

University Governance

University Ordinances

Ordinance XL

Staff Redundancy Policy and Procedure

(Effective from 27 November 2014 until 1 August 2016)

This ordinance shall apply to all staff to whom paragraph 3 of [Statute XXI](#) refers [\[1\]](#). Provisions for all other staff shall be found in the relevant Conditions of Service.

1. POLICY

1.1 It is recognised that staff are vital to the University's continuing success. The University will therefore seek to safeguard the employment of members of staff as far as reasonably practicable and in a way that is consistent with the University's aim to maintain and enhance the efficiency with which its core purposes are carried out. While it is the intention of the University to avoid compulsory termination of employment on the grounds of redundancy, wherever reasonably practicable, it is recognised that circumstances may make that unavoidable from time to time.

1.2 The purpose of this Procedure is to set down the processes to be followed, so that the University's interests are protected and to ensure that all potential redundancy situations are handled in a fair, consistent and sympathetic manner.

1.3 In all potential redundancy situations, the University will have due regard to its equality duties.

1.4 This Procedure shall apply to the potential redundancy of members of staff employed on fixed term contracts, as well as to members of staff employed on open ended contracts. It does not include those employed on casual or zero hours contracts.

1.5 Redundancy situations may arise in a number of contexts, for example, the loss of external funding for specified roles, the closure of schools or departments, the restructure of parts of the University or reduced need or demand for particular services.

1.6 Redundancy situations will not always include the application of selection criteria to a group of staff to determine which members of staff in the affected group should be potentially dismissed on the grounds of redundancy and which shall be retained. In some cases the redundancy proposal may affect a single member of staff or may consist of a proposal to dismiss all staff to whom a specific circumstance giving rise to the redundancy situation applies.

1.7 The steps required under this Procedure will therefore vary depending on whether or not selection for dismissal on the grounds of redundancy by the application of selection criteria is required. However, regardless of the procedure to be followed, the intention of this policy is to avoid redundancy situations wherever reasonably practicable.

1.8 The University will update the recognised trades unions regularly, on financial and other relevant business information which may impact on staffing levels via the JNCC meetings.

1.9 Throughout this policy and procedure "days" refers to calendar days unless specified otherwise.

1.10 HR will provide advice and assistance on the use of the procedure.

1.11 At all stages of the procedure, due consideration will be given to making adjustments to enable members of staff to participate fully in meetings and hearings. This may include ensuring rooms are accessible or arranging for an interpreter to be available, for example.

1.12 All parties will remain mindful of the need to progress matters in a timely manner for the benefit of all those affected.

2. Definition of Redundancy and Potential Consequences for Employment

2.1 Subject to the relevant statutory provisions, currently contained in section 139 of the Employment Rights Act 1996, a potential redundancy situation exists where the University has ceased or intends to cease to carry out any activity for which a member or members of staff is/are employed, or ceases or intends to cease to carry out such activity at any particular place or the University's requirement/s for members of staff to carry out work of a particular kind, or for members of staff to carry out work of a particular kind in any particular place, has/have ceased or diminished or is/are expected to cease or diminish.

2.2 Where a potential redundancy situation exists, the potential consequences for members of staff affected may be:

2.2.1 the termination of their employment with the University;

2.2.2 the termination of their current contracts of employment and redeployment to other roles within the University;

2.2.3 the termination of their current contracts of employment and redeployment to new roles created as part of a re-structure;

2.2.4 other measures as set out in paragraph 4.1.

3. Redeployment Procedure

3.1 The University recognises that the redeployment of staff at risk of dismissal on the grounds of redundancy into suitable alternative posts is a way in which compulsory redundancies can be avoided or reduced.

3.2 Where a member of staff has been selected or identified for dismissal on the grounds of redundancy under this Procedure, and where the member of staff will have been employed by the University for one or more years by the proposed dismissal date, the University shall, during the member of staff's notice period, explore the possibility of redeployment to suitable alternative employment within the University. The Redeployment Procedure details the arrangements that will apply.

