

REDUNDANCY AND REDEPLOYMENT POLICY AND PROCEDURE

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REDUNDANCY AND REDEPLOYMENT POLICY AND PROCEDURE

Redundancy and Redeployment Policy

Version 2.0 Document Control Summary

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Policy statement

The Medical Research Council (MRC) undertakes regular reviews of scientific and non-scientific work being carried out across all Units, Centres, Institutes or Regions. Such reviews occur for a number of reasons including ensuring the merit and value-for-money of the work undertaken and the use and allocation of resources, or as a result of reduced funding. These reviews (whether Quinquennial (QQR) or Management Initiated (MIR)) can result in restructuring and/or closure of a Unit, Centre or Institute which may in turn lead to redundancies. In addition to a QQR or MIR, a redundancy situation may also be triggered by the relocation of a Unit or specific research groups, the departure of a Programme Leader, or the departure or appointment of a Unit Director. (Note, this is not intended to be an exhaustive list of possible redundancy situations.)

Whenever it becomes apparent that a redundancy situation may exist, the MRC will ensure that the process is carried out in a fair and transparent manner and will inform and consult with employees and recognised Trade Unions at the earliest reasonable opportunity. Such consultation will include the consideration of alternatives to redundancies and, failing this, will aim to assist affected employees to find alternative employment through the provision of redeployment, retraining and reskilling opportunities.

This policy and procedure is designed to help ensure that there is a consistent understanding of the MRC's obligations and the approach to be followed when the possibility of redundancy arises.

The Redundancy and Redeployment Policy applies to all MRC employees. This includes those employed on temporary or fixed-term contracts but excludes Visiting workers, students, consultants or those workers provided by a third party agency.

1. Principles

- 1.1 The Employment Rights Act 1996 (s.139) covers "redundancy", including where a dismissal is proposed because the requirement for an employee to do a particular kind of work has reduced or ceased (or is expected to reduce or cease). The MRC will always apply the definition in s.139 to ensure that any dismissal by reason of redundancy is genuine.
- 1.2 The MRC will make reasonable attempts to avoid the need for redundancies through redeployment and will continue to build on this area. Where

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redundancies are necessary, the MRC will support affected employees through the Redundancy and Redeployment Procedure.

- 1.3 The MRC will ensure that employees who may be at risk of being made redundant are notified at an early stage whenever it becomes apparent that a redundancy situation may exist. Full and genuine consultation with employees and their representatives over any proposals involving possible redundancies will take place at the earliest possible opportunity.
- 1.4 Employees are entitled to be accompanied by an MRC colleague or represented by a recognised trade union representative at any consultation meeting.
- 1.5 Effective communications will be maintained with all parties throughout the Redundancy and Redeployment Procedure and the Procedure will be clearly communicated to employees and recognised trade unions as part of the consultation process.
- 1.6 During consultation management will provide full information to employees and/or their representatives about proposed redundancies, and will allow them adequate time to respond.
- 1.7 Where redundancy selection procedures apply, the selection of 'at risk' employees will be carried out in a fair and objective manner, will be transparent and non-discriminatory, and will be based on retaining employees with the skills, attributes, qualifications or abilities most suited to the current and future scientific or business needs of the MRC.
- 1.8 Employees at risk of redundancy have a responsibility to carry out their own job search. The MRC also has a responsibility to support 'at risk' employees and will use reasonable endeavours to provide support this search (e.g. provision of vacancy details, updating and checking the MRC's redeployment register).
- 1.9 All employees who are at risk of redundancy will have the opportunity to be entered onto the MRC's Redeployment Register with a view to seeking an alternative post.
- 1.10 This policy will apply all fixed term contracts, where the principles of redeployment and redundancy will apply, details can be found in section 9.2.2.

2. Stage One: Pre-redundancy measures

2.1 Alternatives to redundancy

- 2.1.1 Where it becomes apparent that a redundancy situation may exist the MRC will always seek to minimise redundancies wherever practicable.

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2.1.2 At the earliest possible stage it is the responsibility of the Director, in discussions with regional/Unit HR, the LTUS (and where appropriate Research Programmes Group (RPG)), to consider and, where possible, agree alternatives to possible redundancies.

2.1.3 Alternatives to possible redundancies will be determined by whether they best suit the business needs of the MRC and/or the Unit, Centre or Institute. Possible alternatives may include:

- a) Internal redeployment of employees. This may include alternative positions at a different band to the employee's current post. (Mark-time payments may apply; refer to the MRC's Mark-Time Pay Arrangements Policy for more details)
- b) Reducing, or suspending, permanent recruitment and/or promotion.
- c) Limiting the engagement of temporary (agency) employees.
- d) Employees remaining in their existing post for a limited period where it is known that another specified post will be available in the next 12 months.
- e) Seeking volunteers for early exit. This will normally include a general call for volunteers but, where appropriate, may also involve a more targeted approach, it should be noted that the call for volunteers is a different term to voluntary redundancy terms (refer to Annex C for further details).

Those seeking voluntary exit at this stage should be those who genuinely want to leave the MRC and not those who have selected voluntary redundancy as an alternative to being made compulsory redundant.

- f) Investigating the use of alternative working arrangements, such as part-time working, reduced hours or job share arrangements.
- g) Secondment opportunities should be considered including transfer of any remaining funding.

Note: These options are not necessarily listed in order of operation and may, following consultation with the Local Trade Union Side (LTUS), be implemented simultaneously, partially or not at all, as appropriate.

2.1.4 Once any alternatives have been discussed, the Director (or nominee) will formally advise the LTUS that pre-redundancy measures have been contemplated by formally writing to indicate:

- a) the reasons for the proposed redundancies including a formal response to any suggested alternatives to redundancies;

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- b) the number and descriptions (i.e. function type/role) of employees the MRC proposes to dismiss as redundant;
- c) the proposed methods of selection (where applicable) for example the use of a Redundancy Pool, which should be decided in consultation with TUS (see Annex B);
- d) the proposed method of carrying out the dismissals and the reasons why any other alternative options cannot not be carried out; and
- e) the timescales over which the redundancies will take place, and where possible, the anticipated latest date on which any redundancy will take place.

2.1.5 A copy of the letter should also be forwarded to Corporate HR and NTUS for information and may be used for monitoring and reporting purposes.

3. Stage Two: Collective Consultation

- 3.1 Collective consultation will begin once LTUS have received notification from the Director (or nominee) that redundancy measures are being contemplated.
- 3.2 Collective consultation will be led by regional/Unit HR and will always take place with the Local Trade Union Side (LTUS), or National Trade Union Side (NTUS) if no LTUS exists, through correspondence and meetings arranged for this purpose.
- 3.3 The purpose of collective consultation is for LTUS/NTUS to have the opportunity to comment, on behalf of the employees whom they represent, on the MRC's proposals.
- 3.4 Any proposal or suggestion proposed by the LTUS/NTUS will be considered and will receive a formal written response.
- 3.5 The Director, assisted by other appropriate management and regional/Unit HR, should meet collectively with the LTUS as soon as is reasonably practicable to discuss the following:
 - a) ways of avoiding or reducing the numbers of dismissals (refer to 2.1.3);
 - b) ways of mitigating the consequences of dismissals; and
 - c) any other issues which are relevant to the proposed dismissals.
- 3.6 The aim of any consultation meeting should be to reach agreement on the issues listed in 3.5 above. Whilst it may not always be possible for MRC management and LTUS to reach agreement, this should always be the intent of discussions.

