



Redundancy Policy

**Approved by Council
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1. Introduction and Purpose of the Policy

- 1.1. The Institute recognises the contribution of all staff to delivering its aim of providing outstanding teaching, research, third stream and associated supporting services. It also recognises the need to ensure that staff feel secure and appropriately supported throughout their employment. The Institute is committed to protecting the employment security of staff, as far as possible, by planning effectively to meet current and future staffing needs. There may, however, be occasions when financial pressures, changes in the demand for services, funding provision, or organisational, technological or academic developments impact on staffing requirements. In such cases the Institute will work in accordance with all relevant legislation and will consult relevant staff and recognised trade unions, actively seeking and taking account of their views in accordance with relevant ACAS guidance. The Institute will seek to minimise the effect of redundancies by seeking redeployment opportunities as appropriate and by adopting a fair, consistent and sensitive approach.
- 1.2. Nothing in this policy shall preclude the Institute from seeking volunteers for redundancy should there be a need to make a considerable reduction in staffing levels. Selection of volunteers for redundancy shall be at the discretion of the Institute and shall be determined by the Institute's requirements to retain key skills and experience to meet its present and anticipated needs.

2. Scope of the Policy

- 2.1. This redundancy policy applies to all staff except a member of academic staff appointed or promoted before 20 November 1987 who has tenure of appointment (ie staff defined in sub-sections (3) to (6) of section 204 of the Education Reform Act 1988), who shall for this purpose continue to be subject to such powers, if any, as applied to them prior to the introduction of the Statute made by the University Commissioners in the exercise of their powers under sections 203 and 204 of the Education Reform Act 1988. This policy does not form part of an employee's terms and conditions of employment and may be subject to change following consultation with the Institute's recognised trade unions.

3. Definition of Redundancy

- 3.1. A potential redundancy situation arises in the following circumstances:
 - a. When the Institute has ceased or intends to cease, to carry out the work for which the employee was employed in the place where the employee was so employed;
 - b. The requirements of the Institute for employees to carry out work of a particular kind have ceased or diminished or are expected to cease or diminish.

4. Measures to Avoid or Minimise Redundancy

- 4.1. The Institute is committed to retaining employees wherever possible and will seek to minimise redundancies by appropriate planning. Consideration will be given to measures such as:
- a. not replacing staff who resign or retire;
 - b. identifying alternative work and, where appropriate, providing reasonable training or re-training;
 - c. restricting/freezing external recruitment;
 - d. reducing the use of agency staff and external contractors;
 - e. inviting requests for unpaid leave and external secondments and for reductions in working hours, either temporary or permanent.

5. Role of Council

- 5.1. Council will review staffing forecasts indicating if staffing reductions are anticipated as part of the regular financial forecasting cycle and, if necessary, outside that cycle. The trade union(s) will be invited to make written comments. Council may decide:
- a. to delegate authority to the Director to manage the process in all cases;
 - b. to delegate authority to the Director to manage the process in some cases but not others as they see fit;
 - c. that staffing reductions will be required but Council will manage the process in all cases;
 - d. that further information is required;
 - e. that no staffing reductions should be made.
- 5.2. The following issues may be taken into account by Council when reaching a decision:
- a. the strategic implications;
 - b. the number of redundancies which may result from the cessation or diminution of a particular area of work;

6. Role of the Director

- 6.1. Where, following discussion, a redundancy situation seems unavoidable, management will make a written report to the Director recommending the cessation or reduction of activities in their area. The Director, in conjunction with the Senior Leadership Team, will decide whether to proceed and, if so, will initiate any formal consultation required with the trade unions and employees in line with statutory requirements.

7. Seeking Applicants for Voluntary Redundancy or Reduction in Hours

- 7.1. Where appropriate, consideration will be given to inviting applications for voluntary redundancy or reduction in hours before beginning the process of selection for compulsory redundancy. The Institute will retain the right to accept or refuse any applications for voluntary redundancy or reduction in hours entirely at its discretion.

