

Redundancy Procedure

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REDUNDANCY PROCEDURE

Introduction

The University recognises the contribution of our staff towards the achievement of the strategic ambitions set out in our corporate strategy.

We are committed as far as possible to providing a stable and secure working environment for our employees. However, there may be times and circumstances where changes in the role and work of higher education institutions, new technology and other organisational changes may necessitate the need for redundancies. We will however seek to avoid redundancy situations wherever possible. This procedure provides a structured approach to managing redundancy situations in a transparent way.

Objectives of Procedure

The objectives of this procedure are to ensure that we:

- manage redundancy situations fairly, transparently and in accordance with the legal framework;
- have robust, meaningful consultation and involvement with our recognised trade union representatives at the earliest point possible, in accordance with our arrangements for partnership working;
- seek to mitigate/minimise any adverse impact on our staff who are in a redundancy situation;
- treat people who are affected by a redundancy situation with consideration and respect.

Definition of Redundancy

For the purpose of this procedure, redundancy is defined in accordance with Section 139 of the Employment Rights Act 1996. This means a redundancy situation may arise if we have or expect to:

- Stop or reduce certain activities or types of work;
- Need less employees to carry out certain activities or types of work;
- No longer need employees to carry out certain activities or types of work at the location they were employed to do it.

Redundancy Procedure

Phase 1 - Redundancy Planning & Development of Initial Business Case

Planning for a potential redundancy situation is key, it will ensure that the University satisfies our legal obligations and that we treat people affected fairly and respectfully.

Where a situation arises that could potentially result in redundancy, the Dean/Director or nominated depute, supported by the appropriate HR Representative, will consult with our recognised trades unions and affected individuals as early as possible to allow input, feedback and comments on the situation.

Avoidance of Redundancy or Minimise the Impact

We are committed to avoiding redundancy or minimising the impact on individuals and the University as a whole. The Dean/Director or nominated depute will, in consultation with our recognised trade unions and appropriate HR Representative, consider all reasonable measures to avoid redundancy and/or to minimise the impact on affected staff.

Identify Individuals Affected and Determine the Selection Pool

The Dean/Director or nominated depute, supported by the appropriate HR Representative will identify how many roles are at risk of redundancy and will determine a pool from which individuals will be selected for redundancy.

We will ensure that the pool for selection has been fairly defined. The pool will normally consist of employees who carry out the same, or similar work. When determining the redundancy pool, the Dean/Director or nominated depute will take into account circumstances such as:

- the work that individuals carry out on a day-to-day basis;
- the proximity of campuses; and
- the location where individuals carry out their work on a regular basis.

Where it is necessary to declare all posts of a given type redundant, or where there is only one person whose role is affected, all individuals in that category will be identified as at risk of redundancy and as such, there is no requirement to determine a pool.

Where a redundancy situation involves a pool of staff comprising a number of people larger than the number of posts to be made redundant, selection criteria will be drawn up by the Dean/Director or nominated depute, supported by the appropriate HR Representative and in conjunction with our trade union representatives.

Determine a Fair Selection Criteria/Process

To support a fair and transparent process, in situations where redundancy is possible, the appropriate HR Representative and the Dean/Director or nominated depute will consult with our recognised trade unions on determining a fair selection criteria/process. Relevant selection criteria will depend on the circumstances of the situation. A full Equality Impact Assessment will be carried out on the selection criteria/process.

Develop a Detailed Consultation and Communication Plan

The Dean/Director or nominated depute, supported by the appropriate HR Representative and in conjunction with our trade union representatives, should develop a detailed

consultation and communication plan.

The consultation and communication plan must take into account the University's statutory obligations for collective consultation if the proposals are to dismiss 20 people or more by reason of redundancy. The appropriate HR Representative will cross refer any other potential redundancy situations across the University to ensure we meet our statutory obligations.

Announcing the Redundancy

Following the redundancy planning stage, and where appropriate, the Dean/Director or nominated depute must submit their initial business case to the Vice Chancellor's Executive (VCE) for approval. The initial business case will include a full equality impact assessment on the proposals and will be submitted to the Joint Negotiation and Consultative Committee for information.