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- 3.7 Minutes should always be taken at each collective consultation meeting and should be circulated to both the LTUS/NTUS and management as soon as reasonably possible after each consultation meeting.

4. Stage Three: Individual Consultation with Staff and Redeployment Period

- 4.1 The individual staff Consultation and Redeployment (resettlement) period will run for a period of six months starting from the date of the letter inviting the employee to the first individual consultation meeting. (This period can be increased or decreased with mutual agreement)

- 4.2 Where there is a business need, e.g. an outcome on a grant application is outstanding, the Individual Consultation and Redeployment period may be extended. Consideration for such an extension can be requested by the individual or TUS.

- 4.3 Employees are entitled to be accompanied by an MRC colleague or represented by a recognised trade union representative at any individual consultation meeting.

- 4.4 For individuals employed on a fixed-term employment contract, the Consultation and Redeployment period will run concurrently and will normally be for 6 months starting from the date of the letter inviting the employee to the consultation meeting.

- 4.5 If at any stage within the Consultation and Redeployment period the decision is taken not to proceed with the possibility of redundancy, this should be confirmed to the employee in writing along with details of the reasons why this decision has been made and any resulting actions

4.6 First individual consultation meetings

- 4.6.1 Regional/Unit HR, together with an appropriate manager, will consult with every employee who is provisionally selected as at risk of redundancy through consultation meetings.

- 4.6.2 All affected staff will be invited to a consultation meeting. At this consultation meeting, staff will be advised of the impending redundancy of their posts, and will be formally notified that they are 'at risk' of redundancy. An explanation should be given of the reasons for the proposed redundancy of those positions and a summary of the process that will follow. Details will be provided to staff and LTUS on redeployment measures i.e. call for volunteers, arrangements for sharing job vacancy information.

- 4.6.3 It should also be confirmed (at this meeting) that the employee has been formally placed into the MRC's Redundancy and Redeployment Procedure, and that the Consultation and Redeployment period commenced from the date of the letter inviting them to this initial meeting.

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4.6.4 The discussion that took place at the meeting should be summarised in writing and a copy should be provided to the employee. The following details should also be confirmed in the letter:

- a) An explanation of why the redundancy situation is necessary (i.e. why has the work ceased/diminished);
- b) Confirmation that the employee's role is "at risk" of redundancy;
- c) Reasons why the employee has been provisionally selected for redundancy;
- d) The Selection Pool, or specific Research Group or area of work (Refer to Annex B for further details on Selection Pools);

4.6.5 If a copy of this policy has not already been provided to the employee (i.e. when the letter inviting the employee to attend the first meeting was sent), this should also be provided at the first consultation meeting.

Following the first consultation meetings with individuals and before the second consultation meeting (4.8) individuals will have the opportunity to meet with regional/Unit HR to establish a full skills profile of the employee (i.e. identify the employee's existing skills/knowledge and experience, as well as their interests and ambitions, and identification of any training needs). This information will be used in considering redeployment opportunities including suitable alternative positions.

4.7 Redeployment measures (refer to Annex E for overview)

4.7.1 Following explanation of the MRC's Redeployment process during the earlier consultation meeting, the redeployment process will continue to apply for the remainder of the six month Consultation and Redeployment period. The employee themselves remains 'at risk' of redundancy whilst alternative employment options within the MRC are explored. Suitable alternative positions will be made available to staff up until the date the employee leaves the MRC. In pursuing redeployment measures the MRC will not make any distinction between those leaving by voluntary or compulsory routes.

4.7.2 The MRC is not obliged to create a new post to accommodate an 'at risk' employee however; the MRC will encourage and support 'at risk' employees to search for alternative roles that may exist within the MRC.

4.7.3 The MRC will use reasonable endeavours to provide relevant information to employees in carrying out their own job search and identifying suitable internal vacancies. The search will be actively supported by regional/Unit HR who will manage the MRC's redeployment register.

4.7.4 All vacancies deemed suitable by the MRC should ideally be presented to an employee who is 'at risk' of redundancy, and it should be the employee's decision as to whether to apply for the role.

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- 4.7.5 Where an employee is looking and confirms they wish to be redeployed, regional/Unit HR will interview that individual in order to establish a full skills profile, any training needs, and the categories and types of roles that may be suitable alternatives.
- 4.7.6 Prior to advertising any vacancy, it is the responsibility of regional/Unit HR to check the redeployment register to determine whether any individuals on the register appear to match the requirements of the post.
- 4.7.7 Where a match is identified from the redeployment register (i.e. the individual meets most of the essential criteria for the post), the employee should be invited to interview.
- 4.7.8 Where no match is identified from the redeployment register, all vacancies will, as a minimum, be advertised to 'at risk' employees via the MRC online recruitment system. Where an employee has difficulty accessing or viewing vacancies via this format, an alternative method should also be instigated, e.g. a weekly vacancies bulletin circulated via email, or a hard copy of the bulletin forwarded or posted in an appropriate area of the Unit.
- 4.7.9 On seeing a published advert, an 'at risk' employee may identify a vacancy which they believe to be a potentially suitable alternative role. In this instance, it is the employee's responsibility to apply for the role via the normal application process (i.e. the MRC's online recruitment system). Where applicants are unable to submit an application electronically, they may request to submit their application in writing or other alternative format. (Refer to the MRC's Recruitment and Selection policy for further details).
- 4.7.10 When applying for a suitable alternative role, employees at risk of redundancy should always clearly mark their application with the following wording: "CURRENTLY PLACED ON MRC'S REDEPLOYMENT REGISTER", regardless of whether the application is online or in an alternative format. This will clearly identify the individual as an MRC employee who is at risk of redundancy and will distinguish it from other applications.
- 4.7.11 Employees at risk of redundancy should be given priority of consideration over all other applicants to determine whether they are suitable for the post. This means that, provided the priority application arrives by the normal closing date, and the employee meets most of the essential criteria for the role, or it is likely that they will be able to meet these criteria given reasonable training, and is clearly not **unsuited** to the role (based on the skills and experience detailed in their application), the 'at risk' employee should always be interviewed before any other candidates (and where possible, before other candidates are called for interview).
- 4.7.12 Where a potentially suitable alternative role is identified prior to advertising taking place, and following an interview the 'at risk' employee is able to meet most of the essential criteria for the role, or it is likely that they will be able to meet these criteria given reasonable retraining, provided that they are the only 'at risk' applicant the post should be automatically offered to that employee on a trial basis of at least four weeks.
- 4.7.13 Where an 'at risk' employee is not called for interview, or is not appointed following an interview, recruiting managers, in conjunction with

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regional/Unit HR, are obliged to provide the employee with full reasons, in writing, as to why this was not the case.

