

UNIVERSITY OF LEICESTER ORDINANCE

REDUNDANCY (Ordinance Procedure)

For use in:	All Divisions/Schools/Departments/Colleges of the University
For use by:	All University employees
Owner	Staffing Policy Committee
Dates of Trade Union Consultation and Negotiation	Start: 8 January 2010 End: 2 March 2011
Date of Approval by Strategy, Policy and Resources Committee	15 November 2010
Date of Approval by Senate	30 March 2011
Date of Approval by Council	4 April 2011
Dates of Trade Union Ballots	13 June to 6 July 2011
Launch Date	12 September 2011
Contact - Comments	Alun Reynolds – Geraldine McAughtry

REDUNDANCY ORDINANCE: PROCEDURE

1. Introduction

- 1.1. This Ordinance procedure provides details of the University of Leicester's approach to the management of redundancies.
- 1.2. Any queries on the application or interpretation of the Redundancy Ordinance must be discussed with a member of HR before any action is taken.
- 1.3. The roles and responsibilities of those involved in the Redundancy Ordinance are set out in Appendix 1.

2. Scope

- 2.1. The Redundancy Ordinance (Policy and Procedure) applies to all employees meeting statutory requirements, except tenured staff i.e. academic staff employed prior to 19 November 1987 who have not been promoted on or after that date.
- 2.2. The Redundancy Ordinance excludes staff on a fixed term contract of 3 months or less from redundancy consultation, in line with Part IV of TULRCA 1992.
- 2.3. Redundancy consultation for staff with continuous service of between 3 and 9 months will be determined on a case-by-case basis, outwith the Redundancy Ordinance, to ensure that staff are treated appropriately whilst also ensuring the effective and efficient management of short-term work and contracts.

3. Definition of Terms

Redundancy pool:	Posts under potential threat of redundancy. The members of staff are subject to a selection process for redundancy or redeployment.
Selection Method:	The way in which a subset of posts/staff are identified as potentially redundant from a Redundancy Pool.
No pool:	An individual post that is identified as potentially redundant on the basis that the position is unique (and no selection method will be used).
At Risk:	A member of staff whose post has been identified as potentially "at risk" of redundancy.
Individual Consultation:	Necessary for all redundancies. It ensures that individual members of staff are consulted in a meaningful way to ensure that all steps have been explored to seek to avoid the need for a redundancy and if unavoidable to seek redeployment.

Collective Consultation:	This is consultation with recognised trade unions or elected representatives. It applies in “Collective Redundancy” situations (see below). There are legal requirements relating to the information that must be disclosed during collective consultation.
Collective Redundancy:	Used in its statutory context, a collective redundancy is where 20 or more employees <i>across the University</i> are to be dismissed within a 90-day period.
Dismissal:	Used in its statutory context, where redundancy is one of the potential fair reasons for dismissal.
End of a fixed term contract:	A fixed term contract is an employment contract with a start and end date. The non renewal of a fixed term contract is normally a dismissal by reason of redundancy.
Open-ended post subject to Fixed term funding:	A post that may be at risk of redundancy when the fixed term funding comes to an end.
Week’s Pay:	The University will calculate the redundancy payment in line with statutory redundancy pay. Overtime is not included, unless overtime hours form part of the normal working hours. Where the weekly earnings of a member of staff vary due to shift patterns etc, the calculation of weekly pay is done on the basis of the previous 12 weeks average at the calculate date.
Pay in Lieu of Notice:	Compensation for not providing members of staff with the notice period to which they are contractually entitled.
Voluntary redundancy:	A voluntary redundancy arises where the University will seek volunteers for redundancy. Although the end of employment is consensual, it will be viewed, in law, as a dismissal.
Compulsory redundancy:	A situation where one or more posts have been identified as redundant and there are no other alternatives that could be implemented to avoid the redundancy dismissal(s).
Redeployment:	A process to protect employment and retain skills and experience by finding other suitable employment within the organisation.

4. Redeployment

- 4.1. The University is committed to retaining excellent, dedicated staff wherever possible and values their experience, skills and knowledge.
- 4.2. Members of staff at risk of redundancy will be pro-actively supported by the University to find suitable alternative work within the University, as described in the University’s Redeployment Policy & Procedure.

5. Reporting

- 5.1. In line with legislation, the HR Operations Manager will notify the Department for Business, Innovation and Skills (DBIS) where a collective redundancy situation occurs i.e. redundancies are equal to or more than 20 employees in a 90 day period.
- 5.2. The HR Operations Manager will provide the Trade Unions with a comprehensive list of all known Redundancies taking place across the University, on a quarterly basis, to ensure the early involvement of Trade Unions in redundancy situations.

6. The Redundancy Procedures:

- 6.1. There are 2 procedures for redundancy outlined in this document:
 - Single Redundancy;
 - Multiple Redundancies.
- 6.2. Where only 1 post is under threat of redundancy and there is no redundancy pool i.e. the role/circumstances relating to the post is unique, the line manager and HR will follow Procedure A: Single Redundancy (with no Redundancy Pool). This will normally be a compulsory redundancy situation.
- 6.3. Where more than 1 post is under threat of compulsory redundancy and a redundancy pool exists, the relevant manager (in consultation with HR) will follow Procedure B: Multiple Redundancies (with Redundancy Pool). This will normally be a compulsory redundancy situation. However, where the numbers for voluntary redundancy within a pool are sufficient, a compulsory redundancy situation may not be necessary.

