



# **POLICY AND GUIDELINES FOR DEALING WITH ORGANISATIONAL CHANGE 2010-11**

## **REVIEW OF POLICY AND GUIDELINES**

The policy and guidelines have been subject to formal consultation between UCU, UNISON and the UNIVERSITY OF CHICHESTER and will be reviewed jointly as and when appropriate, utilising an independent Chair agreed by the JCG, by agreement but no later than **1st February 2011**.

Annual review undertaken by UCU and UNISON Representatives and the Director of Human Resources, on behalf of the Joint Consultative Group: January 2010.

Agreed by JCG: February 2010.

Document reviewed by Thomas Eggar Solicitors: 2 February 2010.

Approved by the Board of Governors: 30 March 2010

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## **STAGE ONE**

### **1.0 INTRODUCTION, PRINCIPLES AND OBJECTIVES**

The University recognises that change is an integral part of organisational life and is committed to managing change effectively, in an open and transparent manner. It is the aim of the University to ensure, as far as possible, security of employment and the avoidance of redundancies for its employees by means of effective forward planning. However, the University also acknowledges that there may be occasions when organisational change is required that raises the possibility of posts being made redundant. It is on such occasions that this policy and its associated guidelines are to be followed.

Consultation with staff and recognised trade unions plays a key role in the effective management of change. When organisational change is proposed that raises the possibility of posts being made redundant the University will adopt recognised good practice in its employee relations and will seek to avoid dismissals by reason of redundancy wherever possible.

This policy applies to all employees of the University of Chichester, in all staff categories (except those covered by the provisions of the University's Statutes).

#### **1.1 The principles and objectives of this policy are:**

- (a) That employee interests shall be considered positively as an integral part of the process of managing any and all organisational change, and specifically any such change that raises the possibility of dismissals by reason of redundancy.
- (b) To protect as far as possible the employment of all staff.
- (c) That, when organisational change is proposed that raises the possibility of dismissal(s) by reason of redundancy, the University management will consult with staff and recognised trade unions and provide such information as is necessary for constructive dialogue to take place.
- (d) That, when organisational change is proposed that raises the possibility of dismissal(s) by reason of redundancy, consultation will be undertaken in good faith. No decisions will be made to implement the changes before consultation has been completed.
- (e) To ensure that, where the redundancy of a post cannot be avoided, suitable alternative employment opportunities within the University are offered to the affected post-holder(s) if at all possible.
- (f) To ensure that where some but not all of the work of an employee ceases to be required, every effort is made to offer suitable alternative work within the University to replace the redundant work and so maintain the employee's employment; ie every effort is to be made to avoid any reduction in the employee's working hours in such cases, while recognising that the employee has the right to refuse an offer of alternative employment that is not suitable and in this circumstance to be dismissed by reason of redundancy.
- (g) That where dismissal by reason of redundancy cannot be avoided, the hardship that is involved should be reduced wherever possible.
- (h) To ensure that the organisational change process and associated consultation is undertaken as quickly and as thoroughly as possible, to minimise the stress of the staff concerned.
- (i) To minimise any risk of misunderstanding and differences throughout any organisational change process wherein there is a possibility of dismissal(s) by reason of redundancy.
- (j) That the management of any and all proposals for organisational change be overseen by a Sub-group of JCG (the University's Joint Consultative Group) specially convened for the purpose: the JCG Sub-Group on Organisational Change.

- (k) Matters of employee performance or discipline are not covered by this policy and these guidelines but are handled under other appropriate University procedures.

## **2.0 COMMUNICATION/CONSULTATION WITH STAFF**

- a) The University undertakes to consult with employees, including employees currently away from the workplace e.g. on maternity leave or sickness absence, and the relevant Trade Unions about proposed organisational changes as early as practicable and will keep the relevant employees and Trade Unions informed of developments as they arise throughout the period of consultation.
- b) The University is committed to implementing change within a reasonable timeframe to minimise uncertainty while ensuring sufficient time for meaningful consultation. Affected employees and their representatives will be given the opportunity to comment on the proposed changes and have such comments considered.
- c) The employees affected will be treated in the most considerate way possible.
- d) It is accepted that change is necessary, and desirable to improve the efficiency of the University's operations, and that it is important that staff understand the full reasons for such change.
- e) Difficulties can sometimes be encountered in terms of the timing of communications with staff and unions. As a general rule, efforts will be made to consult unions and staff as near together as possible. It is acknowledged that the management negotiating team and the trade unions will need to discuss the most appropriate approach depending on the nature of the proposals for organisational change and considering the need for sensitivity and, in some cases, confidentiality.
- f) Members of staff have the right to be accompanied by their trade union representative or a work colleague and/or a member of Human Resources at any meeting with managers dealing with organisational change that raises the possibility of posts being made redundant.