- 4.7.14 Where the 'at risk' employee is successful in their application for an alternative MRC role, the offer of employment with regards to the new role must be made in writing and must be made prior to the date that their current employment will terminate on the grounds of redundancy.
- 4.7.15 Any offer of alternative employment should specify the material terms and conditions of the new role in sufficient detail, including remuneration, status, job description, and any other material terms and conditions, particularly those that differ to that of the employee's current role, e.g. a change in location. It must also commence within four weeks from the date that the employee's current employment will terminate on the grounds of redundancy.
- 4.7.16 Should an offer of suitable alternative employment be unreasonably refused by an 'at risk' employee, the MRC will deem this to be a resignation and the employee will lose their right to any redundancy compensation payments upon termination. Managers should always seek advice from regional/Unit HR before making this decision.
- 4.7.17 Where an offer of alternative employment is significantly different to the employee's current role (or the terms and conditions vary), a trial period will apply. Refer to section 10 for further details.
- 4.7.18 Should an employee have any concerns regarding the way in which the redeployment measures were applied and wishes to raise a formal complaint, they should do so in accordance with the MRC's Grievance policy and procedure.

4.8 Second consultation meeting

- 4.8.1 A second consultation meeting should be held with each employee to provide them with feedback in regards to any suggested alternatives that they (or colleagues/representatives) may have submitted, and to explain any redeployment options and the details of this process. It is also at this meeting that the employee should be offered the option of accepting voluntary redundancy. It should be made clear to the employee that were they to accept this option it does not necessarily imply a wish to leave the MRC and that a commitment to redeployment would continue.
- 4.8.2 The discussion should:
- a) Provide feedback regarding any suggested alternatives they, or LTUS, may have submitted where relevant;
 - b) Provide details of the process to follow when a suitable alternative role has been identified within the MRC (as outlined above in section 4.7);
 - c) Provide for a decision on the various redundancy options, i.e. voluntary redundancy or compulsory redundancy.
 - d) Inform the employee of their entitlement to any redundancy compensation payment and how this would be calculated (refer

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section 7);

- e) Outline the support provided by the MRC available to all employees who are at risk of redundancy, including the Employee Assistance Programme. (refer to section 8); and
- f) Provide details of the next steps in the Procedure, including the implication for the employee should no suitable alternative post be found.

4.8.3 The discussion that took place at the meeting should be summarised in writing and a copy should be provided to the employee.

4.8.4 If at any stage within the Consultation and Redeployment period the decision is taken not to proceed with the possibility of redundancy, this should be confirmed to the employee in writing along with details of the reasons why this decision has been made and any resulting actions.

5. Stage Four: Notice of termination of employment

5.1 If, at the end of the Consultation and Redeployment period, alternative employment has not been found and redeployment measures continue to prove unsuccessful, employees will be issued with notice that their employment will be terminated on the grounds of redundancy.

5.2 An employee's entitlement to notice will be three months for Voluntary Redundancy and six months for Compulsory Redundancy (inclusive of any contractual notice).

5.3 Redeployment measures (e.g. job searches, support measures, etc.) should continue during the redundancy notice period.

5.4 A meeting should be arranged to formally inform the employee that their employment will be terminated on the grounds of redundancy.

5.5 As with consultation meetings, employees are entitled to be accompanied by an MRC colleague or represented by a recognised trade union representative at this meeting if they so wish.

5.6 At this meeting regional/Unit HR should:

- a) verbally confirm with the affected employee that a search for suitable alternative employment has, to date, been unsuccessful;
- b) verbally issue formal notice of termination of employment and whether the individual has accepted Voluntary or is being made Compulsory Redundant;
- c) reiterate that the search for a suitable alternative role within the MRC will continue throughout the notice period for both Voluntary or Compulsory redundancy;
- d) confirm the employee's entitlement to redundancy compensation payment and provide an estimate of any such payment; and

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- e) outline the support provided by the MRC which is available to them (refer to section 8).
- 5.7 The discussion that took place at this meeting should be summarised in writing and included as part of the letter given to the employee confirming termination of their employment.
- 5.8 The letter of termination of employment issued to employees should:
 - a) confirm the reason for the termination of their employment and the date on which the employment will terminate;
 - b) set out the payments the employee will receive when their employment ends and any conditions attached to them;
 - c) inform the employee of their right to appeal against the redundancy process.
- 5.9 At the end of the individual's notice period the employment contract will terminate on the grounds of redundancy.
- 5.10 The MRC reserves the right to make a payment in lieu of salary for some or all of the redundancy notice period as stated in the contract of employment.
- 5.11 An employee can request to shorten their redundancy notice period in order to leave earlier than the original termination date, for example to take up a post with another employer. Requests will be considered by the Director who will take into account operational requirements of the Unit/team. Where the employee and Director mutually agree on an earlier termination date, this should be agreed in writing and the employee will retain the right to any redundancy compensation payments. Compensation payments will however be calculated up until the actual last day of work.
- 5.12 Where an employee's request to leave on a date earlier than the original termination date is declined, the Director will confirm this in writing providing reasons why the employee is required to remain in employment until the original employment date.
- 5.13 Should an employee decide to terminate their employment before expiry of the redundancy notice period without agreement from the Director, it will be deemed as a resignation and the employee will lose their right to any redundancy compensation payments.
- 5.14 **Statutory obligation to notify Business, Innovation and Skills (BIS)**
 - 5.14.1 Where there is a proposal to dismiss as redundant 20 or more employees at one establishment (i.e. Unit/Centre/Institute) within a period of 90 days or less the MRC also has a statutory obligation to notify The Redundancy Payments Service (RPS), who acts on behalf of the Secretary of State for Business, Innovation and Skills (BIS) to collect such information.
 - 5.14.2 To notify RPS, regional/Unit HR should complete Form HR1 'Advance Notification of Redundancies' (available from The Insolvency Office or downloaded from <http://www.insolvency.gov.uk/forms/rpforms.htm>).
 - 5.14.3 The HR1 form should be completed as soon as is reasonably practical to ensure that it is received by RPS well in advance of any dismissal for

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reason of redundancy taking place, however the minimum period for notification is as follows:

- Where there is a possibility of 20 to 99 redundancies at any one establishment, notification should be received at least 30 days before the first dismissal.
- Where there is a possibility of 100 or more redundancies at any one establishment, notification should be received at least 90 days before the first dismissal.

