



**WITH EFFECT FROM 1 MAY 2013**

## **REDUNDANCY AVOIDANCE PROCEDURE**

### **1. INTRODUCTION**

- 1.1** The University recognises the value of retaining staff skills and experience which contribute to the achievement of its strategic plans and objectives. The University is therefore committed to developing and maintaining employment practices which promote the principles of security and diversity of employment and support the mobility of employment of staff within the University.
- 1.2** It is the overall aim of the University to ensure, as far as possible, security of employment and the avoidance of compulsory redundancies for its employees through effective business planning. Workforce planning can help to determine future staffing needs in ways which can improve job security for staff and avoid short term actions which are inconsistent with longer term strategic plans. However, from time to time circumstances may make it necessary to consider reductions in staffing levels. In that event, the provisions of this policy, in particular those provided in Section 3, shall be applied before recourse is made to the Redundancy procedure.
- 1.3** The procedure applies to all University staff.
- 1.4** This procedure should be read in conjunction with the Change Management Policy and the suite of related Procedures.
- 1.5** It is recognised that all change, on an individual or collective basis, should be managed effectively.

### **2. KEY PRINCIPLES**

- 2.1** The purpose of this procedure is to ensure that, where staffing reductions are considered necessary:
  - 2.1.1** All staff affected by an anticipated redundancy situation are treated fairly and equitably.
  - 2.1.2.** The University will, through collective consultation with the recognised campus trade unions, seek to mitigate the necessity for any compulsory redundancies. This will be in accordance with the terms of reference for the JUCC Employment Security sub group and which has been established as the appropriate forum in which such discussions should take place.



- 2.1.3.** Wherever practicable, compulsory redundancies will be avoided; where this is not practicable matters will be handled in a fair transparent and reasonable way. Options will be sought to avoid compulsory redundancies through the measures detailed in this procedure, including redeployment (if possible) and through voluntary redundancy with an enhanced redundancy payment option (if applicable).

### **3. MEASURES TO AVOID REDUNDANCIES**

- 3.1** Both the University and the Review Group will give due consideration to the appropriateness of the following measures on each occasion that a potential redundancy situation arises in accordance with the business and strategic circumstances of each organisational change and will take into account the views provided during consultation:

- 3.1.1.** The University routinely monitors the following measures:

- Reduction or elimination of overtime working
- Review of the engagement of external contractors/consultants
- Review of the use of agency staff
- Consideration of requests for unpaid leave
- Seeking alternative funding e.g. where funding for a particular project has expired
- Any opportunities for suitable alternative employment that emerge during the consultation and/or notice period - Page 12 of [http://www.acas.org.uk/media/pdf/4/7/B08\\_1.pdf](http://www.acas.org.uk/media/pdf/4/7/B08_1.pdf)
- Consideration of applications for Early Retirement

- 3.1.2.** The following measures will also be considered depending on the circumstances of the organisational change:

- Seeking to make savings from non staff budgets
- Reduction of staff levels through natural wastage
- Limiting external recruitment where this is practicable
- Reducing hours of work by considering volunteers for part-time working, job sharing, sabbaticals and secondments
- Redeployment to other parts of the University for eligible staff where an individual's skills, experience, and performance profile may be transferable
- Retraining of existing staff for suitable vacancies within the University
- Consideration of applications for Voluntary Redundancy
- Any other measures to avoid compulsory redundancies and retain the required skills in the University

- 3.2** In the case of redundancies not arising from a proposed organisational change, for example those which arise on the expiry without renewal of a fixed term



contract, or redundancies which arise on the cessation of external funding affecting a post, posts or research group, consideration of the above measures will be those which can be applied under the circumstances. Discussions on these options will take place at the JUCC sub-group for Employment Security and TULR(C)A Consultation.

#### **4. FORMAL CONSULTATION**

- 4.1** Formal Consultation between the University and the recognised Trade Unions will be in accordance with that described in the Restructuring Procedure. The information provided to the Trade Unions to assist with that process will be as outlined in the Terms of Reference of the JUCC Employment Security sub group.
- 4.2** The aim of the consultation will be to avoid compulsory redundancy through meaningful consultation and consideration of the measures included in this procedure. If the consultation does not successfully remove the potential redundancy situation the University shall enter into meaningful consultation with the recognised Trade Union representatives, with a view to reaching agreement on the handling of the redundancy situation in accordance with relevant employment legislation.
- 4.3** The consultation period will be sufficient to allow for meaningful consultation and will normally be 90 days and in any event will be no less than current employment legislation unless by prior agreement with the recognised campus Trade Unions. This could include a situation whereby it is agreed in collective consultation that it will be beneficial to the outcomes for individual members of staff that a shorter consultation period takes place so that a decision can be conveyed to the member of staff in a more timely manner.
- 4.4** Individual consultation with all staff affected will take place in addition to the collective consultation. Individual consultation may run consecutively alongside collective consultation to provide staff with full advantage of early engagement and possibly greater access to redeployment opportunities. Staff may be accompanied to meetings by a Trade Union representative or work colleague.