### **2.1 Proposals for Organisational Change**

When organisational change is proposed that raises the possibility of posts being made redundant the University must produce a Proposal for Change Document (PCD). This will be the responsibility of the relevant manager who will need to take the steps outlined below. In so doing managers will consult with an open mind and welcome any and all suggestions that enhance or improve their proposals, suggest alternative courses of action, or that provide information which demonstrates that the proposals will not reap the benefits intended. The steps to be taken are:

- a) Produce a Proposal for Change Document described below, keeping relevant senior managers and the University's Human Resources department informed throughout, and providing a copy of the completed document to the JCG Sub-Group on Organisational Change;
- b) Discuss and consult on the PCD will all the staff likely to be affected by the changes (i.e. all staff either working in the jobs which will cease to exist or reduce in number as part of the proposed organisational change, or affected by the change services or support provided to them). Adequate time for proper discussion and consultation must be allowed and the timescale for this will be approved by the JCG Sub-Group for Organisational Change, having regard to the circumstances and the statutory requirements. The University's Human Resources department and JCG Sub-Group on Organisational Change must be kept informed of the progress of these discussions and consultations.
- c) At the end of the consultation period the manager concerned, in conjunction with other senior managers, as appropriate, will consider all representations.

- d) Revise the PCD as appropriate in light of these discussions and consultations and provide a copy of the revised PCD to all employees affected, relevant senior managers, the University's Human Resources department and the JCG Sub-Group on Organisational Change, within 15 working days of receipt (unless another timeframe is agreed by the JCG Sub-Group on Organisational Change). A response to all comments received from affected staff and recognised Trade Unions should be appended to the revised PCD. In the event that no revisions are made to the PCD then the manager must produce a written response to all comments received from affected staff and recognised Trade Unions explaining why these comments have not required any revisions to the PCD, again within 15 working days of receipt (unless another timeframe is agreed by the JCG Sub-Group on Organisational Change).
- e) Implement the change, in close consultation with all those affected and the University's Human Resources department, keeping the JCG Sub-Group on Organisational Change informed throughout. Managers will effect change as efficiently as possible to reduce staff uncertainty and damage to staff morale.

## **2.2 The proposal for change document should include all of the following:**

- a) A clear statement of the proposed organisational change including the context for the change, the desired benefits and if there are any, the options that have been considered and rejected.
- b) Proposed method of implementing changes and the numbers and description of affected posts and the reasons that they will be affected.
- c) A clear statement of the financial benefit to the University of the proposed organisational change including detailed financial and resource allocation information.
- d) Any proposed training or re-skilling for staff if that is deemed necessary to facilitate the change.
- e) The proposed method of selection of individual employees for dismissal where a pool of employees doing similar work is at risk of dismissal by reason of redundancy but some posts will remain after the proposed change.

## **3.0 The role of the Joint Consultative Group Sub-Group on Organisational Change**

Whenever proposals for change that raises the possibility of posts being made redundant are put forward by the University the JCG will be convened, and will appoint a Sub-Group for Organisational Change. The Sub-Group is chaired by a member of the Chief Executive's Team and will include union representatives and members of the Chief Executive's Team as agreed by the Joint Consultative Group. The Director of Human Resources, or a Senior Human Resources Officer, will attend the Joint Consultative Group Sub-Group to advise on process and to note the agreed actions arising from meetings of the JCG Sub-Group.

The formal consultation over proposed organisational change commences when the JCG Sub-Group convenes to discuss the proposal for change document(s) produced by the University's managers. At its first meeting the JCG Sub-Group will seek to agree an appropriate timeframe to deal with the proposed organisational change and the required consultation process.

The trade union representatives attending the JCG Sub-Group will be provided with a copy of the proposal for change document(s), written submissions by affected staff, and any other relevant documentation.

## **4.0 MEASURES TO AVOID DISMISSALS BY REASON OF REDUNDANCY**

Where the organisational change involves a reduction in posts, the University will seek to avoid redundancy and facilitate redeployment wherever possible through not replacing with external candidates staff who resign or retire and by curtailing the use of temporary and agency staff wherever possible. The management negotiating team and the recognised trade unions will consult on the appropriate measures to be implemented for each particular situation.