6. Appeals procedure

- 6.1 Any employee who feels that their decision to terminate their employment on the ground of redundancy was unfair and who does not wish to be made redundant has, upon receipt of formal notice, the right to appeal against this decision. This option is open to employees who select either the Voluntary or Compulsory redundancy option in the at risk group after a call for voluntary exits .
- 6.2 Any such appeal should be made in writing to the Director within 10 working days of receipt of the relevant formal written notice referred to in section 5. The appeal letter must clearly state the precise grounds on which the individual is appealing.
- 6.3 The Director will acknowledge receipt of the appeal in writing and copy it, together with the acknowledgement, to the local/regional Senior Unit Administrator (SUA).
- 6.4 The local/regional SUA (or nominee) will appoint an Appeals Panel (the "Panel") to hear the appeal. The Panel will comprise of:
 - An independent Director or Senior Manager from within the MRC unconnected with the redundancy decision and/or procedure taken to date;
 - A Senior Human Resources Professional; and
 - A National Trade Union Official (or nominee).
- 6.5 The Director or Senior Manager should act as chairperson ("Chairperson").
- 6.6 The Senior HR Professional may be external to the MRC.
- 6.7 Upon receipt of an appeal, the Chairperson will:
 - a) Send the employee details of the arrangements for the appeal hearing;
 - b) Advise the employee of their right to be accompanied by an MRC colleague or represented by a recognised trade union representative at the appeal hearing. The employee should, where possible, confirm the identity of their chosen representative and attendance before the hearing commences;
 - c) Hold the appeal hearing where possible within 20 working days of receipt of the appeal letter.
- 6.8 The employee will be given not less than five working days' notice of the date, time and place of the Appeal hearing. This is subject to the

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employee's ability to request a postponement of up to five working days where his/her chosen representative is not reasonably available to attend on the original day or time.

- 6.9 Following the appeal hearing, the Panel will write to the employee to confirm the outcome of their appeal and the reasons for the decision. This will normally be confirmed within 10 working days of the appeal hearing concluding, although this will be extended should further time be required. In such an instance, the Panel will notify the employee of the proposed date upon which the decision is expected to be made.
- 6.10 A copy of the outcome letter should also be provided to the Director of the employee for information.
- 6.11 Possible outcomes are as follows. The Appeal Panel may:
- a) Uphold the original decision – therefore rejecting the employee's appeal and confirming the decision to terminate their employment on the grounds of redundancy, or
 - b) Overturn the original decision – therefore upholding the employee's appeal and revoking the decision to terminate their employment on the grounds of redundancy.
- 6.12 The decision made by the Panel will be final, with no further right of appeal. This will be clearly communicated to the employee in the appeal decision letter.

7. Eligibility for compensation payments

- 7.1 Where there is a requirement to terminate an individual's employment on the grounds of redundancy, employees with one years continuous service at the date of redundancy are entitled to the terms under the Voluntary Redundancy. Those employees with at least two years continuous service at the date of redundancy would be entitled to compulsory redundancy. Both voluntary and compulsory payments include any Statutory Redundancy payments.
- 7.2 The compensation to which employees may be entitled is dependent on a number of factors including type of employment, length of reckonable service and whether they are members of the MRC Pension Scheme. Employees who are not members of the Medical Research Council Pension Scheme (MRCPS) will be eligible for redundancy compensation, but not to pension benefits, including an unreduced/reduced pension payment as part of the redundancy terms. (Which can be found in the MRC Redundancy Compensation Scheme 2011).
- 7.3 Employees who do not have the necessary length of continuous service at the date of redundancy will not be entitled to any Statutory or MRC Redundancy payments.
- 7.4 Except where 5.11 applies, any employee who chooses to resign at any stage prior to the proposed date of redundancy will not be eligible for any Statutory or MRC Redundancy payments.

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- 7.5 For reimbursed workers (i.e. someone whose work is funded by the MRC but who is not an MRC employee) the MRC (SUA or Regional / Unit HR) will inform their employer as soon as practicable that it wishes to terminate the reimbursement arrangement. Any redeployment options, termination payments or compensation payments for loss of the current position are the responsibility of the reimbursed worker's employer, not the MRC, unless this is superseded by an agreement for the reimbursed worker.

8. Employee support

- 8.1 The MRC acknowledges that it can be a difficult time for an employee when faced with the possibility of redundancy. For this reason, the MRC has a range of support available for employees who find themselves in this situation.
- 8.2 Specifically, the MRC provides the following support, training, and facilities to employees in order to assist them in securing suitable employment:
- The right to reasonable time off to attend training courses, workshop sessions and interviews;
 - Access to reasonable photocopying, computing or telephone facilities for the purposes of facilitating their job search;
 - Career Transition Service (Outplacement) – this is an optional service provided by Penna and tailored to individual requirements which can include training events, online resources and coaching sessions in areas such as interview techniques, CV writing, career planning, etc. This service is normally offered to employees during the formal redundancy notice period however, on occasion, this service may be offered during the redeployment stage if the employee's manager and regional/Unit HR agree that this would be more beneficial to the individual. Further details are available from regional/Unit HR;
 - Employee assistance programme (EAP) – this is a 24 hour confidential counselling service provided for MRC employees by an independent company. This service offers both individual telephone, online and/or face-to-face counselling and can be useful for both employees and managers who find themselves faced with the possibility of redundancy. For further details phone 0800 116 4368 or go to www.lifestyleaction.net using the following login details: Username = RCUK; Password = employee ;
 - Provision of references.
- 8.3 During individual discussions with regional/Unit HR, the employee will be fully advised of the support available to them as indicated in section 4.5 & 4.6.
- 8.4 Additional support may be made available where appropriate and will be identified during individual discussions with regional/Unit HR.

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9. Specific employees

9.1 Employees on Maternity, Adoptive, Maternity Support or Additional Maternity Support Leave

9.1.1 In accordance with Regulation 10 of the Maternity and Parental Leave Regulations 1999, should an employee on maternity leave be 'at risk' of redundancy and a suitable alternative role is identified, the role must first be offered to that individual, even if other individuals are as suitable for the post. This will also be applied to those employees on adoptive, maternity support and additional maternity support leave.

2.8.1 If an employee is selected for redundancy whilst on maternity, adoptive, maternity support or additional maternity support leave a written statement outlining the reason for selection must be supplied to the employee.

9.2 Fixed Term Contracts (FTC's) / Career Development Fellows (CDF's)

9.2.1 Should a redundancy situation occur during a fixed term contract either where funding is ceasing earlier, or a decision is made to withdraw the work, then these individuals will follow the full redundancy and redeployment policy and procedure and will be eligible to receive the full redundancy payments as appropriate.

Where a Career Development Fellow is part way through their training, alternative arrangements could be as follows:

- a) Placement with another MRC team at the same location or at a different location within reasonable, daily travelling distance;
- b) Attachment to a non-MRC scientist either at the same location or at a different location within reasonable, daily travelling distance.