Where the redundancy situation is as a result of the termination of a fixed term contract, VCE approval is not required, but this must be approved by the Dean/Director and supported by the Director of People and Wellbeing.

The Dean/Director or nominated depute will announce the redundancy situation to affected staff.

Application of Selection Criteria/Process

If appropriate to the redundancy situation, the procedure for selecting individuals for redundancy will be undertaken. The line manager, supported by the appropriate HR Representative will then carry out the assessment of each individual against the agreed selection criteria/process and a score will be established.

The selection process will be as objective as possible and will be consistently applied. Scoring will be supported by available evidence.

The line manager, supported by the appropriate HR Representative will normally meet with the individual to communicate the outcome of the selection process. Individuals will also be provided with a copy of their redundancy score according to the criteria.

Individuals identified as being at risk of redundancy will be notified in writing and placed on the Redeployment Register.

Individuals will have the right of appeal against the selection for redundancy and the appeal should be submitted to hra@uws.ac.uk within 5 working days of the notification that they have been placed on the redeployment register.

Phase 2 - Consultation and Communication

We are fully committed to ensuring that consultation will be established as soon as practical for all concerned with a view to sharing the challenges and exploring all options. Consultation will be meaningful, and our communications will be transparent to ensure staff

affected by potential redundancy situations have a fair opportunity to raise concerns and ideas or alternative solutions.

Statutory Collective Consultation & Notification

Employers are required to consult individual employees and give them reasonable warning of impending redundancy. If the proposals are to dismiss 20 or more staff by reason of redundancy, the Dean/Director or nominated depute, supported by the appropriate HR Representative will ensure that the process satisfies at least the minimum statutory consultation periods as defined by the Trade Union and Labour Relations (Consolidation) Act 1992 as follows:

- 20 – 99 redundancies –must start at least 30 days before any dismissals take effect
- 100 or more redundancies –must start at least 45 days before any dismissals take effect

The consultation period will start on the date that affected employees and their representatives have been provided in writing with the following information, confirming that they are at risk of redundancy:

- Reasons for the proposed redundancies
- Numbers and descriptions of employees occupying posts at risk
- Criteria for selecting employees for redundancy
- Timescale for dismissals
- Method of calculating redundancy payments

Statutory Notification

In accordance with our statutory obligations, the Department of People and Wellbeing will notify the Redundancy Payments Service of the proposed redundancies by submitting the HR 1 Form within the required timescales. The recognised trade unions regional and branch offices will also be provided with a copy of the HR 1 Form.

Non-Statutory Consultation & Notification

Where fewer than 20 employees are at risk of redundancy, there is no legal minimum period of consultation, however, in support of our principles for partnership working, we will ensure that there is a minimum consultation period of 30 days and meaningful consultation with our recognised trade unions and with affected staff.

The line manager will confirm in writing that the individual is at risk of redundancy and where appropriate:

- Reasons for the proposed redundancies
- Numbers and descriptions of employees occupying posts at risk
- Criteria for selecting employees for redundancy
- Timescale for dismissals
- Method of calculating redundancy payments

Individual Consultation

Whether a collective or individual redundancy, the line manager and appropriate HR Representative will arrange individual meetings with everyone affected to discuss the implications of the proposals. Individuals have the right to be accompanied by a trade union representative or work colleague at all meetings and should make every effort to attend.

The purpose of the meeting(s) will be to explain:

- the proposed changes in staffing and the reasons for doing so;
- the proposed timetable;
- the procedure and how it will be implemented;
- that they have the right of appeal

and to seek:

- the views of the individual with respect to any practical means of mitigating or avoiding the redundancy, and with regard to future employment, retraining or redeployment.

There will normally be two individual consultation meetings, however, this will be dependent on the circumstances and complexity of the redundancy situation.

Phase 3 - Implementation

After consideration of feedback on the proposals via the consultation process, the Dean/Director or nominated depute will finalise the proposal and obtain, as appropriate, any further approval from VCE if necessary. The final proposal will be shared with the recognised trade union representatives and affected individuals.