Procedure A: Single Redundancy (one post with no redundancy pool)

1. The Stages of a Single Redundancy

1.1. The main stages are:

- Identifying a single redundancy situation;
- Developing a redundancy proposal for consultation;
- Collective consultation (with Trade Unions);
- Individual consultation (with staff);
- Outcome;
- Right of appeal.

2. Identifying a Single Redundancy situation

2.1. HR will normally identify single redundancy situations e.g. by monitoring the end dates of externally funded posts (both open-ended and fixed term contracts).

2.2. HR will contact the line manager no later than 8 months in advance of the proposed redundancy termination date. HR will ask the line manager whether a post is likely to continue or not.

2.3. The line manager must then respond to HR no later than 7 months in advance of the proposed termination date to discuss the situation regarding the single redundancy.

3. Developing a Redundancy Proposal

3.1. Where single redundancies are proposed (e.g. due to the end of a fixed term contract or the end of fixed term funding), HR will normally develop a generic redundancy proposal for consultation with the Trade Unions.

3.2. In line with section 188 of TULRCA 1992, the proposal document will be “subject to consultation” and will include:

- The generic reasons for the single redundancies e.g. end of fixed term funding, maternity cover has come to an end etc;
- The numbers and description of affected staff such as job titles, departments etc. The names of employees at risk of redundancy will not be provided;
- The total number of employees of any such description which the University employs;
- The proposed selection method for identifying redundant staff. This will be generic, based on the generic reasons for dismissal;
- The proposed method and timetable for carrying out the redundancies;
- The proposed method of calculating redundancy pay.

4. Equality Impact Assessment

- 4.1. The HR Operations Manager will ensure that regular monitoring takes place in relation to the outcome and impact of the Redundancy Ordinance on protected groups of staff, as per the University's equal opportunities obligations.

5. Collective Consultation

- 5.1. Collective consultation will be conducted as a "high level" analysis of the ways in which the University can improve its processes to reduce the numbers of single redundancies, where possible e.g. improving the redeployment process, pursuing alternative sources of external funding or considering other means of extending a contract.
- 5.2. Collective consultation on single redundancies will normally begin 6 months in advance of the first proposed dismissal.
- 5.3. The purpose of collective consultation will be to:
 - analyse the redundancy proposal;
 - to suggest ways of avoiding or reducing the numbers of proposed redundancies, where possible.
 - to suggest ways of mitigating the effect of the proposed redundancies.
- 5.4. In line with Section 188 of TULRCA 1992, the HR Operations Manager will issue a proposal document on a quarterly basis (at the start of each quarter) to the University's recognised Trade Unions regarding single redundancies within that quarter.
- 5.5. In line with Section 193 (1) and (2) of TULRCA 1992, the HR Operations Manager will ensure that the Secretary of State is informed of proposed redundancies that are equal to or more than 20 employees in a 90 day period, at the start of each quarter.
- 5.6. The HR Operations Manager (or nominee) will meet with the Trade Unions on a quarterly basis (at the start of each quarter) to present and discuss the generic proposal for single redundancies that quarter.
- 5.7. The Trade Unions and HR will review the proposal, and together will consider and agree the steps that the University could take to avoid or minimise the number of proposed single redundancies.

6. Individual Consultation

- 6.1. The line manager will begin individual redundancy consultation with the relevant members of staff, as soon as reasonably practicable, once collective consultation has begun. The line manager must seek advice from HR as to when individual consultation should begin to ensure that meaningful consultation and the relevant notice period can be observed prior to the proposed termination date.

6.2. The line manager, in consultation with HR, will write to the member of staff to begin individual consultation (approximately 5 months in advance of the proposed redundancy dismissal date). The letter will state that:

- their role has been identified as potentially redundant;
- their role *does not* fall within a redundancy pool;
- Procedure A: Single Redundancy (with no redundancy pool) will be followed.
- Should they believe that their situation is not a single redundancy (i.e. there is a redundancy pool), this should be raised during the first individual consultation meeting so that it can be investigated and the use of the multiple redundancy procedure considered.

Individual Consultation Meeting 1 (Single Redundancy)

6.3. The first individual consultation meeting will normally take place approximately 5 months in advance of the proposed redundancy dismissal date.

6.4. The line manager will meet with the member of staff to discuss the redundancy situation. Where requested, a member of HR may attend.

6.5. The member of staff will have the right to be accompanied to the meeting by a trade union representative or work colleague.

6.6. **During the meeting, the manager will:**

- **outline the reasons for the proposed redundancy;**
- provide other relevant information about the proposed redundancy, specific to the circumstances;
- consider comments made by the member of staff;
- consider any alternative to dismissal;
- give the member of staff a copy of the University's Redeployment Policy and Procedure;
- discuss any suitable redeployment opportunities within their area of control;
- refer the member of staff to other sources of help and advice for redeployment opportunities outside their area of control, such as the Redeployment Register;
- **ask if the member of staff agrees that their role *does not* fall within a redundancy pool;**
- give the member of staff the opportunity to ask questions.