### **4.1 Voluntary Redundancy.**

The opportunity to take Voluntary Redundancy will be offered and agreed in accordance with details outlined in **Appendix 4.**

### **4.2 Retraining/Staff Development/Redeployment**

Where staff are identified as potentially 'at risk' of redundancy by the Proposal for Change, the following actions will take place:

Staff who are confirmed to be at risk of will be invited to attend an individual meeting with:

- (a) their Head of Department/Manager/Subject Leader (unless also at risk);
- (b) Staff may be accompanied by their trade union representative or a work colleague and a Human Resources Officer.  
(See Appendix 2)

The purpose of the meeting is to assist the member of staff in identifying areas of possible retraining/staff development/redeployment. Affected staff and the recognised trade unions will be invited to identify other possible areas for redeployment. A pro-forma will be produced by the line manager/HR Officer (usually within five days of the meeting taking place), copied to the individual concerned; it may also be made available to appropriate members of the JCG Sub-Group for consultation purposes. The pro-forma will record the areas of discussion.

### **4.3 Limitations on Recruitment**

Managers will identify suitable areas for redeployment wherever they arise, including known or potential vacancies. Redeployment Guidelines are attached as Appendix 6.

### **4.4 Other measures which could be considered by the JCG Sub-Group. Examples include:**

- Staffing arrangements, e.g. job sharing, flexible working arrangements, reduction in working hours/compressed hours/part-time work.
- Unpaid leave/sabbatical.
- Other savings appropriate to the circumstances e.g. not replacing posts as they become *vacant*.

### **4.5 Statutory Consultation**

Where there is a requirement for statutory consultation this will be undertaken in writing by the Director of Human Resources in conjunction with the Chief Executive. (The requirements relating to consultation on potential redundancy situations are set out in **Appendix 3.**)

Where redundancies are declared the procedure outlined in Stage 2 will operate.

## **STAGE TWO**

### **5.0 IMPLEMENTING THE PROCEDURE FOR DEALING WITH REDUNDANCY**

#### **5.1 STAFFING OUTCOMES FORM**

Following the consultation process outlined in Stage 1, where implications remain for staff, a Staffing Outcomes form for each area and/or staff group identified as being 'at risk' will be provided by management to the JCG Sub-Group and 'at risk' staff at the earliest possible opportunity (see **Appendix 1**).

Where there is a decision to reduce staffing, every effort will be made to minimise the need for compulsory redundancy. In this respect the Staffing Outcomes form must include:

- a) details of the measures put into place to avoid compulsory redundancy; and
- b) the period over which these measures to avoid redundancy will take place.

Where the assessment and/or information is of a sensitive and/or personal nature, the trade unions and management will respect the confidentiality of the information supplied. Where the need to maintain confidentiality of the information gives rise to difficulty, discussion should take place in order to determine how to deal with the situation.

#### **5.2 FORMAL NOTIFICATION**

Proposed redundancies will be declared by the Chief Executive after ratification by the Governors' Strategy and Resources Committee. The Director of Human Resources will contact all recognised trade unions immediately to arrange a JCG Sub-Group meeting within a maximum of 10 working days of the Chief Executive's declaration. The purpose of the meeting will be (a) to review the process undertaken so far as necessary; and (b) to seek to agree the procedure to be followed thereafter.

Where the proposed number of redundancies exceeds 20, a formal statutory redundancy notification will be made to the Department for Employment and Learning. A collective redundancy situation arises where twenty or more employees are to be made redundant at one establishment within a period of ninety days or less. Employers are under no specific legal obligation to notify the Department for Employment and Learning in cases falling below the twenty redundancies threshold. (See **Appendix 3**).

### **6.0 SELECTION CRITERIA FOR COMPULSORY REDUNDANCY**

Where compulsory redundancy is required, the JCG Sub-Group will meet and agree how selection for redundancy will be undertaken, including the selection criteria to be applied where appropriate, in line with legal requirements.

Where appropriate, detailed criteria for selection may be drawn up, based upon the headings listed below. Formal performance issues arising out of grievance, disciplinary or capability do not feature within the list of criteria; they will be dealt with via the appropriate procedures. The criteria will be considered in order to ensure that, at the conclusion of the selection process, the University has a workforce that is able to meet its future needs. The selection criteria will be applied to all staff 'at risk' who will be provisionally selected for redundancy.

Criteria will include, for example:

- a. Skills and contribution (including specialist skills)
- b. Experience and responsibility

## 7.0 REDEPLOYMENT AND TRIAL PERIODS

Those staff provisionally selected for redundancy will be consulted further on any opportunities for redeployment into alternative roles and on any other means they proposed to avoid redundancy. Prior to offering redeployment to a member of staff, the nature of the alternative employment will be defined, training requirements will be identified and a new job description will be prepared.