8. Formal Consultation with Trade Unions

- 8.1. Where a redundancy situation arises, the Institute will always consult with the relevant recognised trade union(s). Consultation shall take place irrespective of the number of staff who may be affected, and in advance of any final decision that redundancies will be necessary. The consultation shall in any event begin:

- a. where the Institute is proposing to dismiss as redundant 100 or more employees within a period of 90 days or less, at least 90 days before the first of those dismissal takes effect, or
- b. where the Institute is proposing to dismiss as redundant 20 or more employees within a period of 30 days or less, at least 30 days before the first of those dismissals takes effect.

- 8.2. The following information will be provided to the trade unions:

- a. the reason for the proposed redundancies;
- b. details of the change proposed, including the number and grades of staff who are at risk of redundancy;
- c. the total number of staff of those grades within the department, centre or other relevant area.
- d. the definition of the pool from which those to be dismissed are to be drawn and the number within that pool;
- e. if the number of employees in the selection pool exceeds the number of employees which the Institute proposes to dismiss as redundant, details of the proposed selection criteria;
- f. the proposed method of carrying out the dismissals with due regard to this Policy, including the period of time over which the dismissals are to take effect; and
- g. the proposed method of calculating redundancy payments.

- 8.3. The purpose of consultation is to:

- a. receive and where possible address any questions about the proposed change;

- b. consider any comments or views as a basis for determining any final decision to proceed with the change or otherwise;
- c. consider ways of avoiding the dismissals or reducing the number of dismissals, including consideration of the likelihood of achieving the change through those means;
- d. consider ways of mitigating the consequences of any dismissals;
- e. consider the proposed selection pool and, if appropriate, redundancy selection criteria, which should be based on the work for which the IOE has a continuing need and can include skills and experience, standard of work performance or aptitude for the work that will be required, attendance records, disciplinary records; and
- f. seek to agree protocols for communication and for effecting the change if it is to go ahead, including a timetable for actions;

with a view to reaching agreement.

9. Formal Consultation with Employees

- 9.1. Consultation will also take place with the employees concerned, who may be accompanied at any stage by a work colleague or, where the employee is a member of the recognised union of that staff group, a trade union representative.
- 9.2. This consultation will cover:
 - a. the reason for the proposed redundancy/redundancies;
 - b. the definition of the pool from which those to be dismissed are to be drawn and the number within that pool;
 - c. the number of employees the Institute proposes to dismiss as redundant;
 - d. if the number of employees in the selection pool exceeds the number of employees which the Institute proposes to dismiss as redundant, details of the proposed selection criteria; and
 - e. the period of time over which the dismissals are to take effect.
- 9.3. The purpose of consultation is:
 - a. to receive and where possible address any questions on the change proposed;
 - b. to consider any comments or views expressed by the employee(s) about the proposed change, including: suggestions to avoid or minimise the redundancy situation, including other work which is or will be available across the Institute; and the appropriateness of the proposed selection

pool and, if they might be required (see 9.2 d. above), the proposed selection criteria.

10. Review

10.1. After the formal consultation with trade unions and employees is completed, management will review the available information and decide whether or not a redundancy situation can be avoided and, if not, submit a report to institutional senior management not involved in the formal consultation for authorisation to proceed to the next stage. The report will include information on:

- a. the reason for the redundancy situation,
- b. the consultation undertaken, including consideration of comments on the issues identified in 8.3 and 9.3 above; and
- c. where suggestions from trade unions and/or members of staff have not been accepted, the reasons why not.

10.2. The report will be copied to the relevant trade union(s) and employees.

11. Process of Selection for Redundancy

11.1. In the event that a redundancy situation cannot be avoided, the Institute will adopt a fair, consistent and objective approach.

11.2. Where individuals to be made redundant have not been clearly identified at the Review stage set out in 10 above, and therefore have to be selected from a wider selection pool, a formal selection process will be undertaken which will seek to identify those individuals with the knowledge, skills, qualifications and experience which are required to meet the present and anticipated needs of the Institute.

11.2.1. A redundancy selection panel will be established to undertake the selection and recommend which staff should be dismissed by reason of redundancy. The redundancy selection panel will consist of three senior members of staff and the membership of the redundancy selection panel will be determined by the Institute, with due regard to relevant expertise and any public sector equality duties.

11.2.2. The redundancy selection panel will make a provisional decision based on the application of the selection criteria determined by the Institute following formal consultation with the relevant recognised trade union(s) and employees.