6.7. Where the member of staff states that he/she believes that the reason for the proposed redundancy is due to an issue of Academic Freedom, the line manager will instruct the member of staff to put their claim, in writing, to the Chair of Staffing Policy Committee, following the procedure set out in Appendix 2.

6.8. After the meeting, the manager will consider all the information provided and the representations made during the meeting. He/she will then write to the member of staff (in consultation with HR), outlining the content of the meeting.

Notification of Meeting 2 (Single Redundancy)

- 6.9. Where a member of staff remains “at risk” of redundancy after Meeting 1 e.g. no suitable alternative role has been identified/exists or further funding for the post has not been confirmed, the individual will be notified, in writing, that they are requested to attend a further meeting with the manager to discuss their proposed redundancy, approximately 4 months in advance of the proposed redundancy dismissal date.

Individual Consultation Meeting 2 (Single Redundancy)

- 6.10. The second consultation meeting will take place no later than 3 months in advance of the proposed redundancy dismissal date.
- 6.11. The member of staff will have the right to be accompanied to the meeting by a trade union representative or work colleague.
- 6.12. The purpose of the meeting will be to:
- confirm that the member of staff has been provisionally selected for redundancy;
 - give notice of dismissal (in line with the staff member’s contract of employment);
 - confirm that the member of staff will remain on the Redeployment Register until their proposed redundancy date;
 - confirm that any other alternative to dismissal will be considered up until their proposed redundancy date.

7. Outcome (Single Redundancy)

- 7.1. Where a member of staff is to be dismissed by reason of redundancy, the line manager will write to the member of staff (in consultation with HR) within five working days of the meeting to:
- summarise the reasons for the dismissal;
 - confirm notice of dismissal (in line with the staff member’s contract of employment) on the grounds of redundancy;
 - confirm that the member of staff will remain on the Redeployment Register until their proposed redundancy date;
 - advise them of their right to appeal.
- 7.2. Where a member of staff is not to be dismissed by reason of redundancy before the proposed termination date e.g. they are successfully redeployed or the post is extended, the manager will confirm this, in writing, at the appropriate time. Where a notice of dismissal has already been issued, and with consent from the member of staff, it will be withdrawn and employment will continue.

8. Right of Appeal (Single Redundancy)

8.1. A member of staff has the right to appeal against dismissal due to redundancy, which could include any of the following grounds:

- failure to follow the Redundancy Ordinance;
- unfair selection criteria/method;
- new information;
- relevant information which was not taken into account.

Notification of Appeal (Single Redundancy)

8.2. A letter stating the grounds of the appeal must be submitted, in writing to the Director of HR, within 10 working days of the date of the written confirmation of the decision.

8.3. The Director of HR will notify the relevant person of the appeal (see below).

Constitution of the Appeal Hearing (Single Redundancy)

8.4. An appeal will normally be heard by the relevant person (or panel) see Appendix 5 for guidance. To ensure independence and objectivity, the person (or panel) hearing the appeal should not have been involved in the matter, previously.

8.5. Attendees will normally include:

- the member of staff;
- the Trade Union representative or work colleague of the member of staff;
- the manager who made the initial decision to dismiss;
- a member of HR (not previously involved); and
- a note-taker.

The Appeal Hearing (Single Redundancy)

8.6. An appeal hearing will normally be held within 15 working days of the appeal being lodged.

8.7. An appeal hearing is not normally a re-hearing of the case. It is a review of the case by a person (or panel) who is tasked with hearing the appeal.

8.8. Where a member of staff appeals on the grounds of new evidence, they are required to submit written evidence to support their case.

8.9. The person (or panel) who heard the appeal will confirm the outcome to the member of staff, normally within 10 working days, in writing. Where further investigation is required, he/she will confirm the outcome to the member of staff as soon as reasonably practicable.

8.10. There is no further right of appeal.

Remit of person (or panel) hearing the Appeal

- 8.11. A person (or panel) hearing an appeal may interview key individuals (such as the line manager) involved in the case to clarify information, where required, as part of the appeal process.
- 8.12. Where required and HR deem it appropriate, key individuals (such as the line manager) may choose to be accompanied to an appeal meeting by the relevant member of HR who supported them prior to appeal.
- 8.13. The person (or panel) hearing an appeal may:
 - allow it (in whole or in part);
 - dismiss it (in whole or in part);
 - substitute any lesser alternative that would have been open to the relevant manager who confirmed the staff member's selection for redundancy.
- 8.14. The decision made by the person (or panel) who hears an appeal is final.

**Procedure B: Multiple Redundancies
(More than one post in a Redundancy Pool)**

1. The Stages for Multiple Redundancies

1.1. The main stages are:

- Identifying a multiple redundancy situation;
- Initial assessment with HR;
- Developing a redundancy proposal for consultation;
- Equality impact assessment
- Collective consultation (with Trade Unions);
- Individual consultation (with staff);
- Outcome;
- Right of appeal.

