



## REDUNDANCY PROCEDURE

### 1. INTRODUCTION

#### 1.1 Principles

1.1.1 The University's policy is to ensure, as far as possible, security of employment for its staff. There may, however, be occasions when financial pressures, changes in the demand for services, funding provision, or organisational, technological or academic developments impact on service needs and staffing requirements.

1.1.2 In such cases the University will seek to minimise the impact on staff of any changes through all appropriate measures.

1.1.3 The University will keep staff and local Trade Union Representatives informed as fully as possible about proposed service changes, possible impacts on staffing levels /structures /skill mix and any staff (individual or group) at risk of redundancy as a result of the proposed changes.

#### 1.2 Scope

1.2.1 This Procedure aims to ensure that staff are treated fairly and consistently and that the University complies with the relevant legislation (including the Employment Rights Act 1996) in dealing with matters of redundancy. This Procedure applies to all staff and sets out procedures for dealing with change where staff may be at risk of redundancy. It includes arrangements for planning, information, consultation, selection, mitigation, termination of employment and appeal. For staff whose employment is governed by the University Statute 31, the provisions of that Statute, as may be amended from time to time, will also apply and take precedence where appropriate.

1.2.2 This Procedure should be read alongside other policy and procedural frameworks as appropriate, i.e. Management of Change Policy and Procedure; Fixed Term Working Policy and Procedure; Redeployment Procedure; Pay Protection Policy.

1.2.3 The University will ensure that the effect and application of this procedure accord to the commitments set out in its Equality and Diversity Strategy and will monitor this as appropriate

#### 1.3 Definition of Redundancy

1.3.1 A potential redundancy situation arises in the following circumstances:

- a) When the University has ceased or intends to cease, to carry out the work for which the employee was employed in the place where the employee was so employed, or

- b) The requirements of the University for employees to carry out work of a particular kind have ceased or diminished or are expected to cease or diminish.

## **2. PROCEDURE**

2.1 This procedure sets out steps to undertake an appropriate process, ensuring compliance with legislative requirements. Where a position is redundant, support will be given to individuals to find suitable alternative work (via redeployment) and reasonable time off to look for alternative work or attend training.

### **2.2 Collective Consultation**

2.2.1 Formal (Collective) consultation with appropriate Trade Unions will commence when the proposals have been formulated and will comply with the requirements contained in relevant legislation (refer to Annex A for further details). The University will consult staff and their representatives on proposed service changes and associated staffing changes and reasons for these changes. It will consult also on selection processes where appropriate, ways in which any redundancies may be avoided or reduced, and measures to mitigate the consequences of dismissal.

2.2.2 As part of the consultation process, the University will give full and meaningful consideration to representations put forward by staff and the Trade Unions, and will respond to them. These could include alternative proposals for addressing the business need and for implementing change, and proposals for mitigating the impact on individuals or groups.

2.2.3 The University will consider any alternative proposals with a view to reaching agreement on ways of avoiding redundancy and reducing the number of staff to be made redundant.

2.2.4 In order to facilitate this process the University will provide the following information to the Trade Union Representatives:

- a) The reason(s) for the proposed redundancies;
- b) The number and descriptions of staff it is proposed to dismiss as redundant;
- c) The total number of staff of any such description employed by the University;
- d) The proposed method of selecting those who may be dismissed;
- e) The proposed method of carrying out the dismissals, including the period over which the dismissals are to take effect;
- f) The method of calculating the amount of redundancy payments to be made to those who are dismissed.

2.2.5 In the event of potential redundancies, the above information will be sent to the relevant Trade Union(s) as early as possible and before any notification to staff. Such

information must be kept confidential to the Regional and Branch officials prior to any meeting between University management and the staff concerned.

2.2.6 Trade Union representatives have the right to reasonable paid time off for consultation over collective redundancies. They also have the right to access employees and to not suffer any detriment as a result of carrying out their duties.

### **2.3 Individual Consultation**

2.3.1 Where an individual is at risk of redundancy, they will have at least one consultation meeting to discuss the reasons for the redundancy situation arising, selection criteria (where appropriate), redeployment opportunities and other relevant information. The member of staff may be accompanied by a Trade Union Representative from their Union, or a work colleague of their choice.

### **2.4 Measures to Avoid or Minimise Redundancy**

2.4.1 The University is committed to retaining staff wherever possible and will seek to minimise redundancies.

2.4.2 The University will consult with Trade Unions on appropriate measures to avoid potential redundancies. Such measures may include: vacancy management; recruitment reviews; redeployment; voluntary early retirement (subject to the rules of the relevant pension scheme and to legislation). Please refer to the Redeployment Procedure.

