



Document Title: Redundancy Policy

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Policy Owner: Human Resources

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1.0 POLICY STATEMENT

- 1.1. The University recognises the contribution of all staff to delivering its aim of providing outstanding teaching, research and support services. It also recognises the need to ensure that staff feel secure, are treated with respect and are appropriately supported throughout their employment. The University is committed to maintaining the employment security of staff, as far as possible, by planning effectively to meet current and future staffing needs and avoiding redundancy where possible.
- 1.2. The University will, via its long-term strategic planning, endeavour to minimise wherever possible, the need for redundancies. However, there may be occasions when financial pressures, changes in the demand for services, funding provision, efficiency or effectiveness considerations, or organisational, technological or academic developments result in reduced staffing requirements.
- 1.3. As part of the annual planning process, the University will discuss with the recognised trades unions, strategic workforce planning issues including any potential impact on staffing numbers. Furthermore, on-going organisational and funding issues, which may have an impact on staffing numbers, will be regularly discussed with the trades unions via the formal Joint Consultation Committee (JCC).
- 1.4. This policy aims to ensure that all employees are treated fairly and consistently and that the University complies with the relevant employment legislation in dealing with matters of redundancy.

2.0 SCOPE

- 2.1 This policy applies to employees who have at least 1 year's continuous service and where a redundancy situation applies.
- 2.2 The policy does not apply to members of academic and academic-related staff whose current contract of employment was entered into before 20th November 1987 and who have not been promoted on or after that date.

3.0 DEFINITIONS

3.1 Redundancy

References to "redundancy" in this policy include references to redundancy as defined in the Employment Rights Act 1996 as amended from time to time and which currently defines redundancy as arising where:

- the employer has ceased, or intends to cease, to carry on the business for the purposes of which the employee was so employed; or
- the employer has ceased, or intends to cease, to carry on the business in the place where the employee was so employed; or

- the requirements of the business for employees to carry out work of a particular kind have ceased or diminished or are expected to cease or diminish; or
- the requirements of the business for the employees to carry out work of a particular kind, in the place where they were so employed, have ceased or diminished or are expected to cease or diminish.

3.2 Statutory Collective Consultation

Where the duty to collectively consult arises under section 188 of TULR(C)A 92 (as amended from time to time).

3.3 Local Collective Consultation

Where there is no statutory requirement to consult, the University will in the spirit of partnership working, locally consult with the recognised trades unions on all proposed redundancies resulting from organisational change. This will not include those redundancies that occur as a result of the natural ending of a fixed term contract.

4.0 RESPONSIBILITIES

4.1 To ensure appropriate application of the policy, the following responsibilities have been identified:

4.1.1 Head of Department/Senior Manager

- Prepare the business case for change proposals for consideration by the Vice Chancellor, or an advisory body acting with his/her delegated powers.
- Submit any paperwork to HR as required
- Consult with the nominated trade union representatives and employees as outlined in section 7
- Consider and respond to any feedback, queries or concerns raised by affected employees or their representatives
- Seek advice and support from HR as required

4.1.2 Human Resources

- Provide advice on employment legislation and good practice in relation to the redundancy process
- Support the Head of Department or senior manager in executing their duties and responsibilities in accordance with this policy
- Ensure that all paperwork relating to the redundancy process is submitted to the relevant committees for approval
- Identify any learning points to ensure the policy remains fit for purpose

4.1.3 Trades unions

- Provide appropriate, clear and relevant feedback to the University in a timely manner.

4.1.4 Employees

- Co-operate fully with the University, and comply with any relevant terms of this policy, in the course of the execution of any redundancy process.
- Provide appropriate, clear and relevant feedback in a timely manner and participate fully in the process.

