

REGULATION 32 REDUNDANCY PROCEDURE

PART ONE – GENERAL AND INTRODUCTION

1. INTRODUCTION AND APPLICATION OF THE PROCEDURE

- 1.1 The University recognises that staff are a valuable resource. The University will therefore endeavour to seek to safeguard the current and future 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

of the procedure, that would normally follow collective consultation with trade union representatives¹².

- 1.9 For the purposes of this procedure, a Proposal for Organisational Change is a proposal made by the Vice-Chancellor's University Executive for:
 - 1.9.1 a significant restructuring of the University, or any of its Schools, or Professional Services Divisions;
 - 1.9.2 the closure of a Department within a School; or
 - 1.9.3 the closure of a Professional Services Division, or Unit, within a Professional Services division.
- 1.10 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 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, or to whom a specific circumstance giving rise to the redundancy situation, applies.
- 1.11 The steps required under this Procedure will vary, depending on whether or not there is a Proposal for Organisational Change, and whether or not selection for dismissal on the grounds of redundancy by the application of selection criteria, is required.
- 1.12 The University will meet on a regular basis, which shall normally be twice yearly, with the recognised trades unions, to discuss financial and other relevant business information, outside of the scope of this Procedure; for the avoidance of doubt, such meetings will not include discussions on potential, or actual redundancies, and will not therefore form part of collective, or individual consultation. (Also see the respective Procedure Agreements between the University and the trades unions).

2. DEFINITION OF REDUNDANCY AND POTENTIAL CONSEQUENCES FOR EMPLOYMENT

- 2.1 For the purposes of this Procedure, a potential redundancy situation exists where:
 - 2.1.1 the University has ceased, or intends to cease, 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
 - 2.1.2 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 by the redundancy situation may be:
 - 2.2.1 the termination of their employment with the University;
 - 2.2.2 the termination of their current contract of employment and redeployment to other roles within the University;

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.

- 5.3 If a member of staff or his/her companion becomes unable to attend any meeting or hearing for reasons that were unforeseeable at the time of arranging the meeting, the member of staff will be notified of a new date, time, and location for the meeting. 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.
- 5.4 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 impairment, in addition to any chosen companion.
- 5.5 If a member of staff's

more proposed dismissals), the University will provide information regarding proposed or potential dismissals, under this section in the period 1 January to 31 March

6.2.4 on or before 28/29 February (or on or before 31 December where there are 100 or more proposed dismissals), the University will provide information regarding proposed or potential dismissals, under this section in the period 1 April to 30 June.

6.3 The information to be provided by the University will include:

6.3.1 the reasons for the proposed or potential

- 6.5 The University will meet 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, to discuss ways of avoiding or reducing, the number of proposed or potential

Proposal for Organisational Change made by the Vice-Chancellor's University Executive ;

- 6.8.2 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");
- 6.8.3 the reason for the proposed redundancies;
- 6.8.4 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;
- 6.8.5 the total numbers of staff employed in the affected unit of each such category or description;
- 6.8.6 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 on the grounds of redundancy, and if so, such details of the proposed selection criteria as are available at that time;

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in respect of the proposed redundancies.

6.12 In parallel with consultation with trade union representatives (where applicable) the affected member, or members of staff, will be notified of the potential redundancy situation, that his/her/their continued employment is being considered under this Procedure and that he/she/they is/are 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 (where applicable). In addition, the designated person, or his/her delegate, shall consult with the affected member or members of staff, on the potential redundancy situation. The member or members of staff affected, shall be invited to a meeting at which they can make oral or written representations, 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. The member or members of staff, will be advised of their right to be accompanied at such meeting, under paragraphs 5.1 to 5.4 above.

6.13 A further meeting or meetings, ((e)4.8 (m)4.5 (r a)11.1 (66)-4.9 (i)-3.24.9 (i)-3 Td(e)7.9 (m)-6.

- 7.3.6 whether or not it is proposed to apply selection criteria to identify which members of 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;
- 7.3.7 the proposed timescale over which it is proposed that the redundancies would take place;
- 7.3.8 A summary of the steps which have been taken, to discharge the obligation to consult appropriate representatives of the affected members of staff, and/or the affected staff individually, and the outcome of those consultations, including whether or not agreement has been reached with the affected members of staff.

- 10.3 Following consideration of the representations made by the member of staff, each affected member of staff will be informed separately in writing, whether it has been decided to terminate his/her employment on the

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his/her appeal in full.

- 12.2 The person whose decision is being appealed shall be asked to provide written comments on the grounds of appeal. A copy of these written comments will be provided to the member of staff, in advance of the appeal hearing.
- 12.3 In the case of appeals against dismissal, the appeals will be heard by a Redundancy Appeal Panel appointed by the Vice-Chancellor (or nominee), and consisting of two independent senior managers (one of whom shall be the Chair), and an independent employment solicitor appointed by the University (who shall not be employed by the University nor act for the University other than in their capacity as a member of a panel for appeals against dismissal). In the case of the independent peer (from the staff), indepe

Appendix 1– The Redeployment Procedure

REDEPLOYMENT PROCEDURE PART

ONE - GENERAL & INTRODUCTION

1. Introduction

- 1.1. The University recognises that staff are a valuable resource. The University will therefore endeavour to 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. A way in which the University aims to protect the security of employment for its staff is by implementing a clear and fair redeployment procedure. The effectiveness of the proc

2.2. This Procedure will not apply in the following circumstances:

period for seeking suitable alternative employment has been exhausted. The member of staff will remain on their original terms and conditions throughout the Redeployment Period.