An employee who accepts the offer of alternative employment will, in accordance with the statutory provisions of the Employment Rights Act 1996, be entitled to a trial period of four weeks minimum from the date on which the employee starts work under the new or renewed contract of employment. For academic staff a normal trial period will be one semester, which will include any essential on-the-job training. For senior managers the trial period will normally be at least one semester, as agreed by the Chief Executive's Team.

The trial period will enable both the employee and the University to determine whether the post offered is suitable. The trial period may be extended for the purposes of retraining or the development of essential role requirements. Provisions relating to the trial period or its extension will be given in writing to the employee and representative.

Where the University or the employee terminates the contract of employment within the trial period, s/he will be treated as having been dismissed on the date on which the previous contract ended. S/he will be entitled to a redundancy payment on the same basis as that which was operable when the employee accepted the post, unless the University can show that the alternative employment offered was suitable and the employee unreasonably refused to continue with it.

## 8.0 CONFIRMATION OF DISMISSAL BY REASON OF REDUNDANCY

Where no suitable alternative employment has been identified within an agreed timeframe and there are no means to avoid dismissal by reason of redundancy then the employees affected by the decision will be advised in writing and will be invited to consider the option of an enhanced statutory redundancy payment according to an agreed voluntary redundancy scheme, as an alternative to redeployment:

- Where a member of staff confirms they shall opt for the enhanced statutory redundancy payment, entitlement to the provisions of redeployment shall be forfeited.
- Where a member of staff confirms they shall opt to explore redeployment opportunities instead of the enhanced statutory redundancy payment, entitlement to the enhanced statutory redundancy payment shall be forfeited.

The member of staff will be notified in writing of an agreed timeframe in which they consider and confirm their preferred option. Members of staff who choose to access provisions for redeployment and remain unplaced at the end of the redeployment period shall be subject to the terms of compulsory redundancy. It should be noted that, where possible, contractual notice periods shall run concurrently. Depending on the length of the contractual notice period, where it is not possible to run contractual notice periods concurrently, or it is agreed that the employee does not need to remain in post, the employee will be given pay in lieu of notice (in line with contractual requirements) and the severance payment.

Employees will be notified in writing of the details of severance pay, the protection of any outstanding annual leave entitlement, notice terminating their contracts of employment in accordance with contractual entitlements, and an outline of the appeals process. The appeals process is outlined in **Appendix 5**.

## 9.0 EMPLOYEE SUPPORT

Every reasonable effort will be made to support those staff whose posts have been declared redundant. It is recognised that this situation will cause a high degree of distress and/or stress to the individual(s) concerned and employee support facilities such as outplacement support and counselling provision will be made available where possible at no cost to the employee, as agreed by the Chief Executive's Team.

Staff who have been made redundant will retain their access to appropriate office services (e.g. library, telephone, photocopiers, computers, email and Internet facilities) during their notice period, unless the University has agreed a period when the individual is paid but is not in attendance, or considers that allowing staff to retain access to facilities may constitute a security risk.

## **10.0 TIME OFF TO SEEK ALTERNATIVE EMPLOYMENT**

The University will also assist employees under notice of redundancy by granting reasonable time off work with pay for the purposes of seeking alternative employment, or for retraining opportunities. The line manager of the department will be responsible for facilitating this as far as possible and any time off should be agreed in advance with the manager where reasonably practicable to ensure that there is cover in place.

**STAGE TWO: Individual Meetings between  
Line Managers and 'At Risk' Staff**

**Before the Meeting**

1. Ensure that the member of staff is informed that they have the opportunity to be accompanied by a recognised Trade Union representative or a work colleague. An HR Officer will also attend the meeting.
2. Ask the employee to bring an up to date Curriculum Vitae to the meeting if available.

**Introduction to the Meeting**

- A. Outline the purpose of the meeting, which is to assist the 'at risk' member of staff in identifying:
  - Qualifications, skills and expertise (which may not be incorporated in their current CV)
  - Areas of possible redeployment in their/their manager's view (NB This will not form a commitment of any kind by the member of staff or manager)
  - Staff development/training which might be required to equip them for the redeployment possibilities identified at 2.
- B. This form must be completed by the Manager before being signed by both parties (and trade union representative if appropriate). The form will normally be completed within five days of the meeting before it is forwarded to the Director of Human Resources. The contents will be made available to UCU Representatives and UNISON Representatives for consultation purposes via the JCG Sub-Group.