If there is no other option and compulsory redundancy is inevitable, the affected individuals will be served notice of dismissal by reason of redundancy. The Dean/Director or nominated depute supported by the appropriate HR Representative will meet with the individual to confirm the outcome, their redundancy payment and the effective date of the redundancy. They will also advise the individual of their right of appeal and what support is available to them.

The Dean/Director or nominated depute, supported by the appropriate HR Representative will continue to seek suitable alternative employment for the individual throughout the contracted notice period. This will be confirmed in writing.

Individuals identified as being at risk of redundancy will remain on the Redeployment Register until they secure an alternative role or for the duration of their contractual notice period.

Suitable Alternative Employment and Release of Employees

Notwithstanding our legal obligation to look for suitable alternative employment for an

employee at risk of redundancy, we are absolutely committed to retaining the skills and experiences of employees within the University, where possible.

The manager, supported by the appropriate HR Representative will seek to find suitable alternative employment for individuals who are under notice of redundancy and will provide them with sufficient information to enable them to decide whether to accept any offer. Employees who are on or returning from certain types of family leave must be offered suitable alternative employment on a priority basis, where it is available. This special protection will apply as follows:

- **Pregnant employee who takes maternity leave** – Protection starts when the employee tells the University that they are pregnant and ends 18 months after the child is born.
- **Miscarriage** - In cases where an employee's pregnancy sadly ends in miscarriage before 24 weeks, the protection will start when they told the University that they were pregnant and end two weeks after the end of the pregnancy.
- **Adoption leave** – Protection starts at the beginning of adoption leave and ends 18 months after the date that the child is placed. For international adoptions, the protection ends 18 months after the child arrives in the UK.
- **Shared parental leave** – Protection starts at the beginning of shared parental leave (SPL). If an employee takes less than 6 weeks of SPL, the protection only lasts until the end of their leave. If more than 6 consecutive weeks of SPL are taken, the protection ends 18 months after the date the child is born. Note that where an employee has also used maternity leave or adoption leave, the periods of protection set out under these headings will apply.

Individuals facing redundancy are expected to play an active role in identifying suitable alternative posts. They will, for example, be expected to familiarise themselves with vacancies that are notified to them and to make themselves aware of vacancies placed on the University website. Where employees are prepared to accept a lower graded post, or are prepared to accept part time employment, they should inform their appropriate HR Representative at an early stage.

Where alternative work is offered and accepted a 4-week trial period will apply, this period may be extended for any necessary training. Any extension will be agreed in writing before the trial period starts. Entitlement to a redundancy payment will still apply if the individual or the University decides the trial period is not successful.

Where alternative employment is offered and accepted as an alternative to redundancy, and the salary of the new post is less, preservation of basic salary will apply and the individual's salary will be protected for 12 months, which will commence on the date they are transferred into the new post.

Where an individual unreasonably refuses an offer of suitable alternative employment they may lose any entitlement to redundancy pay.

Individuals under notice of redundancy are entitled to reasonable paid time off to seek other employment or to arrange training, such time off should be agreed with the line manager, in

conjunction with the appropriate HR Representative.

Individuals who have been formally notified of their redundancy and for whom no suitable alternative position is available may, if they obtain other employment, be released by the University at a mutually agreeable date. The revised date will become the date of redundancy for the purpose of calculating any entitlement to a redundancy payment.

Additional Support

We recognise that facing redundancy can be a difficult and stressful time for individuals and we are committed to supporting people as best as we can throughout the redundancy process. We also recognise that individuals facing redundancy will be at different stages in their life and career and that it will impact them in different ways.

With this in mind, we will seek to provide a tailored approach to individuals which may include:

- CV preparation
- Interview skills
- Career coaching
- Financial planning (potential access to pension)

In addition, all UWS employees can access compassionate and confidential support from the University's employee assistance programme.

Redundancy Payment

To qualify for any redundancy payment, staff must have a minimum of 2 years continuous service.