2. Identifying a Multiple Redundancy situation

2.1. There are a number of ways in which an initial idea regarding multiple redundancies may occur. A line manager may identify the need to restructure an area due to work diminishing, a college may decide that cost-savings need to be made or a central committee within the University may suggest a redundancy exercise. As a result, more than 1 post may be identified as potentially redundant.

2.2. Where multiple redundancies are considered, the University's recognised Trade Unions will be notified, as soon as possible, of the proposed plans. Where a "collective redundancy" situation occurs i.e. proposed redundancies are equal to or more than 20 employees in a 90 day period, there are specific legal requirements to involve the Trade Unions as early as possible during the process.

2.3. It is essential that where a manager or a committee that considers a redundancy initiative that could impact on the employment of more than 1 member of University staff, that HR is contacted as early as possible to discuss the idea. This will also ensure that the Trade Unions can be alerted as soon as reasonably practicable.

2.4. It is recognised that it may be appropriate for different members of HR to be involved at an early stage before any decisions to progress a redundancy initiative are made. The following members of HR are available where a redundancy initiative is being considered:

Departmental Level	=	HR Advisory team
College Level	=	HR Business Partner
University Level	=	HR Director

3. Initial assessment with HR

3.1. The relevant manager, College Board or Central Committee (in consultation with HR) will assess the situation to determine:

- Whether there is a genuine redundancy situation in line with the legal definition of redundancy;
- Whether any other measures could be used to minimise or avoid redundancies, in line with the measures outlined in the Redundancy Ordinance (Policy);
- Initial details of the proposed change such as:
 - the reasons for change;
 - the approximate size of the proposed change including the numbers of staff/posts that may be affected;
 - Whether any “tenured” academic staff may be affected (as they cannot be made redundant in line with Section 8 of the University’s Statute).

3.2. Once the initial assessment is complete, the manager and HR will decide whether the proposed change is likely to go ahead.

3.3. Where it is proposed that multiple redundancies are likely to go ahead, HR will contact the Trade Unions, verbally, to give them advance warning of the redundancy initiative. The discussion will be on a strictly reserved and confidential basis.

3.4. At this stage, the Trade Unions will be verbally notified:

- of basic details relating to the redundancy initiative;
- that a written redundancy proposal will be developed and shared with them in a timely manner;
- that a meeting to discuss the written redundancy proposal will be arranged in a timely manner, once the redundancy proposal is written.

4. Developing a Redundancy Proposal for consultation

4.1 Once the Trade Unions have been verbally informed of the redundancy initiative, the relevant manager (in consultation with HR) will write a proposal for consultation with the Trade Unions.

4.2 The proposal document will be clearly marked “subject to consultation”. A template proposal document can be found in Appendix 3.

4.3 In line with section 188 of TULRCA 1992, the proposal document will include:

- The reasons for the change;
- Details of the proposed change including the numbers and description of affected staff;
- The total number of employees of any such description which the University employs at that establishment;
- Analysis of whether it is a redundancy situation or a business reorganisation;

- Details of the staff included in the redundancy pool (including details of tenured academic staff, where applicable);
- The proposed selection method as determined by the University on a case by case basis;
- Redundancy and pension costs;
- The proposed method and timetable for carrying out the redundancies;
- The proposed method of calculating redundancy pay.

5. Equality Impact Assessment

- 5.1 Once the draft redundancy proposal is written, the relevant manager (in consultation with HR) will arrange for an equality impact assessment to take place, concurrently, with collective consultation.

6. Collective Consultation (Multiple Redundancies)

- 6.1. Collective consultation will normally begin 7 months in advance of the first effective date of termination.
- 6.2. Collective consultation will begin when the relevant manager (in consultation with HR) issue a written redundancy proposal document to the University's recognised Trade Unions, in line with Section 188 of TULRCA 1992. An announcement to the affected staff will also be made by the relevant manager (in consultation with HR).
- 6.3. The purpose of collective consultation will be for the Trade Unions to:
- analyse the redundancy proposal in detail;
 - to suggest ways of avoiding or reducing the numbers of proposed redundancies, where possible.
 - to suggest ways of mitigating the effect of the proposed redundancies.
- 6.4. In line with Section 193 (1) and (2) of TULRCA 1992, the HR Operations Manager will ensure that the Secretary of State is informed of proposed redundancies that are equal to or more than 20 employees in a 90 day period.
- 6.5. The relevant manager (in consultation with HR) will arrange a meeting with the Trade Unions to present and discuss the redundancy proposal. The meeting will normally take place as soon as possible after the release of the redundancy proposal, (approximately 7 months in advance of the first effective date of termination).
- 6.6. The Trade Unions, the relevant manager and HR will review the proposal at a meeting. The Trade Unions will have the opportunity to ask questions and request further information.
- 6.7. After the meeting, the Trade Unions will review and consider the content of the meeting and the redundancy proposal, returning their views to management as soon as reasonably practicable (normally within 2 to 3 weeks).