5.0 MINIMISING OR AVOIDING REDUNDANCIES

5.1 The University is committed as an overall principle to retaining employees and seeking to minimise redundancies wherever possible. Where redundancies are proposed early and meaningful discussions will take place with the trades unions. In discussions with the trades unions due consideration will be given to ways of avoiding redundancy or reducing the numbers involved. Dependant upon the nature of the redundancies, these may include as appropriate:

- placing restrictions on external recruitment
- retraining and/or redeploying staff
- reduction or elimination of overtime
- restricting use of agency staff
- not replacing staff who leave
- considering volunteers for redundancy including, where practicable, from areas of work where other potentially redundant staff possess transferable experience and skills to enable possible redeployment. Approval of such redundancies will be balanced against financial, business and required skills retention needs.
- considering voluntary short time working, job shares, layoffs, unpaid leave or external secondments
- considering unpaid sabbaticals and secondments where alternative funding is available
- considering savings from non-staff budgets
- seeking additional or alternative funding

6.0 NOTIFICATION OF POTENTIAL REDUNDANCIES

6.1 Proposed restructurings, which include potential redundancies will be considered in the first instance by the Vice Chancellor, or an advisory body acting with his/her delegated powers.

6.2 Where the duty to collectively consult arises under section 188 of TULR(C)A 92 (as amended from time to time) the University will formally notify the trades unions, through the monthly consultation and communication meetings, and in writing, as required by s188 of the TULR(C)A (as amended from time to time), to allow consultation to take place in accordance with the University's statutory obligations.

6.3 Where the statutory duty to collectively consult does not arise, the University will notify the recognised trades unions, through the monthly consultation and communication meetings, of all proposed redundancies resulting from organisational restructuring.

7.0 CONSULTATION

7.1 Collective Consultation

7.1.1 The University will collectively consult with the recognised trades unions on all proposed redundancies resulting from organisational restructuring. This will include providing information on i) the proposed change and redundancies, ii) the reasons for those redundancies.

7.1.2 Where the duty to collectively consult arises under section 188 of TULR(C)A 92 (as amended from time to time), the University will consult with the recognised trades unions or elected representatives and consultation will include:

- Ways to avoid dismissal
- Reducing the numbers of employees to be dismissed
- Mitigating the consequences of dismissals

In addition, the University will provide the recognised trades unions in writing with the following information:

- The reasons for the proposals
- The numbers and descriptions of employees who it is proposed to dismiss as redundant
- The total number of employees of any such job description or category employed at the University
- The method by which employees will be selected for redundancy
- how the dismissals are to be carried out, taking account of any agreed policy, including the period over which the dismissals are to take effect
- The method of calculating the amount of redundancy payment to be made to those who are dismissed.
- The number of agency workers working temporarily for and under the supervision, and direction of the University, the parts of the University in which those agency workers are working and the type of work those agency workers are carrying out

7.1.4 The trades unions may request additional information at any stage of the process. If relevant and available, it will be provided in a timely manner.

7.1.5 In line with the obligation to consult, reasonable time and opportunity will be given to the union representatives to consider the information provided, to seek clarification, or challenge assumptions and to put forward alternative views or proposals, during the consultation period. The University will consider any feedback submitted by the unions and provide a response in a timely manner.

7.4 Individual Consultation

- 7.4.1 Any individual employee at risk of dismissal under this policy will be invited to at least one individual consultation meeting prior to their potential dismissal being confirmed. The purpose of this meeting will be to discuss the reasons for the proposed changes, any selection process, potential redeployment opportunities and other relevant information.
- 7.4.2 Further meetings during the consultation period will be held if necessary. Any concerns or queries raised by the employee during the consultation period will be addressed and responded to in a timely manner (including the application of any selection criteria).
- 7.4.3 During the consultation meetings, the employee may be accompanied by a work colleague or a recognised trade union representative.