### **2.5 Process**

2.5.1 In the event that a redundancy situation cannot be avoided, the University will adopt a fair, consistent and objective approach.

#### **2.5.2 Selection for Redundancy**

2.5.2.1 A formal selection process will be undertaken where:

- a) there is a reduction in the need for staff to carry out work of a particular kind; and
- b) a number of individuals are employed in that area of work; and
- c) individuals to be made redundant cannot be clearly identified by the specialist nature of the work.

2.5.2.2 In these circumstances, there is likely to be a group of staff ("the pool") undertaking the work or activity that is to cease or diminish and from which those who may be rendered redundant will be drawn.

2.5.2.3 Selection criteria for redundancy will be based on the need to identify those individuals in the pool with the skills, knowledge, qualifications and experience required to meet the present and anticipated needs of the University. Other criteria may include performance; attendance (not including time away for reasons of pregnancy, maternity/paternity/adoption/parental leave, gender reassignment, disability or Trade

Union duties). The criteria for selection will be made available to all those identified as being in the pool of staff at risk of redundancy.

### **2.5.3 Process Where a Pool Applies**

2.5.3.1 Where selection criteria are to be applied, these shall be drawn up by the University manager leading the change process with advice from Human Resources, and others as appropriate. The manager will also identify the pool of staff from which those who are to be made redundant will be drawn. The Trade Union and/or affected staff shall be fully consulted on the proposed criteria.

2.5.3.2 Individuals who are potentially at risk of redundancy will be informed that their job is at risk of redundancy. They will also be given details of the proposed selection criteria.

2.5.3.3 Members of staff within the relevant pool of affected staff will be assessed against the selection criteria.

2.5.3.4 Those members of staff within the relevant pool of affected staff not selected for redundancy will be advised in writing.

2.5.3.5 Those members of staff selected for redundancy will be notified of that fact in writing, and informed that as a result their employment may be terminated on grounds of redundancy. The member of staff will be invited to a meeting and will be provided in advance of that meeting with written details of their assessment against the selection criteria. At the meeting, the application of the selection criteria to that member of staff will be explained and they will be advised that their employment may be terminated on grounds of redundancy. The member of staff may be accompanied by a Trade Union Representative or work colleague. Further discussions will take place as appropriate regarding measures to avoid redundancy, including redeployment.

### **2.5.4 Process where no Pool Applies**

2.5.4.1 Selection criteria are not required where a redundancy or redundancies are proposed in relation to:

- a) a unique post; or
- b) all posts within a particular entity or group; or
- c) all posts of a particular description or category.

2.5.5.2 Where there is no pool, but a member of staff is at risk of redundancy, they will be informed that their job is at risk of redundancy and invited to a meeting to which they may be accompanied by a Trade Union Representative or work colleague. At the meeting, the manager will explain the reasons for the redundancy situation arising and the member of staff will be advised that their employment may be terminated on grounds of redundancy. Further discussions will take place as appropriate regarding measures to avoid redundancy, including redeployment.

## **2.5.6 Notification of Redundancy Dismissal**

2.5.6.1 Staff who are selected for redundancy will be given written notification to that effect and invited to a meeting at which the basis for this selection will be explained, and at which the member of staff may raise any questions. The member of staff will have the right to be accompanied at that meeting by a Trade Union representative or work colleague

2.5.6.2 A member of staff whose employment is terminated on the grounds of redundancy will be notified of this in writing with confirmation of the leaving date, and eligibility for redundancy pay, in accordance with Annex B (if applicable). Pay as compensation in lieu of notice may be given where appropriate.

## **2.5.7 Appeals against Redundancy**

2.5.7.1 Staff selected for redundancy shall be advised of their right to appeal against the decision. Appeals must be lodged within ten working days of receipt of notice of redundancy. Appeals will be based only against the selection of an individual for redundancy, not against the decision to restructure. Appeals against dismissal will be heard by a panel consisting of two senior managers not previously involved in the case and will be supported by Human Resources.

2.5.7.2 The terms of reference for the appeal panel will be as follows:

- (a) To review whether the selection for redundancy was adequately reviewed and substantiated;
- (b) To review whether the procedures were correctly and fairly implemented.

## **2.7 Redeployment**

2.7.1 A member of staff selected for redundancy will continue to be subject to the University's redeployment provisions until their dismissal takes effect (see Redeployment Procedure).

2.7.2 If there are no suitable alternative employment opportunities, the dismissal will take effect and the member of staff will, if eligible, be entitled to receive a redundancy payment.