<p><b>1. Outline the qualifications, skills, expertise and responsibilities identified at the meeting by the member of staff and manager. Attach a copy of the Curriculum Vitae.</b></p>
<p><b>2. If the member of staff HAD to consider redeployment, what other areas of the University do they feel they might be interested in and suitable for and why?</b></p>
<p><b>3. If redeployment possibilities are identified above, what staff development/training do you think might be needed to equip the member of staff for that area/post? Also outline how long such development would take to equip them fully for the new work if relevant.</b></p>

**Staff Name (block caps):**

**Signature:**

**Manager's Name (block caps):**

**Signature:**

**Union Representative's Name (block caps):**

**Signature:**

Organisational Change: **Appendix 2**

Following the consultation process outlined in Stage 1, where implications remain for staff, a Staffing Outcomes form for each 'at risk' area will be provided by management to the JCG Sub-Group and 'at risk' staff at the earliest possible opportunity. The completed Staffing Outcomes Form will be passed to local representatives of the recognised trade unions, who may pass the information to their regional officers.

<b>STAFFING OUTCOMES FORM</b>
<b>Effects on the requirements for staff</b> including proposed changes to job content, technology, working arrangements, staffing structures and methods of work and any resultant changes to grades and remuneration of staff. May also include any transfer of staff between departments and/or locations, or between the University and other employers.
<b>Number and description of staff concerned (include names and post titles):</b>
<b>Total number of such staff employed in the affected area(s) and their fte:</b>
<b>Proposed method of implementing the organisational changes and actions for dealing with the staffing implications (is there a proposed reduction in staffing or a potential redundancy situation?):</b>
<b>Measures to be taken to avoid redundancy and the period over which these measures will take place:</b>

**Signed:**  
**(Chair of the JCG Sub-Group)**

**Date:**

Copies: Local Union Representatives (UCU and UNISON)  
JCG Sub-Group

## STATUTORY PROCEDURE FOR DEALING WITH REDUNDANCY

### 1. Introduction

This procedure aims to ensure that, where redundancies are inevitable, they will be handled in a fair, consistent and non-discriminatory manner, in accordance with current legislation and the University's Equality and Diversity policies. Only when the provisions of Stage 1 have been exhausted will the procedures detailed in this Appendix become operable.

### 2. Definition

Redundancy is defined in S139 of the Employment Rights Act 1996 as follows:

'An employee shall be taken to be dismissed by reason of redundancy if the dismissal is attributable wholly or mainly due to the fact that:

- a) her/his employer has ceased, or intends to cease:
  - i) to carry on the business for the purposes of which the employee was employed by her/him; or
  - ii) to carry on the business in the place where the employee was so employed; or
- b) the requirements of the business for employees:
  - i) to carry out work of a particular kind; or
  - ii) to carry out work of a particular kind in the place where the employee was employed;

have ceased or diminished, or are expected to cease or diminish.'

Redundancies may also be caused by restructuring, e.g. where departments are merged or there is a reallocation of duties.

### 3. Statutory Consultation

Consultation must take place as follows:

Numbers of Potential Redundancies	Minimum Notification Period
Less than 20	As much notice as possible (28 days if possible)
20-99	at least 30 days
100+	at least 90 days

The University recognises that it is good practice to consult employee representatives and affected employees at the earliest reasonable opportunity.

In accordance with the requirements of the Trade Union & Labour Relations (Consolidation) Act 1992, as amended, consultation shall include consultation about

- ways of avoiding dismissals
- reducing the numbers of employees to be dismissed
- mitigating the consequences of the dismissals

taking into account the discussions already undertaken in accordance with Appendix 2.

If redundancies are declared, formal statutory consultation must commence in accordance with the requirements of the Trade Union & Labour Relations (Consolidation) Act 1992, as amended.

#### **4. Disclosure of information for the purposes of consultation**

Where a potential or actual redundancy situation has been identified which falls into any of the categories at 2 above, the following information will for the purposes of consultation be disclosed in writing to the recognised trade union representatives, including the relevant full-time Officer, in accordance with the requirements of the Trade Union & Labour Relations (Consolidation) Act 1992, as amended:

- a) the reasons for the University's proposals and evidence of consideration of other means of avoiding redundancy;
- b) the numbers and descriptions of employees whom it is proposed to dismiss as redundant;
- c) the total number of employees of any such description employed by the University;
- d) the proposed method of selecting the employees who may be dismissed;
- e) the proposed method of carrying out the dismissals, including the period over which the dismissals are to take effect;
- f) the proposed method of calculating any redundancy payments to be made over and above the statutory entitlement.

Detailed calculations will be agreed by the Chief Operations Officer and provided by the Finance Department to employees who are made redundant, including information on what constitutes reckonable service.

## **VOLUNTARY REDUNDANCY PROCEDURES AND VOLUNTARY EARLY RETIREMENT**

### **1. Voluntary Redundancy**

Where redundancies are unavoidable the University shall, in the first instance, endeavour to avoid compulsory redundancy by offering an enhanced statutory redundancy option and, depending upon the circumstances, by seeking volunteers. As approved by the Governors' Strategy and Resources Committee, a voluntary redundancy programme may be declared by the Chief Executive.

