REGULATION 32 REDUNDANCY PROCEDURE

PART ONE – GENERAL AND INTRODUCTION

1. INTRODUCTION AND APPLICATION OF THE PROCEDURE

1.1 The University recvT3[63[6ya1J86 2f

1.7 A flow chart is set out at Appendix 1 to this Procedure in order to summarise the key steps to be taken under this Procedure.

1.8 Redundancy situations may arise in a number of contexts. This Procedure distinguishes between redundancies arising in the context of a Proposal for

of the procedure that would normally follow collective consultation with trade union representatives[12].

1.9 For the purposes of this procedure, a Proposal for Organisational Change is a proposal made by the Vice-Chancellor's Executive Group 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; or

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2.2.3 the termination of their current contract of employment and redeployment to new roles created in the context of a Proposal for Organisational Change.

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, either prior to the issuing of notice of dismissal or during the member of staff's notice period, explore the possibility of redeploying the member of staff to suitable alternative employment within the University. The Redeployment Procedure set out at Appendix 2 to this Procedure sets out the detailed arrangements that will apply in relation to seeking and effecting redeployment.

4. MAINTENANCE OF EMPLOYMENT POLICY

4.1 In the case of a Proposal for Organisational Change, alternatives to compulsory termination of employment on the grounds of redundancy may include measures such as voluntary severance, early retirement, part-time working or transfer to other work in the University. In this respect, this Procedure should be read in conjunction with the University's Maintenance of Employment Policy which is attached as Appendix 3 to this Procedure and which will apply in cases of a Proposal for Organisational Change, including, for the avoidance of doubt, to staff on fixed-term contracts whose posts are at risk of redundancy as part of a Proposal for Organisational Change.

5. RIGHT TO BE ACCOMPANIED

5.1 Members of staff may be accompanied at formal 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 in order to put forward and sum up the member of staff's case, respond on the member of staff's behalf to any view expressed at the hearing and ask questions of clarification. The companion will not be able to answer questions on the member of staff's behalf.

5.2 Should the chosen companion be unavailable to attend the meeting or hearing on the first notified date, the member of staff shall as soon as reasonably practicable request a postponement by proposing an alternative date and time, which should be within five days of the date originally notified. Where this is not reasonably practicable, the member of staff shall choose an alternative colleague employed by the University or a trade union representative to accompany him/her to the meeting or hearing.

5.3 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

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 dismissals;

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

6.3.3 the total numbers of staff of 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 proposed timescale over which it is proposed that the dismissals would take effect;

6.3.7 the proposed method of calculating thTd [(t)-6..6 (he p)]TJ 0.442 hatgt.442 ha

Organisational Change being implemented.

representatives and with due regard to the University's obligations under S188 TULRCA 1992.

6.6 In parallel with consultation with trade union representatives, 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.

7. **Consultation in Other Cases including in a Proposal for Organisational Change**

7.1 This section applies to proposed redundancies other than those in respect of which collective consultation has, or will be, carried out under the Standing Arrangements identified in section 6 above.

7.2 Where the University proposes to make redundancies under this section, and (subject to paragraph 7.4) the number of such proposed redundancies, together wi-195.3 (t)-(an6 (t)-6. (and)10)10.5 ( )-184.3 (r t)-6.4(ec)8.9 (t)-6. (i)2.6 (v)8.9 (e cTc 6-10.9 (an)2.

7.5.3 the reason for the proposed redundancies;

7.5.4 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;

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

7.5.6 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;

7.5.7 the proposed method of carrying out the dismissals;

7.5.8 the proposed timescale over which it is proposed that the redundancies would take effect;

7.5.9 the proposed method of calculating the amount of any redundancy payments to be made to employees who may be dismissed;

7.5.10 the number of agency workers working temporarily for and under the supervision and direction of the University;

7.5.11 the parts of the University in which those agency workers are working; and

7.5.12 the type of work those agency workers are carrying out.

7.6 The University shall consult meaningfully with the trade union representatives of the affected members of staff concerned with a view to identifying means of avoiding the potential redundancies, reducin ( )]Te 0.007 Tw (those) 6.7 (e)-6 (xt)-6.6 (f)-0.1 (or)-5.9 (f)-7.6 (orm)-9.6

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.

7.10 A further meeting or meetings (as appropriate) shall be arranged to discuss the representations made by the member or members of staff and to respond to them and to discuss further as considered appropriate any alternatives to the proposed redundancy or redundancies.

7.11 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 to the designated person.

PART THREE – FURTHER STEPS IN THE CASE OF A PROPOSAL FOR ORGANISATIONAL CHANGE

8. **Prior Authorisation From Council**

8.1 This section only applies in relation to redundancies which arise from a Proposal for Organisational Change.

8.2 In the case of potential redundancy situations arising from a Proposal for Organisational Change, the steps detailed in Part Four below shall not be taken without prior authorisation from Council.