2.7.3 Where a member of staff is offered suitable alternative employment on a trial basis under the provisions of the Redeployment Procedure and that suitable alternative employment proves to be unsuitable, the member of staff will, if eligible, remain entitled to a redundancy payment. However, if a member of staff unreasonably ends the trial period, they will not be entitled to a redundancy payment. Entitlement to a redundancy payment will also be lost if a member of staff unreasonably refuses an offer of suitable alternative employment.

## **2.8 Time Off – Looking for new work or attend training**

2.8.1 Staff who are under notice of redundancy are entitled to a reasonable amount of paid time off to look for work or to attend training

## **3. ROLES AND RESPONSIBILITIES**

Line Managers

- a) To mitigate redundancies where possible
- b) To provide support to members of their team who may be affected by this procedure
- c) Be open and transparent in decision making to ensure employees fully understand the need for a redundancy and how it affects them

Employees

- a) To engage in selection and redeployment processes where applicable

Human Resources

- a) To provide further guidance and support on the application of this procedure when required

## **4. RELATED POLICIES AND PROCEDURES**

This procedure should be read in conjunction with the following Policies and Procedures (as may be required):

- a) Management of Change Policy and Procedure
- b) Redeployment Procedure
- c) Fixed-Term Working Policy and Procedure
- d) Pay Protection Policy

## **5. REVIEW, APPROVAL & PUBLICATION**

5.1 As a general principle, the Procedure will be reviewed by the HR Department, in consultation with recognised Trade Unions after three years or where operational and/or legislative requirements change. Any revisions will be approved in accordance with UEC and Council procedures, where applicable.

5.2 This Procedure is not contractual and is not intended to be incorporated into individual terms and conditions of employment. It may be subject to review, amendment or withdrawal.

## **6. ANNEXES**

Annex A - Consultation – Summary of the Legal Framework

Annex B - Redundancy Payments

## 7. DOCUMENT CONTROL INFORMATION

<b>Document Name</b>	Redundancy Procedure
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<b>Related University Policy Documents</b>	a) Management of Change Policy and Procedure b) Redeployment Procedure c) Fixed-Term Working Policy and Procedure d) Pay Protection Policy
<i>For Office Use – Keywords</i>	

## **Annex A: Consultation – Summary of the Legal Framework**

A1 Collective consultation with the Trade Unions will commence at the earliest opportunity and, where the proposed changes could result in staff redundancies, the consultation will continue for a period no less than the statutory time scales:

- a) Where 20 – 99 redundancies are proposed, consultation will commence at least 30 days before the University gives written notice of the first of any redundancies.
- b) Where 100 or more redundancies are proposed within a 90-day period, consultation will commence at least 45 days before the University gives written notice of the first of any redundancies.

A2 Under these circumstances, information will be provided to the Trade Unions in accordance with statutory requirements.

A3 Where fewer than 20 redundancies are proposed, reasonable time for meaningful consultation will be given, with the member(s) staff concerned and their recognised Trade Union representative(s), as appropriate.

A4 Where 20 – 99 redundancies are proposed, within a period of 90 days or less, the University will notify the Redundancy Payments Service (RPS) at least 30 days before the first redundancy. Where more than 100 redundancies are proposed, within a period of 90 days or less, the University will notify the Redundancy Payments Service (RPS) at least 45 days before the first redundancy.



## Annex B: Redundancy Payments

B1 In circumstances where redundancies are unavoidable, the University will make redundancy payments to individuals who have at least two years' continuous service with the University. These redundancy payments are in line with the statutory requirements set out in The Employment Rights Act 1996.

B2 The redundancy payment will be calculated according to the following formula.

For each complete year of service up to a maximum of 20 years, employees are entitled to:

<b>Service</b>	<b>Payment for each year of completed and continuous service</b>
For each complete year of service up to age 22	Half a week's pay*
For each year of service at age 22 but under age 41	One week's pay*
For each year of service at age 41 or over	One and a half weeks' pay*

\* A week's pay is that which the employee is entitled to under his/her contract of employment subject to a maximum statutory limit. This limit is revised periodically by the Government.

The Government statutory redundancy calculator can be accessed at <https://www.gov.uk/calculate-your-redundancy-pay>

B3 Staff will also receive the notice (or pay as compensation in lieu of notice, where appropriate), specified in their contract of employment, or statutory entitlement whichever is the greater.

B4 The statutory redundancy payment, and any other agreed contractual or discretionary payments, will be paid on or shortly after the termination date.