workload elements being available for allocation; and/or 	<ul style="list-style-type: none"> • After discussion with the staff member (as has occurred in the steps above) formally change the Academic Career Pathway via the Academic PRP form. In addition, if the staff member is still within their probation period, ensure that all probation criteria are still applicable within the new pathway – if not, please seek approval from the Executive Dean and Provost for the modification (changed, removed or new) relevant criteria;
	<ul style="list-style-type: none"> • <i>Additional workload availability</i> - due to other fixed term contract(s) expiring or not proceeding with an intended fixed term arrangement, decreasing sessional staff hours or as a result of other staff utilising leave etc. 	<ul style="list-style-type: none"> • If fixed term staff members are not being offered further contracts, ensure that the FTEAs are actioned in the appropriate time frame to provide the relevant notice periods;

Time Frame	Options	Actions
Longer-term or permanent	<ul style="list-style-type: none"> • <i>Pre-Retirement Agreement</i> - Depending on the circumstances of the individual staff member, a pre-retirement agreement may be an option for consideration; 	<ul style="list-style-type: none"> • Once the pre-retirement agreement details have been approved by the relevant Executive Dean, the new offer of employment will be drafted and sent by HR;
	<ul style="list-style-type: none"> • <i>Change of Academic Career Pathway</i> – a change to the staff member’s academic career pathway may result in additional workload elements being available for allocation; 	<ul style="list-style-type: none"> • After discussion with the staff member (as has occurred in the steps above) formally change the Academic Career Pathway via the Academic PRP form. In addition, if the staff member is still within their probation period, ensure that all probation criteria are still applicable with the new pathway – if not, please seek approval from the Executive Dean and Provost for the modification (changed, removed or new) t relevant criteria;
	<ul style="list-style-type: none"> • <i>Redeployment to another academic or professional staff position</i> – utilising the University’s change provisions and consultation requirements of the Agreement and the <i>Redeployment, Redundancy and Voluntary Early Retirement Policy</i>, identify any available alternative positions within the University that might be aligned to the staff member’s abilities. A Trial Redeployment (under the Policy) may be utilised in the first instance; 	<ul style="list-style-type: none"> • The process would be undertaken in conjunction with your HR Relationship Manager, your Executive Dean (and other relevant Executive Dean when appropriate) and the Provost utilising <i>Redeployment, Redundancy and Voluntary Early Retirement Policy</i>;
	<ul style="list-style-type: none"> • <i>Transfer to another campus</i> – if additional opportunities were available on another ACU campus, the staff member or the University could examine possible options for a transfer; 	<ul style="list-style-type: none"> • A transfer can be initiated via a <i>Request to Vary</i> form. Note – relocation expenses may be considered - if required, they would need the approval of the Executive Dean;
	<ul style="list-style-type: none"> • <i>Permanent fraction reduction</i> – utilising the change provisions and consultation requirements of the Agreement, a permanent fraction reduction could be negotiated and agreed to mitigate the chance of a redundancy; 	<ul style="list-style-type: none"> • Any permanent change to the staff member’s employment fraction can be enacted via a <i>Request to Vary</i> form;
	<ul style="list-style-type: none"> • <i>Redundancy</i> – if all options have been examined and exhausted and the employment conditions of the staff member cannot be maintained, a recommendation for a redundancy may be developed for the Vice’s Chancellor’s consideration. 	<ul style="list-style-type: none"> • A redundancy can only be approved by the Vice Chancellor. Should a redundancy be required, this process would be undertaken in conjunction with your HR Relationship Manager, your Executive Dean, the Provost and the Director, HR utilising <i>Redeployment, Redundancy and Voluntary Early Retirement Policy</i>.