8.3 Any request to Council under paragraph 8.2 will include the following information:

8.3.1 the total number of redundancies proposed;

8.3.2 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");

8.3.3 the reason for the proposed redundancies;

8.3.4 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;

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

8.3.6 whether or not it is proposed to apply selection criteria to identify which members of s/6

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

8.3.8 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 appropriate representatives where applicable, on ways and means of avoiding the dismissals or reducing their numbers or mitigating the effect of the dismissals.

9. **Other Steps**

9.1 Council will be asked by the Vice-Chancellor's Executive Group to consider approving a voluntary severance and early retirement scheme, in line with the Maintenance of Employment Policy. Where it is proposed that such scheme differs from that agreed by Council in March 2010, the University will consult with the recognised trades unions on the terms of the scheme.

9.2 The Vice-Chancellor's Executive Group will consider the establishment of enhanced redeployment measures, in line with the Maintenance of Employment Policy and the Redeployment

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member of staff may be given notice of dismissal on the ground of redundancy or advised of a period of time within which the availability of alternative employment for the member of staff or other measures to avoid compulsory termination of employment on the grounds of redundancy shall be considered (or, as the case may be, continue to be considered) before notice of dismissal is served. 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.

11.4 Where notice of dismissal is given, the member of staff will be advised of his/her right of appeal against dismissal and the applicable time limits for the making of such an appeal.

12. **Individual consultation in cases including the application of selection criteria**

12.1 The member or members of staff at risk of dismissal shall be notified in writing:

12.1.1 that he or she remains potentially at risk of dismissal by reason of redundancy and shall be consulted individually on the application of the selection criteria before any decision to dismiss him/her by reason of redundancy is taken;

12.1.2 of the number of redundancies to be effected;

12.1.3 of the relevant group of affected staff from which redundancies will be effected by the application of selection criteria;

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

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

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

12.1.7 of the person or persons (to be nominated by a PVC or the Chief Operating Officer) who will assess the staff within the affected group against the selection criteria;

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

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

12.1.10 of the way in which voluntary severance payments and/or statutory redundancy payments are to be calculated.

12.2 The affected staff shall be given a period of time within which to make representations about the selection criteria (unless these have been the subject of collective consultation with the relevant trade union) and to provide any information to be taken into account when the selection criteria is applied to him/her.

12.3

13.2 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.

13.3 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), independent shall have the meaning of not having had prior involvement in the case. In the case of the independent person external to the University, independent shall have the meaning of having no involvement with the University which might be prejudicial to impartial judgement (and for the avoidance of doubt, any payment by the University to such external person in respect of their time incurred in respect of the appeal shall not be deemed to prejudice their impartial judgement). In the case of the appeal of an academic member of staff, one of the two senior managers shall be a Head of School from another School or other academic peer. The panel will be supported by a Human Resources

Appendix 1 A FLOW CHART; [to follow]

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. Eve

9. Offers for New Posts

9.1. All offers of employment made, as a result of this Procedure, will be subject to the [illegible]

14. Dismissal and Links to other Employment Procedures

14.1. This Procedure is designed to operate alongside the University's other employment procedures, normally the Redundancy Procedure, the Sickness Absence and Medical Incapacity Procedure, the Some Other Substantial Reason and Statutory Bar Procedure, and the Capability Procedure.

14.2. Redeployment may be considered in cases where a grievance has been raised or an allegation of harassment/bullying has been made, or a disciplinary investigation has been conducted and it has been found that the individuals involved should no longer work together. The decision as to who may be redeployed will depend on the circumstances of the case following an investigation which recommends

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 before proceeding to external advert if the post has not been filled by an at-risk member of staff.

16.3. Under a Discretionary Transfer Scheme, Early Retirement/Voluntary Severance terms would be offered to those staff in the University who are not at risk of redundancy, in order that, if their ER/VS application is accepted, a member of staff who is at risk of redundancy could be redeployed into the post that is vacated.

16.4. Under a Reduced Hours/Job Share Scheme, applications would be invited from members of staff in the relevant areas to reduce their contracted days/hours in order that they could be redeployed into a job-share with another member of staff.

16.5. In addition, in cases of a Proposal for Organisational Change the University may consider introducing other measures to aid redeployment within or outside of the University, such as:

16.5.1. Providing relevant internal or external training in transferrable skills;

16.5.2. Providing professional careers advice;

16.5.3. Assisting members of staff in contacting other employers regarding their job search;

16.5.4. Inviting other employers conducting major recruitment campaigns to visit the University to talk to staff.

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- the Vice-