11.3. Where individuals can be clearly identified, the above formal process will not be required for provisional selection to be made.

11.4. All individuals provisionally selected for redundancy will be given written notification to that effect and given the opportunity of a meeting to discuss their selection. The member of staff shall have the right to be accompanied

at that meeting by a trade union representative or work colleague and shall have the opportunity to make oral and/or written representations in respect of her/his selection for redundancy. The selection decision will be reviewed in the light of any representations made by the individual, who will be informed of the outcome of that review.

- 11.5. Authorisation to dismiss staff by reason of redundancy will then be sought from the Director or her/his nominee and, if given, staff advised in writing of the decision.
- 11.6. Individuals selected for redundancy shall be advised of their right to appeal against the decision.
- 11.7. Individuals who are not selected for redundancy will be given written notification that, subject to the outcome of any appeal against selection by another relevant member of staff, they have not been selected for redundancy.

12. Appeal

- 12.1. An employee who is dismissed by reason of redundancy is entitled to appeal against her/his selection for redundancy.
- 12.2. An employee wishing to appeal against her/his selection for redundancy should advise the Head of Human Resources in writing within ten days of being notified of her/his selection for redundancy, clearly stating the grounds of the appeal.
- 12.3. Appeals can be raised on one or both of the following grounds:
 - 12.3.1. the procedure - a failure to follow the procedure detailed in this policy;
 - 12.3.2. the decision to select the employee for redundancy:
 - 12.3.2.1. where the decision was based on the application of selection criteria, the appeal must specify why the employee believes that the criteria were applied unfairly and, if appropriate, why the employee believes that representations, questions or issues raised in a meeting to discuss her/his selection for redundancy were not considered properly; or
 - 12.3.2.2. where the decision was not based on the application of selection criteria, the appeal must specify why the employee believes that representations, questions or issues raised in a meeting to discuss her/his selection for redundancy were not considered properly in forming a decision to dismiss.
- 12.4. The appeal will be heard as soon as is reasonably practicable and, wherever possible, within fifteen working days of the appeal being lodged.

- 12.5. The employee will be given at least five working days' notice of the date of the appeal hearing.
- 12.6. The employee will have the opportunity to make oral and/or written representations in respect of the grounds of the appeal and is entitled to be accompanied by a work colleague or a trade union representative. If the employee and/or the employee's chosen companion cannot attend at the time proposed for the appeal hearing, the hearing will be adjourned if there is an alternative time within ten working days of the original date when those involved can all attend.
- 12.7. Any additional documentation to be relied upon should be exchanged at least two working days before the date of the appeal hearing.
- 12.8. The appeal will be heard by a panel of three senior members of staff who have not previously been involved in the case. For members of staff covered by the Statutes, the Panel will comprise the Director or her/his nominee, a nominee of Senate and a lay member of Council. A member of Human Resources will be present to advise the panel and take notes.
- 12.9. The appeal panel will deliberate in private and confirm its decision in writing, normally within five working days of the appeal hearing. The employee will be informed as soon as possible if the decision cannot be confirmed within five working days of the appeal hearing.
- 12.10. The decision of the appeal panel is final.
- 12.11. If the appeal is upheld, the employee's continuity of service will be preserved and arrangements made for her/his employment to continue. However, if the appeal is not upheld, the employee's contract will terminate as proposed and notice will be deemed to have been given on the date on which the employee was given written notice of her/his dismissal by reason of redundancy.
- 12.12. The appeal normally will be heard during the notice period. If in very exceptional circumstances this is not possible, any dismissal will not take effect until after the employee has been notified of the appeal decision.

13. Early Retirement

- 13.1. Where a member of staff is a member of the University' Superannuation Scheme (USS) or the University of London Scheme (SAUL), she/he may request information on the early retirement benefits of the scheme available to her/him.

14. Employees on Maternity Leave/Additional Paternity Leave

- 14.1. If an employee on maternity leave or additional paternity leave is at risk of being made redundant, selection for redundancy will be made using the same criteria as any other case. However, employees on maternity leave or additional paternity leave will be given priority ahead of other employees in relation to suitable alternative vacancies. If no suitable alternative

employment exists and an employee on maternity leave or additional paternity leave is made redundant, she/he will be treated as having been dismissed on the grounds of redundancy on the date notified.