9.2.2 For those FTC staff whose contracts come to a natural end at the agreed date, they will be treated under the compulsory redundancy terms and in accordance with this policy, with the exception of the concession to pay one year's annual leave entitlement and that the resettlement period will run for 6 months concurrently with the notice period. At the end of the notice period the employment contract will terminate on the grounds of end of contract.

9.3 Programme Leaders (PLs)

9.3.1 A Programme Leader (PL) who is 'at risk' of redundancy but who wishes to continue their employment with the MRC has the following alternatives available:

- a) Apply for long-term PL support at an MRC establishment (see section F). The application may include support posts and, wherever appropriate, employees facing redundancy should be assigned to these posts.

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- b) Transfer to an Investigator Scientist post at the same or another MRC establishment, or to a post in research support or administration subject to there being a vacancy for such a role, and the approval of the relevant Unit Director.
- 9.3.2 A PL who is interested in either of the above alternatives should approach regional/Unit HR and the Research Programmes Group (RPG) to discuss his/her options.
- 9.3.3 In considering the above options, a PL who wishes to retain their PL status with the MRC should bear in mind the following:
- a) Only **one** additional application for support can be made to the MRC Research Board. (An initial application would have been made, and consequently declined/not funded, as part of the quinquennial review process);
 - b) To present an application for support to work at the same or another MRC Institute/Unit the PL will require the endorsement of the Director of the Institute/Unit;
 - c) On transfer to another MRC Institute/Unit any support staff will become an integral part of the new Unit under the authority of the Director. Funding for the work will be incorporated into the Unit's budget and the PL will be subject to peer review as an established Investigator within the Unit's core structure;
 - d) Long-term support is normally awarded for a period of five years. Any variation to this period must be agreed by the Unit Director and the Director of RPG;
 - e) MRC employees employed in support posts will retain their existing terms and conditions of employment such as their banding and open-ended appointment.
- 9.3.4 A Programme Leader who wishes to change from PL status to another role within the MRC has the following options available:
- a) A PL may choose to take a support, rather than a PL role and therefore can be named on an application for additional support from a scientist who already has a funded programme of work;
 - b) A PL who transfers to a post on a salary scale with a lower maximum point will retain their current salary under the MRC's Mark Time Pay Arrangements policy.
- 9.3.5 Where a PL is 'at risk' of redundancy, the MRC is under no obligation to continue to provide programme support at the same level as has previously been provided. The Unit Director, in consultation with the appropriate Programme Manager, will determine whether it is appropriate to reduce the amount of programme support, and if so, the timescales that will apply.

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9.3.6 Where a PL is interested in continuing their research at an Institute external to the MRC (i.e. with a University), the MRC is unable to provide any assistance, financial or otherwise, with regards to the transfer of the work (except where it has been established that TUPE is applicable - For further details refer to the MRC's Transfer of Undertakings (Protection of Employment) Regulations 2006 (TUPE) Policy available on the Portal).

9.4 MRC External Scientific Staff (ESS) Programme Leaders

9.4.1 If an MRC employed ESS Programme Leader is unsuccessful with an application for renewal of grant funding, he/she has the opportunity to submit a second application to the relevant MRC Research Board. Resubmission should occur within six months of the date of the original decline (or as close to this as possible in line with the Board dates).

9.4.2 Only one resubmission to the MRC Research Board may be made.

10. Trial periods

10.1 Where the terms and conditions, including the job description, of the new role differ, wholly or in part, from that of the employee's current role, the employee is entitled to a four week statutory trial period in the new role to determine whether or not the job is suitable.

10.2 A trial period can be extended with the purpose of re-training for up to a maximum period of six months. Should a trial period be extended this must be agreed in writing by both the employee and the Director, prior to the employee commencing in the new role and the agreement must specify the date on which the period of retraining will end and the terms and conditions that will then apply.

10.3 Any trial period undertaken will run concurrently with the MRC's Redundancy and Redeployment Procedure, regardless of whether the employee is placed within the consultation and redeployment or notice periods of the Procedure.

10.4 If during a trial period, the employee decides that, for reasons connected with or arising out of any difference between the new and old roles, they do not wish to continue in the new role, and time still remains for them within the MRC Redundancy and Redeployment Procedure, the employee will be placed back into the Procedure at the point that they would have reached had a trial period not been undertaken.

10.5 Similarly, if during the trial period any time remaining for the employee within the MRC Redundancy and Redeployment Procedure has expired, and the employee decides they do not wish to continue in the new role and terminates or gives notice to terminate their employment, or the MRC decides to terminate or gives notice to terminate their employment for reasons connected with or arising out of any difference between the new and old roles, the employee will be treated as having been dismissed by reason of redundancy effective from the date that their employment in their original role was terminated on the grounds of redundancy.

10.6 Should an 'at risk' employee unreasonably terminate their employment whilst undertaking a trial period in a new role that is considered to be a

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suitable alternative, he/she may lose their right to any redundancy compensation payments.

11. Withdrawing notice of termination of employment

- 11.1 Once written notice of the termination of employment on the grounds of redundancy has been issued to an employee, it is legally binding and cannot be unilaterally withdrawn by the MRC, regardless of whether the employee is still working out their notice period.
- 11.2 If, subsequent to notice being issued, a change in business circumstances means that the redundancy situation no longer exists and the MRC wish to withdraw the notice of termination of employment, the express consent of the employee is needed to do so.
- 11.3 The MRC will always make a request to withdraw an employee's notice of termination of employment on the grounds of redundancy in writing. Similarly, consent to withdraw notice of termination of employment will always be provided in writing.

12. Re-employment following redundancy

- 12.1 Any individual who has been made redundant and has received redundancy compensation payments should not normally be re-employed by the MRC in any capacity until at least 3 months after the date which their employment was terminated.
- 12.2 There maybe exceptions to the 3 months rule in individual cases, which is dependent on abatement rules, in this case the period could be longer than three months. Any individual wishing to apply for an MRC role should check whether they are eligible with retained HR.
- 12.3 Any individual who is re-employed by the MRC within 6 months of their termination date, may be required to payback part or all of their compensation payment (excluding statutory payments), this will be dependent on the amount of compensation received and the length of service.
- 12.4 Where an individual is successful in obtaining further employment with the MRC after a break of at least 3 months has expired, and provided that a fair and open recruitment process (in accordance with the MRC Recruitment and Selection policy) has been conducted in order to identify the successful candidate, and the appointment is to a completely different post than previously held by the employee, the MRC will not normally require the redundancy compensation payment to be repaid.
- 12.5 However, as the MRC is a Non-Departmental Public Body (NDPB) it is appropriate that the Council is very careful with public monies. Given that any redundancy payment is intended to compensate for loss of employment with the MRC, should an individual be re-employed by the MRC within the

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notional period represented by the lump sum compensation payment there may, at the discretion of management, be a requirement to repay some of this amount on a pro-rata basis. Each situation will be assessed on an individual basis taking into account all factors including the length of time that has elapsed since the date of redundancy, the process of appointment, and the difference between the terms and conditions, as well as the duties, of the individual's previous and current posts. Further advice should be sought from regional/Unit HR.