The programme may be open (a) only to staff in declared 'at risk' areas and/or (b) to all staff, depending on the circumstances which pertain at the time.

Voluntary redundancy is not an employee right and management reserves the right to refuse any application in the following circumstances:

- (a) where the employee would have to be replaced and where no substantive saving can be made by releasing the employee, in which case the post cannot be declared redundant;
- (b) where the department concerned cannot operate successfully without the employee's specific skills and expertise;
- (c) where the redundancy of the employee concerned would not serve the long-term interests of the University i.e. the person's specific skills and expertise are required in the long-term.

The arrangements for the voluntary redundancy programme will be published to relevant staff at the time, with clear examples of how to calculate voluntary redundancy pay.

Applications for voluntary redundancy should be submitted to the Director of Human Resources under confidential cover. There will be a specific close date, published at the commencement of the programme, beyond which no new applications will be considered.

Any employee taking voluntary redundancy will be required to sign a Compromise Agreement, under which the employee contracts out of their statutory employment rights, including pursuing a case at an employment tribunal. This Agreement will fulfil the terms of the Employment Relations Act 1996. This includes a requirement for employees to seek independent legal advice from a relevant independent advisor about the effect of the agreement and his/her rights before an employment tribunal. The legal advice will be paid for by the University up to an agreed maximum amount as detailed in the Compromise Agreement.

### **2. Voluntary Early Retirement**

Anyone considering early retirement should seek independent professional financial advice on the consequences for their future pensions.

The three pension schemes: the Teachers' Pensions Scheme (TPS), the Local Government Pension Scheme (LGPS), and the Universities Superannuation Scheme (USS), differ. Information should be obtained from the TPS website or the LGPS website or the USS website, or by contacting the pension provider directly. The Human Resources Department may also be able to provide you with TPS and LGPS leaflets and information but they cannot give you specific voluntary early retirement or pensions related advice.

## 1. Redundancy Payments

The University shall act in accordance with agreed procedures in the calculation of redundancy and pension payments.

S135 of the Employment Rights Act 1996 outlines an employee's entitlement to the following statutory payments (subject to a maximum of 20 years service being counted towards the completed years of service):

AGE	NUMBER OF WEEKS' PAY
41 and over	X 1.5 weeks' pay
22 – 40	X 1 week's pay
Under 22	X 0.5 week's pay

The maximum amount of weekly pay used for the calculation of the statutory redundancy payment is usually revised by the Government with effect from 1 February each year (the current statutory limit is £380 per week).

The University can award discretionary redundancy payments in compliance with the Local Government (Compensation for Redundancy) Regulations 1994, the Redundancy Payments (Continuity of Employment in Local Government) Modification Order 1999 and the Teachers' Compensation Regulations 1997. The decision to award a discretionary payment as opposed to the statutory redundancy payment will be taken by the Governors' Strategy and Resources Committee.

No negotiations will be entered into with any individual employee concerning any form of individual arrangement for severance pay.

## 2. Premature Retirements and/or Voluntary Redundancies

Governors will offer the most favourable compensation to members of staff made redundant that the financial situation pertaining at the time allows. They must, however, act within the law and observe any constraints imposed by the funding bodies. Moreover, they cannot place the future of the University at risk by committing it to financial undertakings that might not be easily serviced when resources are under strain.

On behalf of the Governors and the Chief Executive's Team, the management negotiating team will negotiate with the recognised trade unions, via the JCG Sub-Group, a Severance Pay Agreement that will specify the financial compensation to be offered to members of staff who volunteer for or who are declared redundant. There is no guarantee that redundancy payments will be made over and above the statutory entitlement. Where payments are made over and above the statutory requirements (for avoidance of doubt any such payment will include the statutory redundancy payment) this is no guarantee that any future redundancy payments will be on the same or similar basis.

Organisational Change: **Appendix 5****APPEALS PROCEDURE**

This procedure covers appeals falling under the Policy and Procedure for dealing with Organisational Change.

Once redundancy has been confirmed, the employee has the right to appeal against the decision to terminate their employment on grounds of redundancy (this right is not available to an employee who takes voluntary redundancy and signs a Compromise Agreement). Where an employee wishes to appeal on other grounds earlier in the proceedings, for example the selection criteria to be applied, then their appeal will be acknowledged and the employee will be informed that their appeal will be dealt with at the end of the process under this appeals procedure.