4. Other Measures to Avoid Compulsory Redundancy

4.1 Alternatives to compulsory termination of employment on the grounds of redundancy may include measures such as voluntary severance, voluntary redundancy, early retirement, part-time working or transfer to other work in the University, including redeployment. These are at the discretion of the University. Whilst it is not possible to be specific about the voluntary packages that might be available to staff, normal expectation will be that they mirror the entitlement set out in section 13.

5. PROCEDURE

5.1 Right to be Accompanied

5.2 Members of staff may be accompanied at meetings or hearings under this Procedure by a colleague employed by the University or a trade union representative. The companion will be able to confer with the member of staff during the meeting or hearing and will be allowed to address the meeting or hearing on behalf of the member of staff, respond on the member of staff's behalf to any view expressed at the hearing and ask questions of clarification.

5.3 If a member of staff is disabled, it may be appropriate to allow him/her to be accompanied by a suitable lay person because of his/her disability (e.g. a sign reader), in addition to/ or instead of any chosen companion.

5.4 If a member of staff's first language is not English, it may be appropriate to allow him/her to be accompanied by a suitable lay person who can provide support with communication in English, in addition to or instead of any chosen companion.

5.5 Should the chosen companion be unavailable to attend the meeting or hearing on the first notified date, the member of staff shall immediately request a postponement by proposing an alternative date and time, which should be within five days of the date originally notified.

5.6 The member of staff and companion shall make every effort to attend meetings or hearings under this Procedure. It is the member of staff's responsibility to notify his/her chosen companion of the details of the meeting or hearing including the date, time and location of the meetings as well any relevant documentation relating to his/her case.

5.7 If a member of staff or his/her companion becomes unable to attend any meeting or hearing for unavoidable reasons that were unforeseeable at the time of arranging the meeting, the University may notify the member of staff of a new date, time and location for the meeting. Wherever possible the date and time will be agreed in advance. Alternatively, if a member of staff or his/her companion fails to attend a meeting or hearing without good reason, the University reserves the right to proceed with the meeting or hearing in the absence of the member of staff or his/her companion.

6. Consultation with Unions

6.1 This section sets out the process of consultation with recognised trade unions in relation to proposed or anticipated dismissals which may arise as a result of redundancy.

6.2 The University will meet regularly with the trade unions normally every three months for the purpose of meaningful consultation in respect of proposed or potential dismissals notified under this section. The meeting will endeavour to discuss ways of avoiding or reducing the number of proposed or potential dismissals and mitigating their impact, identifying alternative funding to support continued employment for the staff in question. Consultation shall be with a view to reaching agreement with the appropriate trade union representatives and with due regard to the University's obligations under the relevant statutory provisions.

6.3 The information to be provided by the University prior to these meetings shall as a minimum conform to the relevant statutory provisions, currently contained in section 188 (4) of the Trade Union and Labour Relations (Consolidation) Act 1992 but will normally include:

6.3.1 the reasons for the proposed or potential dismissals;

6.3.2 the categories or descriptions of staff at risk of dismissal and the numbers of dismissals proposed in relation to each sub category or description;

6.3.3 the total numbers of staff in each such category or description;

6.3.4 the proposed method of selecting the employees who may be dismissed, including whether or not it is proposed to use selection criteria to determine which staff are to be dismissed;

6.3.5 the proposed method of carrying out the dismissals;

6.3.6 the anticipated timescale over which it is proposed that the dismissals would take effect;

6.3.7 the proposed method of calculating the amount of any redundancy payments due to the employees who may be dismissed.

6.4 It is recognised by the trade unions that information and consultation under this section may begin at a time when the availability of alternative funding to continue the employment of affected staff is not yet established and that the number of proposed or potential dismissals notified may therefore reduce during consultation as alternative external funding is identified.

7. Consultation with Staff

7.1 In parallel with consultation with trade union representatives, the affected member(s) of staff will be notified of the potential redundancy situation, that their continued employment is being considered under this Procedure and that they are potentially at risk of dismissal on the grounds of redundancy. Affected members of staff shall be informed of the progress and outcome of consultation with trade union representatives in accordance with section 6 above.