- 6.8. On the receipt of the Trade Union comments, the relevant manager (in consultation with HR) will arrange a further meeting, as soon as possible, to discuss the proposed redundancies. The meeting will normally take place as soon as reasonably practicable (ideally no later than 6 months in advance of the first proposed redundancy dismissal).
- 6.9. The Trade Unions will attend the meeting and together with the relevant manager and HR, the parties will consider and aim to agree the steps that the University could take to avoid or minimise the number of proposed redundancies.
- 6.10. Where agreement cannot be reached, a further timescale will be agreed within which the Trade Unions will respond to management with final comments.

Collective Consultation Meeting 1 (Multiple Redundancies)

- 6.11. The relevant manager (in consultation with HR) will notify the affected staff and the Trade Unions of a collective consultation meeting to discuss the proposal.
- 6.12. The purpose of the meeting will be to introduce:
- The reasons for the proposed dismissals;
 - The proposed method of selection;
 - Redeployment opportunities;
 - Any other relevant information.
- 6.13. During the meeting, members of staff will have the opportunity to ask questions, if they wish, and propose alternatives.
- 6.14. After the meeting, the Trade Union representatives will meet with affected staff to discuss the proposal in more detail.
- 6.15. The Trade Union representatives will provide feedback to the relevant manager and HR, outlining the key areas of staff concern.
- 6.16. The relevant manager (in consultation with HR) will consider the key areas of staff concern and, where possible, will seek to reach an agreement on them with the Trade Unions, before the second collective consultation meeting.

Collective Consultation Meeting 2 (Multiple Redundancies)

- 6.17. The relevant manager (in consultation with HR) will notify the affected staff and the Trade Unions of a collective consultation meeting to discuss and confirm the proposals, which will then become the basis of individual consultation with staff.
- 6.18. During the meeting, members of staff will have the opportunity to ask questions, if they wish, and propose alternatives.
- 6.19. After the meeting, the relevant manager (in consultation with HR) will consider any proposed alternatives and, where possible, will amend the redundancy proposal document.

7. Individual Consultation (Multiple Redundancies)

- 7.1. The relevant manager will normally begin individual consultation meetings with affected members of staff as soon as reasonably practicable, once the first collective consultation meeting has taken place.

Notification of Meeting 1 (Multiple Redundancies)

- 7.2. The relevant manager (in consultation with HR) will normally write to the member of staff to begin individual consultation approximately 5 months in advance of the proposed redundancy dismissal date.
- 7.3. The letter will:
- state that the member of staff is in the redundancy pool and that their role is “at risk” of redundancy;
 - outline the reasons for the proposed redundancy;
 - provide information about redeployment opportunities;
 - contain written details of the proposed method of selection;
 - provide other relevant information.

Individual Consultation Meeting 1 (Multiple Redundancies)

- 7.4. The relevant manager (in consultation with HR) will meet with each member of staff in the redundancy pool to discuss:
- the reasons for the proposed redundancy;
 - the proposed method of selection;
 - redeployment opportunities;
 - any other relevant information;
- 7.5. The member of staff will have the right to be represented at the meeting by a trade union representative or work colleague.
- 7.6. During the meeting, the member of staff will be given an opportunity to comment on the proposals.
- 7.7. The manager will take account of any comments made by the member of staff, where possible, and will consider any suggested alternatives to dismissal.
- 7.8. Where the member of staff states that he/she believes that the reason for the proposed redundancy is due to an issue of Academic Freedom, the line manager will instruct the member of staff to put their claim, in writing, to the Chair of Staffing Policy Committee, following the procedure set out in Appendix 2.

Applying the Selection Method (Multiple Redundancies)

- 7.9. After the meeting, the manager will consider any suggestions in relation to the method of selection, altering it accordingly, where possible.
- 7.10. The manager will then begin the proposed method of selection for all of the posts/staff in the Redundancy Pool in order to determine the subset of posts/staff within the Redundancy Pool to be provisionally selected for redundancy.

Notification of Meeting 2 (Multiple Redundancies)

- 7.11. The relevant manager (in consultation with HR) will normally write to the member of staff to begin individual consultation approximately 4 months in advance of the proposed redundancy dismissal date.
- 7.12. The letter will:
- state the reasons for the proposed redundancy;
 - provide information about redeployment opportunities;
 - contain written details of the proposed method of selection;
 - provide other relevant information.

Individual Consultation Meeting 2 (Multiple Redundancies)

- 7.13. The second consultation meeting will normally take place approximately 4 months in advance of the proposed redundancy dismissal date.
- 7.14. The member of staff will have the right to be accompanied by a trade union representative or work colleague.
- 7.15. The purpose of the meeting will depend on the circumstances that apply to the member of staff.
- 7.16. Where a member of staff is provisionally selected for redundancy, the purpose of the meeting will be to:
- inform the member of staff that the proposed method of selection has been applied to the redundancy pool;
 - inform the member of staff that they have been provisionally selected for redundancy;
 - confirm that the member of staff will remain on the redeployment register until their proposed redundancy date.
- 7.17. Where the member of staff has not been provisionally selected for redundancy, the purpose of the meeting will be to inform the member of staff that:
- the proposed method of selection has taken place;
 - they have not been provisionally selected for redundancy;
 - they may remain “at risk” of redundancy until the process is complete.