1. An employee wishing to appeal should submit a written appeal statement to the University Secretary/Clerk to the Governors (Isabel Cherrett) within 10 working days of receiving the written confirmation of redundancy. The appeal statement should set out the basis for the appeal including what part of the redundancy process the employee is appealing against.
2. The University Secretary/Clerk to the Governors will acknowledge receipt of the appeal within 5 working days of the appeal being lodged as long as it is reasonably practicable to do so. The appeal will be copied to the Director of Human Resources who will work with a Senior HR Officer to compile relevant organisational change documentation relating to the redundancy (copies will be forwarded by the University Secretary/Clerk to the Governors to the appeals panel).
3. The University Secretary/Clerk to the Governors will arrange a suitable appeal hearing date (usually within 20 working days of the date of receipt of the employee's written appeal statement, wherever possible). The employee will be kept informed of the reasons for any delay (e.g. availability of employee and trade union representative or appropriate panel members, taking into account booked annual leave commitments and bank holidays).

If the employee and/or their trade union representative or work colleague are unable to attend the scheduled date, then they may propose a new date. This should be within 5 working days of the original date. Only under exceptional circumstances will an applicant be permitted more than one postponement. If the employee does not attend on the new date, the appeal panel may proceed in the employee's absence.

4. The employee has the right to be accompanied to the appeal hearing. The employee will be responsible for liaising with their trade union representative or work colleague in relation to the appeal hearing date and arrangements. The employee will be responsible for preparing any documentation that they wish to be considered by the appeal panel and this should be forwarded to the Director of Human Resources at least five days before the appeal hearing. The documentation will be copied to members of the appeal panel.

**Appeal Hearing**

1. The appeal panel will consist of three people – one Non-Executive member of the Board of Governors (who will chair the Panel), and two senior managers (from the Chief Executive's Team or the Senior Managers' Forum). Every effort will be made to avoid using a panel member who has previously been involved in the organisational change process. In exceptional circumstances, it may be necessary to seek external representation in order to meet the appeal panel criteria.
2. The Director of Human Resources or a Senior Human Resources Officer will attend the hearing to take notes and to advise on process. A copy of the notes will be made available to the hearing panel and the employee.
3. The employee or representative may request adjournments at any time throughout the hearing. These requests will not be unreasonably refused.

4. The order of the hearing will normally be as follows:

The Chair will outline the format of the appeal hearing and will introduce the panel members and Human Resources representative.

The Chair will ask the employee to put forward their case. The employee's trade Union representative or work colleague may address the panel to put the employee's case.

Panel members have the opportunity to ask questions of the employee. The employee and/or their representative have the opportunity to ask the panel questions. The trade union representative or work colleague cannot answer questions on behalf of the employee.

The panel may need to adjourn to consider its decision and to investigate any matters raised, for example to ask questions of the employee's line manager or a senior manager who was involved in the decision to make the post holder redundant. The panel will seek to reach its decision by consensus and majority decision. In reaching its decision the panel will take into consideration the contents of the appeal hearing and any relevant documents including documents from the redundancy procedure and any documents produced by the employee. The Chair will summarise the contents of the appeal hearing.

5. The Chair will provide the employee with written confirmation of the decision and the reasons behind it within five working days of hearing the appeal where reasonably practicable.

The outcome of the decision will be one of the following:

To uphold the original decision to terminate employment by reason of redundancy;  
or

To find in favour of the employee's appeal in whole or in part and to outline recommendations and provisos in relation to the original decision.

The Panel's decision is final and there is no further right to appeal.

Organisational Change: **APPENDIX 6****Recruitment and Redeployment Guidelines**

The following guidelines support the University's Policy and Guidelines for dealing with Organisational Change.

**1) Redeployment to suitable posts**

Managers will identify suitable areas for redeployment wherever they arise, including known or potential vacancies. In the event that the change proposal involves the redundancy of one or more posts and/or the creation of new posts, staff occupying the redundant posts will be considered for redeployment into the newly created posts. Redeployment will depend on skills and experience and whether the necessary skills could be obtained quickly enough through appropriate training.

Where there is more than one member of staff eligible for consideration for redeployment a competitive process must be completed (as outlined below). Where a post holder's skill and experience identifies them as appropriate for redeployment into another post at the same or higher grade following the redundancy of his/her previous post, this is deemed to be suitable alternative employment. If an individual chooses not to accept suitable alternative employment s/he may forfeit their entitlement to a redundancy payment.

**2) Recruitment process**

Where appropriate, an embargo may be placed on the recruitment of new members of staff, to be decided by the JCG Sub-Group (and agreed with the Chief Executive's Team). Limitations on recruitment and appropriate timescales will be discussed, based upon the organisational change proposals.