7.2 The staff affected shall be invited to a meeting at which the reasons for the proposed redundancies can be further explained and the affected members of staff can make oral or written representations and discuss alternatives to the proposed redundancy or redundancies.

7.3 Further meeting(s) (as appropriate) shall be arranged to discuss/respond to the representations made by the staff including any alternatives to the proposed redundancies.

7.4 This consultation may be undertaken by meetings with affected members of staff (individually or as a group) and/or by allowing the affected member or members of staff to make representations in writing.

8. Authorisation Procedure

8.1 Where consultation has been unsuccessful in identifying suitable alternatives to redundancy, a recommendation to make the post(s) in question redundant shall be made to the Operations Committee, acting on behalf of Council and therefore reporting all decisions to Council.

8.2 Any request to Operations Committee will include the following information:

8.2.1 the total number of redundancies proposed;

8.2.2 the School/s, Department/s, Division/s, Centre/s or other Unit/s within which it is proposed that the dismissals would take place ("the affected units");

8.2.3 the reason for the proposed redundancies;

8.2.4 the categories or descriptions of staff at risk of dismissal for redundancy in the affected unit or units and the numbers of dismissals proposed in relation to each such category or description;

8.2.5 the total numbers of staff employed in the affected unit of each such category or description;

8.2.6 whether or not it is proposed to apply selection criteria to identify which staff should be dismissed on the grounds of redundancy and if so such details of the proposed selection criteria as are available at that time;

8.2.7 the proposed timescale over which it is proposed that the redundancies would take place;

8.2.8 a summary of the consultation, including outcome, with appropriate representatives and/or the affected staff individually.

9. Action to be Taken Once Decision Has Been Made

9.1 Once approval has been obtained from the Operations Committee the staff and trade unions will be informed accordingly.

10. Situations Where Selection of Posts is Not Required

10.1 In certain situations, for example, the closure of a School or Department, all members of staff will be at risk of redundancy and therefore no selection process will be necessary.

10.2 The member(s) of staff will be invited to a meeting at which the reasons for the proposed redundancies will be further explained and the affected member(s) of staff can make oral or written representations and discuss alternatives to their proposed dismissal on the grounds of redundancy. The member of staff will be advised of his/her right to be accompanied under paragraphs 5.1 to 5.7 above.

10.3 Further meeting(s) (as appropriate) may be arranged to discuss the representations made to further consider alternatives to the proposed potential redundancy.

10.4 Following consideration of the representations made by the member of staff, each affected member(s) of staff will be informed separately, in writing, whether it has been decided to terminate his/her employment on the grounds of redundancy. The member of staff will be given notice of dismissal on the ground of redundancy and advised of their rights in accordance with the Redeployment Policy. They will be informed of any redundancy payments that will be made in the event that alternatives to termination of employment cannot be found.

11. Situations Where Selection of Posts is Required

11.1 In the event that a decision needs to be made about which posts should be made redundant, there are two procedures that may be followed.

11.1.1 The posts in the new structure may be ring-fenced so that those potentially at risk of redundancy may apply for them, (see section 11.4), or

11.1.2 Selection criteria may be drawn up to identify the most appropriate candidates for redundancy (see section 11.6).

11.1.3 The decision as to which process should be followed will be decided by Operations Committee. Wherever possible, staff whose role continues in the new structure shall normally be slotted in (except in circumstances where the number of staff exceeds the number of positions in the new structure).

11.2 Slotting in shall take place in circumstances where at least 60% of a job role remains unchanged and the hours and rate of pay are unaffected.

11.3 In all situations, the members of staff at risk of dismissal shall be notified in writing:

11.3.1 that he or she remains potentially at risk of dismissal by reason of redundancy;

11.3.2 of the number of redundancies to be effected;

11.3.3 of the relevant group of affected staff from which redundancies will be effected;

11.3.4 of the total number of staff employed in that group of affected staff;

11.3.5 of the total number of staff to be dismissed from that group by reason of redundancy;

11.4 Invitation to Apply for Newly Created Positions

11.5 Where new posts have been created as a result, for example, of a re-structure, staff who are at risk of redundancy will have the right to apply for these vacancies before they are advertised more widely, either internally or externally to the University. The principles set out in the Redeployment Policy will apply.