8. Outcome (Multiple Redundancies)

- 8.1. Where a member of staff has been provisionally selected for redundancy, the manager (in consultation with HR) will write to the member of staff to:
- confirm the reasons for the dismissal and why they were selected;
 - give notice of dismissal (in line with the staff member’s contract of employment) on the grounds of redundancy;
 - confirm that the member of staff will remain on the redeployment register until their proposed redundancy date.
 - advise the member of staff of their right to appeal.

- 8.2. Where a post has been selected for redundancy (and has been served notice to terminate employment on the grounds of redundancy) but the post is subsequently de-selected for redundancy or the individual is redeployed before the termination date, and with consent from the member of staff, notice of dismissal will be withdrawn.
- 8.3. Where a member of staff has not been provisionally selected for redundancy, the manager (in consultation with HR) will write to the member of staff to confirm the arrangements that apply to them.

9. Right of Appeal (Multiple Redundancies)

- 9.1. A member of staff has the right to appeal against dismissal due to redundancy which could include any of the following grounds:
 - failure to follow the Redundancy Ordinance;
 - unfair selection criteria/method;
 - new information;
 - relevant information which was not taken into account.

Notification of Appeal (Multiple Redundancies)

- 9.2. A letter stating the grounds of the appeal must be submitted, in writing to the Director of HR, within 10 working days of the date of the written confirmation of the decision.
- 9.3. The Director of HR will notify the relevant person of the appeal (see below).

Constitution of the Appeal Hearing (Multiple Redundancies)

- 9.4. An appeal will normally be heard by the relevant person (see Appendix 5 for guidance). To ensure independence and objectivity, the person hearing the appeal should not have been involved in the matter, previously.
- 9.5. Attendees will normally include:
 - the member of staff;
 - the Trade Union representative or work colleague of the member of staff;
 - the manager who made the initial decision to dismiss;
 - a member of HR (not previously involved); and
 - a note-taker.

The Appeal Hearing (Multiple Redundancies)

- 9.6. An appeal hearing will normally be held within 15 working days of the appeal being lodged.
- 9.7. An appeal hearing is not normally a re-hearing of the case. It is a review of the case by a person (or panel) who is tasked with hearing the appeal.
- 9.8. Where a member of staff appeals on the grounds of new evidence, they are required to submit written evidence to support their case.

9.9. The person (or panel) who heard the appeal will confirm the outcome to the member of staff, normally within 10 working days, in writing. Where further investigation is required, he/she will confirm the outcome to the member of staff as soon as reasonably practicable.

9.10. There is no further right of appeal.

Remit of person hearing the Appeal (Multiple Redundancies)

9.11. A person (or panel) hearing an appeal may interview key individuals (such as the relevant manager) involved in the case to clarify information, where required, as part of the appeal process.

9.12. Where required and HR deem it appropriate, key individuals (such as the relevant manager) may choose to be accompanied to an appeal meeting by the relevant member of HR who supported them prior to appeal.

9.13. The person (or panel) hearing an appeal may:

- allow it (in whole or in part);
- dismiss it (in whole or in part);
- substitute any lesser alternative that would have been open to the relevant manager who confirmed the staff member's selection for redundancy.

9.14. The decision made by the person (or panel) who hears an appeal is final.

APPENDIX 1

Redundancy Ordinance Roles and Responsibilities

All parties involved in the Redundancy Ordinance must conduct their behaviour in an appropriate and professional manner – treating all parties with dignity and respect.

1. Relevant Manager:

The relevant manager is responsible for:

- 1.1. Understanding and following the Redundancy Ordinance (Policy and Procedure).
- 1.2. Contacting HR for advice on redundancy matters.
- 1.3. Undertaking an initial assessment of the situation with HR to determine whether there is a redundancy situation.
- 1.4. Determining whether there is a redundancy pool or not (in consultation with HR).
- 1.5. Where a redundancy pool exists, to formulate a written proposal document (using the template in Appendix 3). The document may be subject to change during the redundancy process as a result of consultation.
- 1.6. Ensuring that “tenured” staff are not included in a redundancy pool i.e. academic staff employed prior to 19 November 1987 who have not been promoted on or after that date.
- 1.7. Ensuring that meaningful collective and individual consultation with staff and trade unions happen in line with legislation and the Redundancy Ordinance. This includes considering staff/trade union suggestions and making alterations to the proposals, where possible, to mitigate the effect of redundancies.
- 1.8. Developing an appropriate method of selecting posts/staff for redundancy (in consultation with HR), in a fair and objective manner.
- 1.9. Informing relevant members of staff of all developments and updates, face-to-face and in writing.
- 1.10. Exploring redeployment opportunities in the immediate Department/College/Division for members of staff that have been identified as “at risk” of redundancy.
- 1.11. Working in partnership with HR (including the Recruitment Advisory team) to identify suitable alternative opportunities outside of the immediate Department/College/Division.
- 1.12. Remaining responsible for the management of a redeployee for the duration of the redeployment period.
- 1.13. Supporting the redeployment process by accommodating requests for time off for job interviews, training etc.