6. Redeployment within a School or Division

- 6.1. Responsibility for redeployment lies, initially, with the Head of School. or Professional Services Director for the School or Division. in which the member of staff is located. HR will normally provide advice in this respect. Every reasonable effort should be made within the relevant School or Division to find a suitable alternative position for the member of staff, unless there are objective reasons why redeployment within the School or Division is not appropriate (e.g. where there are no vacancies or the member of staff does not meet the essential criteria for a vacancy, or could not do so with a reasonable amount of training).
- 6.2. If suitable alternative employment is identified within the School or Division, the vacancy must first be authorised through the normal University approvals process. Thereafter, the member of staff should be interviewed for the post, alongside any other suitably qualified members of staff seeking redeployment, if applicable.
- 6.3. If it appears likely that no suitable alternative employment can be found within the School or Division, and the individual wishes to consider redeployment to roles outside of their School or Division, then redeployment within the wider University should be sought, as per paragraphs 7.1 to 7.4 below.

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9. Offers for New Posts

- 9.1. All offers of employment made, as a result of this Procedure, will be made in writing and subject to any employment checks identified as required. Offers will be made before the member of staff's period of notice expires, or their existing contract comes to an end. The new post will start on a mutually agreed date between the member of staff and the appointing and current manager.
- 9.2. Subject to paragraph 11.4, a member of staff who is redeployed as a result of being at risk of, or selected for, dismissal on the grounds of redundancy, is not entitled to a redundancy payment if he or she is offered and accepts, suitable alternative employment, where:
 - 9.2.1. the offer of the new post is made before the ending of the current employment; and
 - 9.2.2. the employment in the new post, will begin no later than four weeks after the termination of the current employment of the current employment contract.
- 9.3. In cases where there is a gap between the posts, or there is a temporary cessation of work (e.g. for teaching-only staff, during vacation periods, and assessment periods where there is no teaching), this gap will be excluded and continuity of service will be maintained provided the new post commences within four weeks, of the end of the previous post, or within four weeks of the end of the period of temporary cessation of work. During the gap between the posts, and/or the temporary cessation of work, the member of staff will normally be on a period of unpaid leave.
- 9.4. Where a member of staff seeking to be redeployed is put forward for prior consideration, and/or an interview for a post that is considered suitable alternative employment, and then unreasonably refuses a subsequent offer of interview, or employment, either at the point the offer is made, or during or at the end of any trial period, the University reserves the right to proceed to dismissal in accordance with the relevant employment procedure and any entitlement to the provisions of redundancy (if applicable) may be forfeited.

10. Unsuccessful applications

- 10.1. Where, following an interview under this Procedure, a member of staff is not considered suitable for the post, and they wish to receive feedback as to why this was the case, this information will be provided to the member of staff at a meeting, normally with the chair of the interview panel and the HR Adviser. Following the meeting, the member of staff may also receive written feedback, on request.

11. Trial Period

- 11.1. Staff who are redeployed as a result of being at risk of, or selected for, dismissal on the grounds of redundancy, have a statutory right to a trial period of four weeks. Staff who are redeployed on medical advice and/or as a result of the Sickness Absence and Medical Incapacity Procedure, will be given a trial period within the new role, normally of two months.
- 11.2. Where a trial period is agreed the following should take place:
 - 11.2.1. The line manager should clearly set out the responsibilities of the post and standards of work performance required. This should be reinforced through

16.2. Depending on the number of departments or divisions, and number of staff affected by such a proposal, enhanced redeployment measures may contain one or more of the following provisions:

16.2.1. Ring-fencing new posts, created as part of the restructure, for those at risk of redundancy in the relevant area in the first instance;

16.2.2. Ring-fencing suitable new or replacement posts, in other areas of the University, for those at risk of redundancy in the relevant area(s) in the first instance;

16.2.3. Placing a hold on all external recruitment, and advertising all new posts, to those at risk of redundancy in the relevant area(s) in the first instance,

Appendix 2 – The Maintenance of Employment Policy Procedure POLICY FOR

THE MAINTENANCE OF EMPLOYMENT

This Policy should be read in conjunction with the University's Redundancy Procedure and Redeployment Procedure

1. The University's mission is "to deliver innovative and inspiring research, scholarship and
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- o the Vice-Chancellor's University Executive will consider the establishment of enhanced redeployment measures, as set out at paragraph 16 in the Redeployment Procedure, including ring-fencing particular, or all vacancies, and/or opening a Discretionary Transfer Scheme, and/or a Reduced Hours/Job Share Scheme.
- i. Under a voluntary severance and early retirement scheme:
 - a) Subject to Council's