When new vacancies are approved, job profiles will be issued to 'at risk' staff in the first instance. Staff known to be at risk of redundancy will be given the opportunity to apply for suitable vacancies within agreed deadlines (normally five working days from the date of publication unless a longer period is agreed by the JCG Sub-Group on Organisational Change). The Recruitment Co-ordinator will send an email to at risk staff on a weekly basis (depending on vacancies), attaching a copy of the relevant job profiles for information.

Applicants are asked to provide a letter of application and a Curriculum Vitae (rather than completing a full application form). Applicants are asked to ensure that the letter of application covers the principal attributes and person specification outlined in the job profile.

'At risk' applicants will be interviewed. The constitution of the interview panel(s) will normally include two senior managers (one will chair), and a member of University staff. In some cases it may be necessary to involve an external panel member, depending on the level of relevant expertise available. A member of HR will attend to take interview notes (normally this would be the Senior HR Equality Officer or a Senior HR Officer).

The interview Panel will consider the 'at risk' staff carefully, including assessing whether they can fulfil the requirements of the post(s) after a reasonable period of on-the-job training/staff development. Should any of the affected staff fulfil the requirements of the post(s), they will be offered the post and they will no longer be 'at risk'.

If the post(s) cannot be filled from among members of staff at risk of redundancy or other internal applicants, and the Chief Executive's Team considers recruitment desirable to maintain the viability of the University, the post(s) will be advertised internally and externally following normal HR recruitment processes.

**3) Interview feedback**

The Chair of the interview panel will agree with the panel members who will provide feedback to the candidate(s) in terms of offering the post as a redeployment opportunity, or explaining why a candidate has not been successful. Face-to-face feedback will be provided in all cases. For reference purposes, the HR Officer attending interview will write up the notes taken at

interview. Should the unsuccessful candidate(s) wish to see a copy of the interview outcomes, a copy will be provided to them.

**4) Redeployment and trial periods**

An employee who accepts the offer of alternative employment will, in accordance with the statutory provisions of the Employment Rights Act, be entitled to a trial period of four weeks minimum from the date on which the employee starts work under the new or renewed contract of employment. For academic and professional support staff a normal trial period will be one semester, which will include any essential on-the-job training. For senior managers the trial period will normally be at least one semester, as agreed by the Chief Executive's Team.

The trial period will enable both the employee and the University to determine whether the post offered is suitable. The trial period may be extended for the purposes of retraining – provisions relating to the trial period or its extension will be given in writing to the employee.

Where the University or the employee terminates the contract of employment within the trial period, the employee will be treated as having been dismissed on the date on which the previous contract ended. The employee will be entitled to a redundancy payment on the same basis as that which was operable when the employee accepted the post, unless the University can show that the alternative employment offered was suitable and the employee unreasonably refused to continue with it.

**5) Protection of salary**

Where 'at risk' staff are successfully redeployed, full protection of salary in these circumstances cannot be guaranteed. The Chief Executive's Team will agree criteria.

**6) Employee support**

Every reasonable effort will be made to support those staff whose posts have been declared redundant. It is recognised that this situation will cause a high degree of distress and/or stress to the individual(s) concerned and employee support facilities will be made available where possible at no cost to the employee. This includes access to counselling provision and life coaching/outplacement support.

The University will assist employees under notice of redundancy by granting reasonable time off work with pay for the purpose of seeking alternative employment, or for training opportunities. The line manager of the department will be responsible for facilitating this as far as possible and any time off should be agreed in advance by the manager where reasonably practicable to ensure that there is cover in place.

**7) Confirmation of dismissal by reason of redundancy**

Where no suitable alternative employment has been identified and there are no means to avoid dismissal by reason of redundancy then the employees affected by the decision will be given written notice terminating their contracts of employment in accordance with contractual entitlements. The confirmation will include details of severance pay, the protection of any outstanding holiday entitlement, and an outline of the Appeals Procedure (Appendix 5 of the Policy and Guidelines for Dealing with Organisational Change).

The option to take voluntary redundancy will depend on length of service and entitlement to a redundancy payment. Any agreed enhanced statutory redundancy payment will remain open for as long as possible. Any employee taking voluntary redundancy will be required to sign a Compromise Agreement, under which the employee contracts out of their statutory employment rights, including pursuing a case at an employment tribunal. This includes a requirement for employees to seek independent legal advice from a relevant independent advisor about the effect of the agreement and his/her rights before an employment tribunal. The legal advice will be paid for by the University up to an agreed maximum amount as detailed in the Compromise Agreement. Staff who take voluntary redundancy cannot appeal against redundancy.

Organisational Change: **APPENDIX 7**

**Flowchart: Proposal for Change Document**