2. Member of staff

The member of staff is responsible for:

- 2.1. Understanding and following the Redundancy Ordinance (Policy and Procedure).
- 2.2. Contacting HR for guidance on the Redundancy Ordinance (Policy and Procedure), if required.
- 2.3. Actively partaking in the redeployment process by providing required information relating to skills, experience and working preferences within the stipulated timescales.
- 2.4. Cooperating fully in any assessment and interview processes and demonstrating flexibility in considering potential alternative posts.
- 2.5. Assisting to identify any redeployment opportunities for which they believe they have the relevant skills and experience, and advising the relevant manager or Recruitment/HR accordingly.
- 2.6. Raising any issues or concerns during the redundancy process.
- 2.7. Identifying, requesting and organising the attendance of a work colleague or Trade Union representative during formal meetings, where such attendance is required.

3. Staff Companion (Work Colleague or Trade Union Representative)

3.1. The role of the member of staff's companion is to:

- attend formal meetings, in the role of companion;
- address meetings at the outset (to put forward a case);
- address meetings at the end (to sum up a case);
- respond to any views expressed at meetings;
- confer with the member of staff during meetings;
- ask questions during meetings.

3.2. The companion **does not** have the right to:

- answer questions on behalf of the member of staff (i.e. where a question is directed at the member of staff);
- address meetings if the member of staff does not wish it;
- prevent any party from explaining their case.

4. Division of Human Resources

The Division of Human Resources is responsible for:

- 4.1. Ensuring that formal proceedings comply with employment law and the University's policies and procedures.

- 4.2. Advocating on the part of the institution by acting as an independent, advisory guardian and regulator of the process. Members of HR will not be an “advocate” for a manager or a member staff.
- 4.3. Providing advice to managers and staff, in accordance with employment law and the University’s policies and procedures.
- 4.4. Attending and recording formal meetings. Members of HR are not permitted to chair formal meetings or undertake the role of decision maker on individual cases. Any questions from HR must be asked through the chair of a formal hearing/meeting.
- 4.5. Pointing out any issues in respect of employment law or the University’s policies and procedures during formal meetings.
- 4.6. Advising managers on the content of informal and formal letters to members of staff.
- 4.7. Accompanying managers who attend appeal meetings in a management capacity, where requested or as appropriate.
- 4.8. Maintaining accurate and up to date records of all redundancy activity.
- 4.9. Calculating redundancy payments using Appendix 4 including liaising with Salaries and Wages, where required.
- 4.10. Collating documentation from all relevant parties at the end of a redundancy process and filing it appropriately.
- 4.11. Monitoring the outcome and impact of the Redundancy Ordinance on protected groups of staff as per the University’s equal opportunities obligations.
- 4.12. Notifying the Department for Business, Innovation and Skills (DBIS) where redundancies are equal to or more than 20 staff, in line with legislation.

5. Recruitment Advisory Team

The Recruitment Advisory Team is responsible for:

- 5.1. Creating and maintaining a Redeployment Register for all members of staff in a redeployment situation within the University.
- 5.2. Ensuring that staff in a redeployment situation are informed of suitable opportunities for consideration.
- 5.3. Liaising with recruiting managers and facilitating the redeployment of staff into appropriate vacant posts, as they arise.

6. Pensions Office

The Pensions Office is responsible for:

- 6.1. Accurately calculating pension liabilities/costs in redundancy cases, where requested by HR, in a timely manner.
- 6.2. Ensuring that the correct action is taken in respect of a pension when a member of staff is made redundant.

7. Salaries & Wages

Salaries & Wages is responsible for:

- 7.1. Supplying the correct salary figures to HR in a timely manner for exceptional cases where salary or redundancy calculations are complex.
- 7.2. Ensuring that Redundancy payments are made to members of staff in a timely manner.

APPENDIX 2

ACADEMIC FREEDOM PROCEDURE

- 1) The member of staff must notify the Chair of Staffing Policy Committee, in writing within 5 working days of the first individual consultation meeting, to request the use of the Academic Freedom procedure.
- 2) Upon receipt of the staff member's request, a panel will be convened, within a reasonable timescale, to make an initial assessment as to whether the reason for the redundancy is due to an issue of Academic Freedom.
- 3) The panel will comprise the Chair of Staffing Policy Committee (as chair) and two academic peers drawn from members of Senate, 1 from the same college and 1 from a different college, who have not previously been involved, nominated by the chair.
- 4) In cases where it is not possible to appoint a panel member internal to the University with the required expertise and/or independence, the chair may decide to appoint an external panel member instead.
- 5) Once the panel has made their decision about whether the reason for the redundancy is due to an issue of Academic Freedom (or not), the outcome will be confirmed by the chair to the member of staff, in writing, within a reasonable timescale. The letter will state whether the panel consider that the reason for the proposed redundancy is due to an issue of Academic Freedom (or not).
- 6) Where the panel consider that the reason for the redundancy is not due to an issue of Academic Freedom, the appropriate redundancy procedure will continue.
- 7) Where the panel consider that the reason for the redundancy is due to an issue of Academic Freedom, the panel will decide whether the process is a genuine redundancy (or not) and will advise the relevant manager of the next steps to take.