Individuals made redundant under this procedure will receive the enhanced redundancy payment as follows:

- For service at ages 41 and over: three weeks' pay per complete year of service
- For service at ages 22 – 40 inclusive: two weeks' pay per complete year of service
- For service at ages 18 – 21 inclusive: one week's pay per complete year of service

The maximum length of service which can be taken into account in the calculation of a redundancy payment is 20 years.

The statutory limit of a week's pay will be used to calculate redundancy payment. The payment is calculated by working backwards from the date of redundancy, calculating the number of complete years of continuous service which fall in the period.

NOTICE OF DISMISSAL

Individuals dismissed on the grounds of redundancy are entitled to receive their contractual notice period.

Individuals are normally expected to work their notice periods, but the line manager, in conjunction with the appropriate HR Representative, may agree to a payment in lieu of notice or put the individual on garden leave, depending on the circumstances of the redundancy.

APPEAL

Individuals have the right of appeal against the decision to dismiss them by reason of redundancy. Should an individual wish to appeal the decision that has been made, they should follow the process outlined below, and as detailed in the Appeal process flowchart (Appendix 1).

Submission of an Appeal

The individual must submit their appeal to hra@uws.ac.uk in writing, within 10 days of receiving their outcome letter. Ideally, the individual should include any evidence/information that they wish to be considered at the appeal hearing at the time of submission, but must submit it at least 5 working days in advance of the hearing to hra@uws.ac.uk.

Notification of Appeal Hearing

The individual will be provided with at least 5 working days' notice of the appeal hearing and will be notified in writing of:

- the date, time and location of the appeal hearing
- the name of the impartial manager chairing the appeal hearing in accordance with the authority to take action (Appendix 2)
- a copy of all available evidence that will be considered during the appeal hearing
- their right to be accompanied by a trade union representative or work colleague
- their right to call any witnesses
- the possible outcomes i.e. appeal upheld, or appeal not upheld

The Appeal Hearing

The individual should note that an appeal hearing is intended to focus on specific factors which the individual believes to have received insufficient consideration, or for consideration of new evidence that has subsequently become available.

All appeals will be chaired by a manager who is impartial, has not been involved in the original decision at any stage and, where possible, will be more senior than the manager who made the original decision.

An appropriate HR Representative from the Department of People and Wellbeing will be present at the appeal hearing to ensure procedures are adhered to and advise managers on equitable employment practice and consistency of approach.

The individual will be given full opportunity to state the grounds of their appeal, which may include calling witnesses. Where appropriate, the manager who was involved in the original decision will have the opportunity to respond to each of the points raised and to make representations to the appeal panel.