#### **5. SUITABLE ALTERNATIVE EMPLOYMENT**

- 5.1** Throughout the consultation period and, where relevant, notice period, the University will continue with its duty to seek to identify suitable alternative employment, and the member of staff's manager will discuss any emerging opportunities with the member of staff where relevant.
- 5.2** The decision as to whether an alternative position would be deemed to be suitable for the member of staff would be made by the manager taking into



account the following factors: seniority; skills and type/level of experience; grade and pay and associated terms and conditions; and working arrangements.

- 5.3 Where suitable alternative employment is secured as described, a trial period of 4 weeks will apply, in accordance with the legal framework and shall take effect from the date of appointment to the new post.
- 5.4 Where an offer of suitable alternative employment has been made but the employee unreasonably refuses to accept it (i.e. without valid reasons) either before or after the trial period, the employee will have been deemed to have resigned, and will lose his/her right to a redundancy payment, as redundancy could have been avoided by the University.
- 5.5 If it is accepted that the alternative employment is not entirely suitable and/or the employee's refusal of the offer within the department/faculty is deemed by the University to be reasonable in the circumstances, the search for suitable alternative employment or other redeployment opportunities will continue through the remainder of his/her notice period. If no other suitable alternative employment or other redeployment opportunity is secured during this time the employee will be treated as having been dismissed by reason of redundancy on the date that his/her job came to an end, and will retain the entitlement to a redundancy payment.

## 6. REDEPLOYMENT

- 6.1 In the circumstances of a restructuring/staffing review being undertaken, redeployment options will be considered and discussed with eligible staff affected. Redeployment options will also be considered and discussed with eligible staff affected by redundancies which arise on the expiry without renewal of a fixed term contract, or redundancies which arise on the cessation of external funding affecting a post, posts or research group. The process to be followed is outlined in the Redeployment Procedure.
- 6.2 If an eligible member of staff registers for redeployment, it is the expectation of the University that they will fully engage in the process.
- 6.3 An eligible member of staff will maintain his/her right to an enhanced redundancy payment at the end of his/her notice period if s/he confirms s/he wishes to explore redeployment opportunities, and has fully engaged in the process but has not been successful at the end of the notice period in securing an alternative position within the University. This is on the condition that no reasonable offers of suitable alternative employment have been refused.
- 6.4 The University may agree to make an enhanced redundancy payment to an eligible member of staff without requiring the member of staff to fully engage in



the redeployment process in certain circumstances. Such a request would require prior approval of the FPVC (or equivalent).

## 7. VOLUNTARY REDUNDANCY

- 7.1 In the circumstances of the University having to consider a reduction of its staffing numbers or a restructuring in a Department, the first recourse will be to examine the measures described in paragraph 3 above including that of redeployment.
- 7.2 However, should the measures still not achieve the reductions in staffing required and redundancies are unavoidable the University will endeavour to avoid compulsory redundancy by seeking applications for voluntary redundancy. The mechanisms by which these might be achieved shall be considered as part of the early stages of consultation between the University and the Trade Unions.
- 7.3 In the circumstances of voluntary redundancy applications being sought and considered, the University will offer the option of Enhanced Redundancy Pay (ERP), to staff with two or more years' continuous service. The use of voluntary redundancy and Enhanced Redundancy Pay will be discussed with the trade unions as part of the consultation process.
- 7.4 Volunteers for redundancy from a broader area may be sought in an attempt to create potential vacancies for those at risk of compulsory redundancy. This approach would be supported by the flexible application of ERP and redeployment policy and will be discussed with the Trade Unions as part of the consultation process.
- 7.5 The University shall determine whether any application for voluntary redundancy can be made and accepted, and reserves the right to offer or refuse applications depending on the needs of the Department concerned and the required outcome of the restructuring exercise, or the needs of the wider University. A member of staff should not assume that an application for voluntary redundancy will be automatically accepted as consideration will depend on the circumstances of the change.
- 7.6 The University shall act in accordance with agreed procedures in the calculation of redundancy and pension benefits.

## 8. COMPULSORY REDUNDANCY

- 8.1 Every effort will be made using this procedure and associated policies/procedures to avoid the need for compulsory redundancies.



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- 8.2** In situations where, having exhausted all opportunities contained within this procedure the need for redundancies remains, then compulsory redundancies will be necessary. Compulsory redundancies will be carried out in accordance with the Redundancy procedure.