- 12.6 Nonetheless, for those individuals who are re-employed by the MRC following redundancy, and who are aged 50 years or more on their last day of service, the abatement rules apply, where the new salary and compensation benefits combined has to be less than the individual's previous salary..

13. Monitoring

- 13.1 The implementation of this policy, including the redeployment process, will be monitored by Corporate HR.

14. Links to other policies and documents

MRC Change Policy

MRC Recruitment and Selection Policy

MRC Provision of Information and Consultation during Reviews of Intramural Support Policy

Department of Business Innovation & Skills (BIS) – HR1 form (on BIS website)

MRC's Mark-Time Pay Arrangements Policy

MRC Redeployment Register (access restricted to HR only)

MRC Consultation during Reviews Policy

MRC Compensation Scheme 2011

15. Effective date

- 15.1 This policy is effective from 1st April 2012.

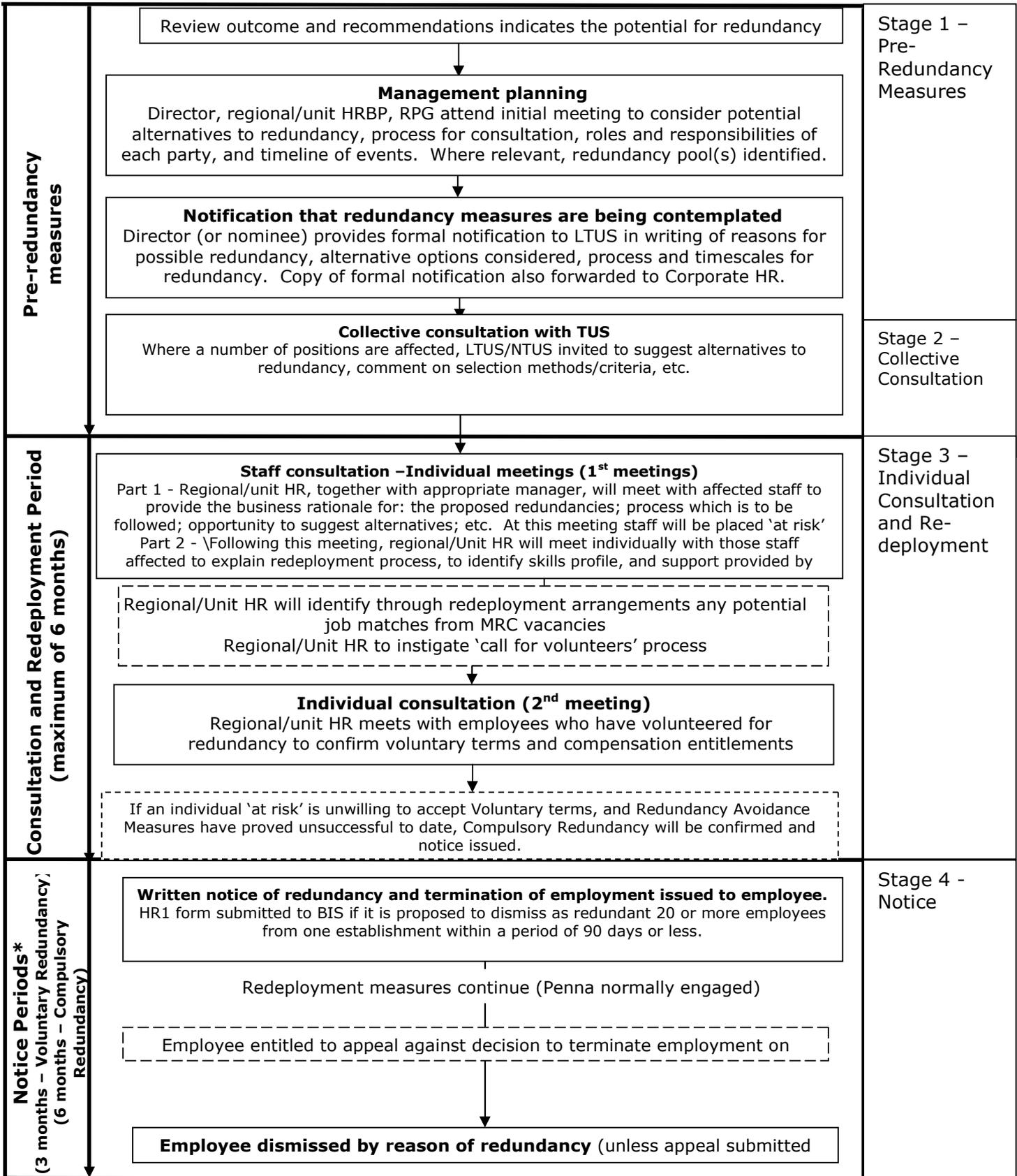
16. Review date

- 16.1 This policy will be regularly reviewed to incorporate any legislation changes and will be formally reviewed March 2013.

17. Amendment history

| Version | Date | Comments/Changes |
|---------|----------------|---|
| 1.0 | March 2010 | Revised by Corporate HR as part of project review of HR policies. |
| 0.2 | May/June 2011 | Revisions to include arrangements to review Compensation terms. |
| 0.5 | September 2011 | Further revisions to draft. |
| 0.7 | February 2012 | Further revisions to draft. |
| 2.0 | December 2012 | Updated EAP details / minor formatting. |

**ANNEX A: THE REDUNDANCY AND REDEPLOYMENT PROCEDURE –
MANAGEMENT INITIATED REVIEWS (MIRS) & QUINQUENNIAL REVIEWS**



ANNEX B: Selection for redundancy

Redundancy Pools

- 1.1 There may be times where selection criteria need to be applied in order to select employees for redundancy. In such circumstances, employees should be selected from groups known as 'Redundancy Pools'.
- 1.2 Redundancy pools compare individuals who hold broadly interchangeable jobs. The Redundancy Pools may therefore compare on the basis of a function, a discipline, or a specialism. Pools will normally be Unit/Centre/Institute specific, unless there are particular reasons justifying their extension across two or more establishments. Where collective consultation is taking place, the LTUS should also be invited to comment, and where possible, agree on the proposed selection criteria as part of this process.
- 1.3 The appropriate Redundancy Pools from which employees will be selected for redundancy should be clearly identified by the Director, in consultation with regional/Unit HR and with input from other members of management where necessary.
- 1.4 Redundancy Pools should be provisionally identified as soon as possible once the outcome of a review decision is known.