8.0 SELECTION CRITERIA AND PROCESS

- 8.1 Where it is not possible to avoid making compulsory redundancies, a selection process will be put in place. This may include applying redundancy selection criteria or a competitive interview process.
- 8.2 The appropriate method will be determined on a business case-by-case basis, depending on the nature of the changes being proposed.
- 8.3 If selection criteria are used, it will be based on the current and future business needs of the department/faculty/division in relation to that area of activity, and may include some any or all of the following.
- Relevant qualifications
 - Knowledge, skills and experience to meet the present and anticipated needs of the University
 - Performance, including the level and quality of contribution and outputs
 - Disciplinary and attendance records
 - Proven evidence of developing, learning/acquiring training and an ability to acquire new skills

The above list is not exhaustive

- 8.4 Selection criteria will be developed on a case-by case basis taking into account the requirements of the department. Selection criteria will be developed in consultation with the recognised trades unions
- 8.5 The relevant Head of Department /Senior Manager and HR representative will assess each employee against the appropriate selection criteria and relevant employees and trade union representatives will be notified of the outcomes.
- 8.6 Employees who are provisionally selected will have the opportunity to discuss the outcome and the impact on them and any other concerns about the applications of the selection process prior to any final decisions (see also 7.4.2)

8.7 The University will ensure that any selection criteria used are fair, objective and non-discriminatory via an equality impact assessment.

9.0 APPROVAL

9.1 Following the consultation period, the Head of Department / Senior Manager will submit recommendations on proposed redundancies to the Redundancy Committee.

9.2 Restructuring proposals that include potential redundancies must first be submitted and approved by Vice Chancellor, or an advisory body acting with his/her delegated powers that first approved the business case, prior to submission to the Redundancy Committee.

9.3 If the Redundancy Committee confirms the decision to dismiss, the employee will be advised in writing of this decision by the Head of Department or Senior Manager responsible.

9.4 There will be a period of at least 30 days after the consultation period, before the dismissal notice is issued.

10.0 APPEAL

10.1 An employee who has been notified that they are to be dismissed on the grounds of redundancy may appeal against the decision.

10.2 The employee should write to the Director of Human Resources within 10 working days of the date of the notice of redundancy setting out the grounds of the appeal, using one or more of the reasons below, with details of why they believe the decision was wrong:

- The policy was unfair, and/or the correct policy was not followed.
- The decision was unfair or perverse because the evidence did not support the outcome
- There is new information that was not previously available to support the employee's case

This list is not exhaustive

10.3 The appeal will be heard by a panel of 3 senior managers. The employee will have the opportunity at the hearing to explain their grounds of appeal. Members of the appeal panel should not have been involved in the decision to dismiss the employee. The composition of the appeals panel will be in line with the University's policy for any appeal against dismissal.

10.4 At the appeal hearing the employee has the right to be accompanied by either another member of staff or a recognised trade union representative.

10.5 The outcome of the appeal will be confirmed in writing, with reasons, within 10 working days of the appeal hearing.

10.6 An employee who has been served notice as a result of redundancy ceases to be an employee from the date on which the dismissal takes effect, irrespective of whether or not an appeal against dismissal has been lodged.

10.7 There is no further right of appeal under this policy.

11.0 SUPPORT

11.1 A member of staff who has been given notice of dismissal due to redundancy and has been continuously employed for at least 2 years is entitled to a reasonable amount of time off with pay to look for another job or to arrange training. Time off should be agreed in advance with their manager.

12.0 REDUNDANCY PAYMENTS

12.1 Employees with at least 2 years' continuous service will receive a redundancy payment.

12.2 The University may at its discretion make an enhanced redundancy payment. There will be no formal right of appeal.

12.3 Employees being dismissed by reason of redundancy have the right to receive a written statement setting out the amount of the redundancy payment and how it has been calculated.

12.4 Where applicable, in accordance with contracts of employment, the University reserves the right to make a payment in lieu of notice.

13.0 REDEPLOYMENT

13.1 Employees who are at risk of being made redundant will be considered for redeployment opportunities in accordance with the University's Redeployment Policy.

13.2 Any employee who unreasonably refuses an offer of suitable alternative employment will lose any entitlement to a statutory redundancy payment.

14.0 REVIEW

14.1 This policy does not form part of any employee's contract of employment and will be kept under regular review and may be amended or withdrawn following appropriate negotiation with the recognised trades unions to reflect changes in legislation or changing University requirements.

15.0 SUPPORTING DOCUMENTATION

- Redeployment Policy
- Guidelines on Restructuring
- Guidelines of fixed contracts