11.6 Following the selection process, each member of staff who has not been successful in securing alternative employment and therefore, as a consequence has been selected for dismissal by reason of redundancy shall be notified of that fact in writing. The member of staff will be given notice of dismissal on the ground of redundancy and advised of their rights in accordance with the Redeployment Policy. The member of staff will be informed of any redundancy payments that will be made in the event that alternatives to termination of the member of staff's employment cannot be found.

11.6 Application of Selection Criteria

11.7 Alternatively, selection criteria may be developed, following consultation with the recognised trade union(s) in order to identify which staff members should be selected for redundancy. In this situation, in addition to the information provided in 11.3.1 to 11.3.5, the affected members of staff will receive the following information in writing;

11.7.1 the selection criteria to be used to determine which members of staff within the affected group are to be dismissed by reason of redundancy;

11.7.2 the person or persons (to be nominated by the Chief Operating Officer or Deputy Vice Chancellor) who will assess the staff within the affected group against the selection criteria;

11.7.3 when the assessment of affected staff against that criteria will take place;

11.7.4 the proposed arrangements for consulting individual members of staff within the affected group in respect of the application of the selection criteria to them.

11.7 After all members of staff within the relevant group of affected staff have been assessed against the selection criteria:

11.7.1 those staff provisionally selected for redundancy will be notified of that fact in writing and will be provided with written details of their assessment against the selection criteria.

11.7.2 those members of staff within the relevant group of affected staff not provisionally selected for redundancy shall be advised in writing they have not been provisionally selected. However it will be noted that the position could change as a result of meetings with or appeals by provisionally selected members of staff, in which case they shall have the same rights to consultation and appeal as those provisionally selected under paragraph 11.7.1 above.

11.8 The member of staff will be invited in writing to attend a further meeting at which he or she may make representations about his/her assessment against the selection criteria and allow those who carried out the assessment of that member of staff to respond.

11.9 The member of staff shall be informed in writing of any changes to his/her assessment against the selection criteria made as a result of the representations, or (as the case may be) that the assessment is unchanged.

11.10 Having taken account of any representations made, each member of staff selected for dismissal by reason of redundancy shall be notified of that fact in writing. The member of staff will be given notice of dismissal on the ground of redundancy and advised of their rights in accordance with the Redeployment Policy. The member of staff will be informed of any redundancy payments that will be made in the event that alternatives to termination of the employment cannot be found.

11.11 Where a member of staff's post has been confirmed as redundant, he/she will be entitled to a reasonable amount of paid time off work to attend job interviews.

12. Appeals

12.1 A member of staff who wishes to appeal against the decision to dismiss them on the grounds of redundancy should do so in writing to the Director of Human Resources within 14 calendar days of receipt of the decision. The member of staff should set out the grounds of his/her appeal in full.

12.2 The appeal procedure can be found in Ordinance XXXVI.

13. Notice and Redundancy Pay

13.1 An individual who is made redundant shall receive appropriate notice in accordance with his/her conditions of service. In addition, if they have completed two years' service, they will receive a statutory redundancy entitlement based on their actual pay (i.e. not subject to the statutory cap).

13.2 In accordance with section 141(4) of the Employment Rights Act 1996, an individual who unreasonably refuses an offer of suitable alternative employment will lose their entitlement to receive a statutory redundancy payment. Whilst it is not possible to specify the circumstances when a redundancy payment may be withheld, the University will consider the following points:

a) contractual items such as rate of pay, hours of work and status of role, and

b) any relevant personal circumstances of the member of staff who wishes to decline the offer of alternative employment.

13.3 An individual who is made redundant and who subsequently take up another position within the University within four weeks of being made redundant will be required to re-pay any redundancy payment.

[1] Staff where a substantial proportion of their duties involve the provision of teaching, learning or research.

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