APPENDIX 3

TEMPLATE: Redundancy and Business Reorganisation Proposal

“Subject to consultation”

1. **Reasons:** State business reason for the proposal (i.e. summarise the problem). Provide any evidence that is available to support the business reason.
2. **Proposal:** State what alternatives have been considered and why they were rejected. Possibilities to consider might include: redeployment, “bumping” out another member of staff, retraining, part-time hours, job sharing, ‘an overtime ban, remove agency temps, remove contractors, early retirements and natural wastage.
3. **Redundancy or business reorganisation?** Analysis of whether it is a redundancy situation or a business reorganisation, answering these questions:
 - Is it proposed to dismiss members of staff?
 - Have the requirements of the business for members of staff to carry out work of a particular kind ceased or diminished, or are they expected to do so? Is the proposed dismissal caused wholly or mainly by that state of affairs?
4. **Redundancy Pool:** State list of posts/staff in the proposed redundancy pool (i.e. all those “at risk” of redundancy). Identify any special cases, such as those on maternity leave, disabled, on long-term sick. Tenured staff should also be listed. However, they cannot be made redundant, in line with Section 8 of the University’s Statute.
5. **Selection Method:** State proposed selection method. Ensure that the method has been developed with equal opportunities issues in mind.
6. **Redundancy & Pension Costs:** Complete redundancy costs template (in Appendix 4) for each person at risk of Redundancy and estimate likely total cost. This will need to include Pension liabilities, calculations for which will need to be requested directly from the Pensions Office.
7. **Timetable:** Plan the proposed redundancy timetable setting out the timetable for collective and individual consultation (including when each meeting will take place). It is often useful to draw up a project plan to help monitor the process. Aside from the individual meetings there are other things to be considered (such as how to keep ensure “business as usual”). For example, the managers may need to organise work during consultation period when some members of staff will be out of the office attending job interviews.
8. **Redundancy Pay:** Details of the proposed method of calculating the redundancy payments (See Appendix 4).

APPENDIX 4

REDUNDANCY COSTS TEMPLATE

STAFF NAME:	PAYROLL NO:
JOB TITLE:	GRADE:
DEPARTMENT:	DATE OF BIRTH:
HR ADVISER:	APPROVAL:

GENERAL INFORMATION:		
Date continuous employment began: (if before 19 November 1987 check for tenured status)		
Proposed date employment to end:		
Length of continuous employment:		
Age when employment to end:		
Annual Salary (gross):		
Length of Notice Period:		
Weekly salary (Statutory):		
COSTS:		
Number of weeks of statutory redundancy pay calculated as follows [up to a maximum of 20 yrs service]:		Total statutory redundancy pay (i.e. a + b + c)
	No. of years No. of weeks pay	
a)	No. of years' service aged 41-64 _____ x 1.5 _____	£
b)	No. of years' service aged 22-40 _____ x 1 _____	
c)	No. of years' service aged 18-21 _____ x 0.5 _____	
<i>N.B Only full years (of age and service) are taken into account when calculating statutory redundancy payments.</i>		
d)	Notice period payment – (subject to NI and Tax)	£
e)	Additional payments owing (e.g. overtime, annual leave etc)	£
Total payment for staff member (a + b + c + d + e)		£
Pension Liability/Cost to University (calculation to be provided by Pensions Office)		£
TOTAL PAY FOR STAFF MEMBER:		£
TOTAL COST OF TERMINATION TO UNIVERSITY:		£

APPENDIX 5

Levels of Management normally involved in appeals raised under the Redundancy Ordinance

This table is for “Guidance” purposes only. The University may use its discretion to depart from the table below, where appropriate. For cases involving Academic Freedom, procedural modifications will be made as detailed within the text of the Redundancy Ordinance Procedure.

Grade of staff member	Appeal
Grade 7 & below (in Colleges)	A PVC or Director of College Administration, not previously involved, or the Registrar
Grade 7 & below (in Corporate Services & Library)	Registrar or University Librarian, if not previously involved, or any PVC
Grade 8 & 9s (in Colleges)	A panel comprising 3 Lay Members of Council, nominated by the Chair of Council
Grade 8 & 9 (in Corporate Services & Library)	A panel comprising 3 Lay Members of Council, nominated by the Chair of Council
Professorial	A panel comprising 3 Lay Members of Council, nominated by the Chair of Council
Grade 10 (in Corporate Services & Library)	A panel comprising 3 Lay Members of Council, nominated by the Chair of Council
Grade 10 (in Colleges)	A panel comprising 3 Lay Members of Council, nominated by the Chair Council
University Librarian & Pro-Vice-Chancellor	A panel comprising 3 Lay Members of Council (not previously involved), nominated by Council
Registrar & Secretary	An External Body to be determined by Council.
Vice-Chancellor	An External Body to be determined by Council.