Selection Criteria

- 1.5 The selection criteria may vary according to circumstances but will normally be based upon the following core criteria:
 - a) Relevant work skills
 - b) Relevant qualifications
 - c) Relevant abilities/attributes
 - d) Performance
 - e) Additional criteria may be applied where appropriate.
- 1.6 The chosen selection criteria must be objective, free from bias and able to be substantiated and evidenced.
- 1.7 The specific selection criteria for each Redundancy Pool should be identified by the Director, or nominated representative, together with a person who has knowledge of the requirements of the retained roles, in consultation with regional/Unit HR. The selection criteria should be aimed at ensuring that the MRC retains employees with the skills, qualifications or abilities most suited to the current and future scientific or business needs of the MRC.
- 1.8 Where collective consultation is taking place, the LTUS should also be invited to comment and agree on the proposed selection criteria as part of this process.
- 1.9 Where an employee who has a disability is included in the redundancy pool, the MRC will not discriminate against that individual, nor put them at any disadvantage.

Making the selection

1.10 Each Redundancy Pool should be scored by the Director, or nominated representative, together with a person who has direct knowledge of the performance and abilities of members of that Pool. It is normally expected that this scoring process will be completed within 20 working days from the date when the Consultation and Redeployment period commenced.

Specific posts

1.11 Where there is no requirement to have a Redundancy Pool because the proposed redundancy is specific to a post, the individual holding that post will normally automatically be provisionally selected as 'at risk' and no further selection criteria will be applicable.

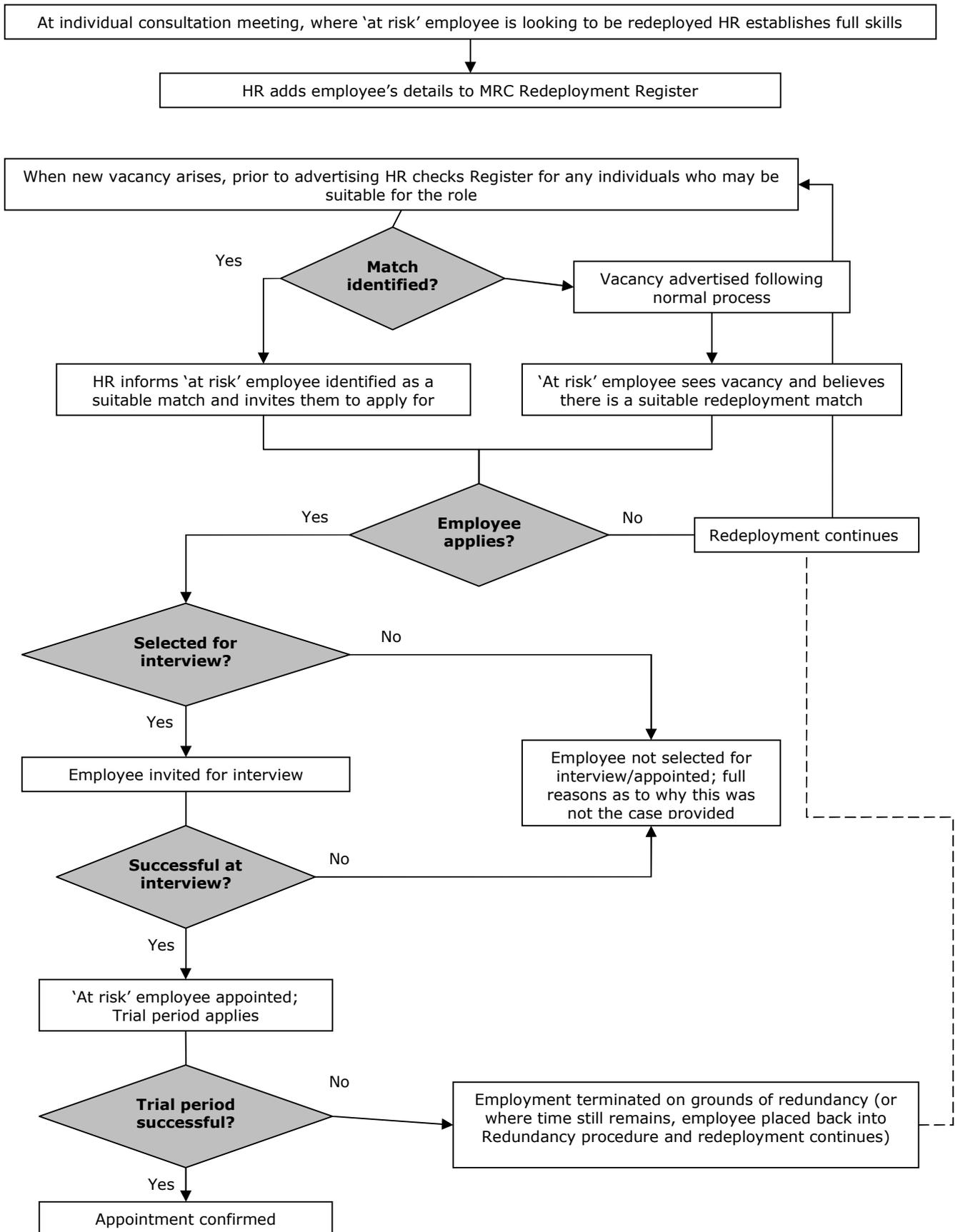
Concerns about process for selection

1.12 Should an employee have any concerns regarding the way in which the selection process was conducted and wishes to raise a formal complaint, they should do so in accordance with the MRC's Grievance policy and procedure.

Annex C: Calls for volunteers

- 1.** As a way of avoiding, or at least reducing the need for compulsory redundancies, the MRC may invite employees to volunteer themselves for redundancy (refer section 2.1.3 (e)).
- 2.** An invitation to volunteer for redundancy will normally be made to all employees who may be affected by the proposed redundancies, or by measures taken in connection with those redundancies. At the discretion of management, employees that are not directly affected by the proposed redundancies may also be invited to volunteer themselves for redundancy.
- 3.** Calls for volunteers will normally take at least one of the following formats:
 - Regional/Unit HR will arrange for a general mail shot to be sent via a Staff Bulletin. Volunteers will require their Director's approval to apply.
 - Regional/Unit HR may ask Directors of selected MRC establishments if they have any employees with the specific required skills and expertise to whom an approach might be made. If approached an employee is not obliged to volunteer.
- 4.** A Director may carry out a local call for volunteers in order to retain an employee who has been selected for redundancy.
- 5.** Employees volunteering for redundancy should always put their application in writing stating their reasons for wishing to accept redundancy.
- 6.** There is no guarantee that any application for voluntary redundancy will be accepted. The decision to accept an application is discretionary and management reserves the right to decide whether to accept or decline an application for voluntary redundancy.
- 7.** All decisions on whether to accept an application for voluntary redundancy will be based on the current or future scientific or business needs of the MRC and will take into account the need to retain employees with essential knowledge and skills, and the need to retain a balance of employees with varying skills.
- 8.** Management's decision on whether to accept or decline an individual's application for voluntary redundancy is final.
- 9.** Where an employee's application for voluntary redundancy is accepted, the employee will be notified of this in writing as soon as possible. Thereafter, the employee will be invited to a meeting to discuss and agree the next steps in the Procedure.
- 10.** The MRC's normal redundancy and redeployment procedure will still apply to an employee who volunteers, and is accepted, for redundancy.