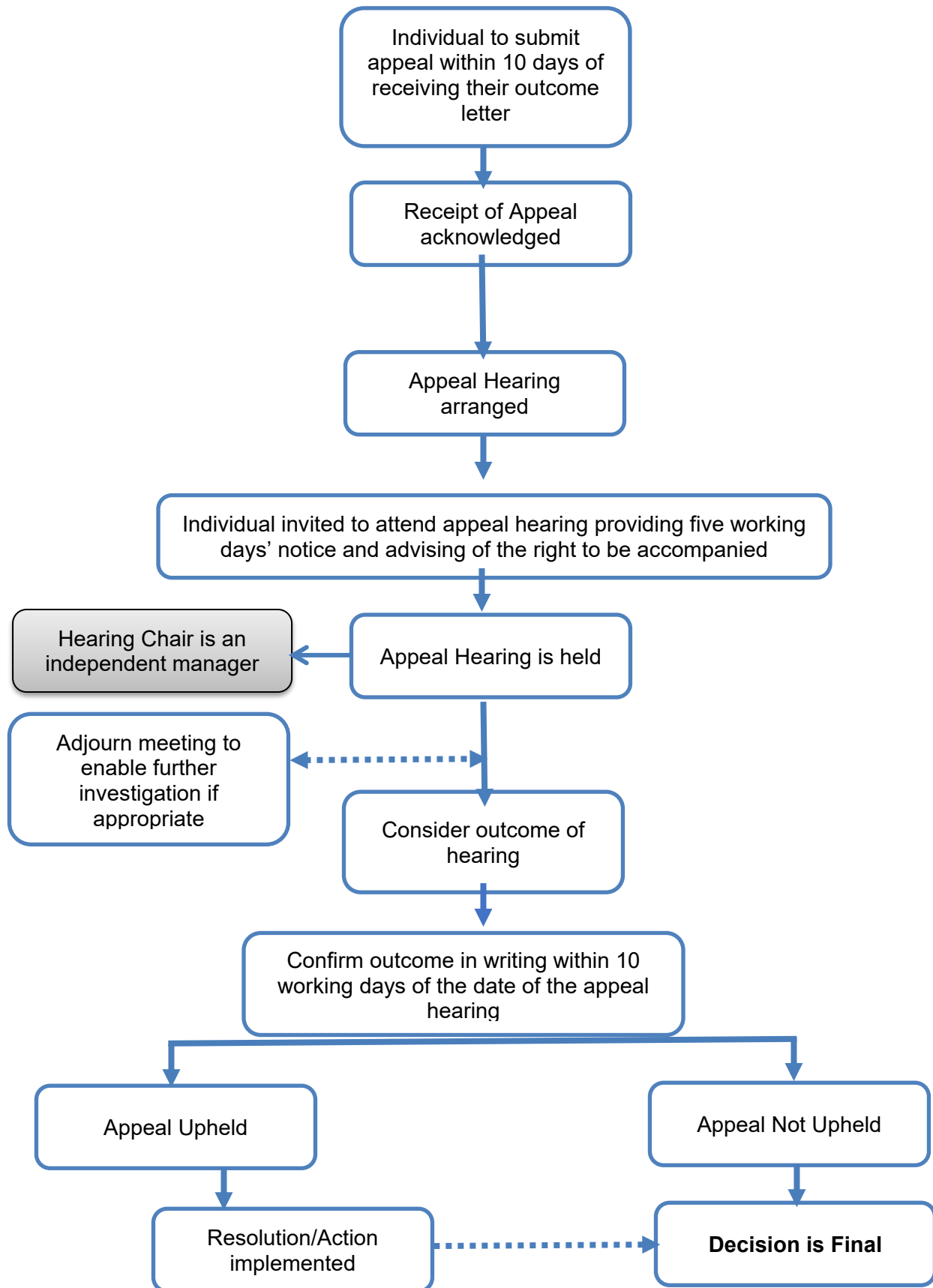
When all the evidence has been heard, the appeal hearing will be adjourned to allow the manager / appeal panel to consider the decision. Potential outcomes of the appeal hearing will be:

- Appeal Upheld
- Appeal Not Upheld

The outcome of the appeal will be communicated to the individual, in writing, normally within 10 working days of the date of the appeal hearing.

The appeal decision is final and once the internal process has been exhausted, there is no further opportunity for appeal. If the appeal is upheld, the individual will be re-instated and all back pay, to the date of dismissal will be reimbursed and all contractual rights reinstated.

Appendix 1: Appeals Process



Appendix 2: Authority to Take Action – Redundancy Procedure

	Professional Services	Academic Staff	University Senior Management	Vice Chancellor's Executive	Principal
Appeal Against Selection Criteria	Appropriate Line Manager	Appropriate Line Manager	Appropriate Line Manager	Appropriate Line Manager	Chair of Court
Appeal Against Dismissal	Appeal Panel	Appeal Panel	Appeal Panel Senior Management	Court Appeal Panel	Court Appeal Panel

Notes:

- Appeal Panels for appeals against dismissals by redundancy for Professional Services and Academic Staff will consist of 3 members of University Senior Management.
- Appeal Panels for appeals against dismissals by redundancy for University Senior Management will consist of 1 member of the Vice Chancellor's Executive Group and 2 members of Court.
- Court Appeal Panels will consist of either 3 lay members of Court or the Chair of Court (where the Chair has not had previous involvement) plus 2 lay members.
- If the Appeal Panels and Court Appeal Panels do not include a member of People and Wellbeing, a representative from this area will also be in attendance.