Annex D: The Redeployment Process



Annex E: Making an application for support

1. Selecting a host Unit/Centre/Institute

- 1.1 A Programme Leader (PL) will normally be aware which MRC Units, Centres or Institutes are suitable hosts for their research proposals however, further advice and guidance can be sought from the relevant Programme Manager (PM) within the Research Programmes Group (RPG).
- 1.2 A PL may either approach prospective Directors/Heads of Department themselves, or ask the relevant PM to explore possibilities on their behalf. Either way, it is essential that the PM and unit/regional HR are kept informed of any progress.
- 1.3 A prospective Director may decide, after careful consideration (and consultation with regional/Unit HR), that they are not prepared to endorse a PL's application. If this is the case, the Director must provide the PL with reasons for this in writing. The Director should also inform the relevant PM of the decision as soon as practicable.

2. Selecting support staff

- 2.1 An application should include details of and full justification for any support posts required to carry out the programme as well as making provision for recurrent expenses and equipment. First consideration must be given to existing MRC support staff who are part of the team/unit from which support is to be withdrawn selecting individuals against pre-determined criteria of skills, knowledge and experience.
- 2.2 A PL should consult all support staff identified as part of the application as some individuals may not be available to transfer.
- 2.3 A PL should, on request, give reasons why any existing support staff have not been included in their application.
- 2.4 It is essential that a PL keeps support staff informed of the progress of their application at all stages of the process.
- 2.5 Support staff should be made aware that there is no guarantee that the application will be supported.

3. Timetable for consideration of an application

3.1 Submission

- 3.1.1 A PL will be required to submit his/her proposal (through their prospective Director/Head of Department if appropriate) in final form to the relevant Programme Manager (PM) within six months of the outcome of the review being known. This will enable a recommendation on funding to be made at the next award point by the appropriate MRC Research Board. The PM will advise the PL on Board deadlines and assist, where appropriate, with planning of the

submission of their application. Extensions to this period may be available only in exceptional circumstances, at the discretion of the RPG Director via the PL's appropriate PM. While approval will not be unreasonably withheld, it will not be given if there is insufficient evidence of progress.

- 3.1.2 In the event that a PL does not submit his/her proposal within the required timescale, any support staff that were to be named on the proposal will be considered as having returned to the original redeployment and redundancy timetable (i.e. it may be necessary, depending on the exact timing, to issue the six month redundancy notice to a PL and their support staff immediately).

3.2 Consideration by the Board

- 3.2.1 An outline application should be submitted (off-line) and the Board will give written feedback (unattributed) to help in the drafting of a full application.
- 3.2.2 The full application will be reviewed by the Board in the same way as grant applications. (For further details refer to the Applicants Handbook available on the MRC Portal). Referees opinions (unattributed) will be made available to the appropriate PL and any co-applicants for comment before the Board meeting.

3.3 Following the Board meeting

- 3.3.1 A PL will be notified of the outcome within 10 working days and will receive, in writing, a decision on their application and a copy of the Board Assessment Template in which their application was discussed.
- 3.3.2 A PL does have the option to respond to the Board Assessment Template to clarify any misunderstanding or to highlight where the correct procedure may not have been followed. The PL's response must be submitted in writing to the relevant Programme Manager in the RPG within 10 working days of receipt of the decision.
- 3.3.3 Where a PL submits a response, the relevant PM will acknowledge receipt and respond to the PL within 15 working days. Where the PL has raised substantive issues, the PM will inform him/her of the process and timetable for these to be addressed.

4. If an application is funded

- 4.1 The PL will be issued with a change of appointment letter transferring them to the new MRC Institute/Unit for the period for which support is granted (normally five years but may be for a shorter period if previously agreed).
- 4.2 The date of transfer will be agreed between the new Director/host Institution and the existing Director, taking into account views of the PL and, if appropriate, those of any support staff.
- 4.3 Advice on any removal expenses should be sought from regional/Unit HR.

5. If an application is declined by the Board

- 5.1 The Board decision will be confirmed in writing by RPG. The appropriate extract of the Board minute should be made available to all support staff included on the application.
- 5.2 RPG and regional/Unit HR will consult with the PL to review their options for bringing current work to a conclusion. It is at this point that the PL (and relevant support staff) will be issued with six months' notice of the termination of employment on the grounds of redundancy, in line with the MRC's Redundancy and Redeployment Procedure.
- 5.3 As outlined in the MRC's Redundancy and Redeployment Procedure, redeployment measures will continue during the formal notice period. Short extensions to this notice period may be possible (with the agreement of the PL) if on-going enquiries appear likely to be successful. These extensions are at the discretion of the RPG Director in consultation with regional/Unit HR.

Annex F: Inclusion in a Programme Leader's application for support

General process

- 1.1 The selection of support staff will be made against predetermined criteria of the skills, knowledge and experience required for the work.
- 1.2 If a PL would like to include an employee on their application, he/she will consult with specific individuals before submitting their application in order to confirm the employee's availability to transfer.
- 1.3 The PL, in conjunction with regional/Unit HR, will keep all employees included on an application informed of the progress of the application and the deadlines to which the PL is working.
- 1.4 Employees included on an application should be aware that there is no guarantee that the application will be supported. If an application for support is unsuccessful, employees named on the application will still be entitled to search for alternative employment in line with the MRC's Redundancy and Redeployment procedure.
- 1.5 Where existing support staff are not included in a Programme Leader's (PLs) application for support, they may request reasons from the PL as to why they have not been included.
- 1.6 If the timing of the application process and the closure date for an employee's current unit/team does not allow sufficient time for the application process, job search and notice periods to follow consecutively then regional/Unit HR will discuss with those employee's a timetable which will optimise the use of the time available. For example:
 - a) if an employee's job search runs concurrently with a grant application on which they are named and they are offered a position at another Institute/Unit the employee will have a free choice whether to accept it or await the outcome of the application.
 - b) if an employee postpones their job search until the outcome of the application is known and it is not successful, their job search will run concurrently with the notice period.
 - c) if an employee is named on proposals which are not, in the event, submitted for decision fresh consideration will need to be given to the timetable. It may be necessary, depending on the time that has elapsed from the initial RPG/HR visit for redundancy notices to be issued immediately. A job search will be run, if one has not already been carried out, concurrently with this six month notice period.

If the Application is Funded

- 1.7 The employee will be notified of the decision and, if the team is transferring, consulted during subsequent discussions leading up to the transfer.
- 1.8 The terms of employment (unless otherwise agreed) remain unchanged.

1.9 Advice on any removal expenses should be sought from regional/Unit HR.

If the Application is not Funded

1.10 A copy of the appropriate extract of the Board minute and information on the Council decision will be available on request from the PL.

1.11 Regional/Unit HR will discuss with you the progress of the job search and your preferences for an alternative vacant post within Council.