15. Time Off to Look for New Work and/or for Training

- 15.1. Individuals who are under notice of redundancy will be entitled to a reasonable amount of paid time off to look for work or to arrange training.

16. Assistance

- 16.1. Individuals who are subject to the provisions of this policy may seek further advice and assistance from the Head of Human Resources.

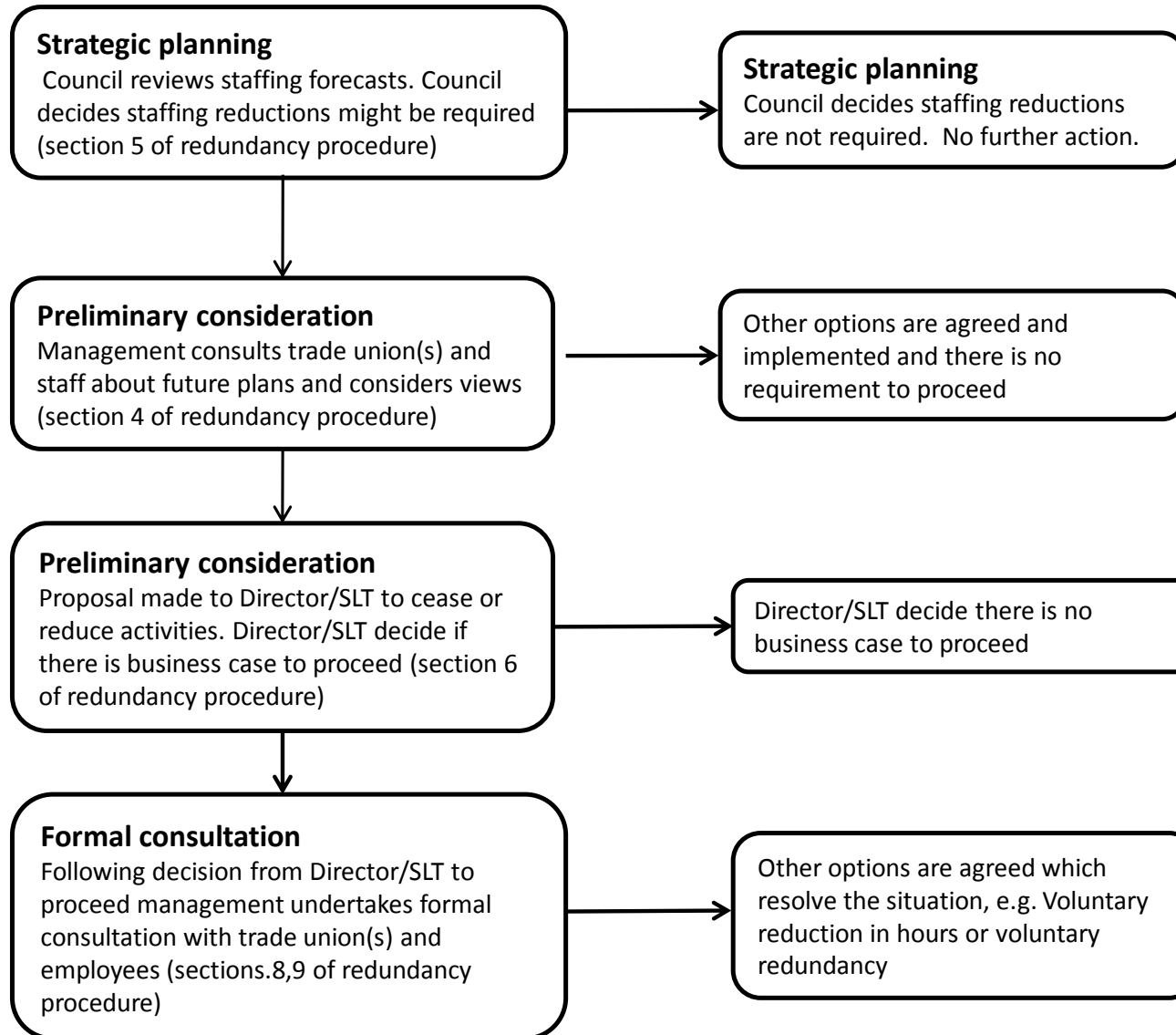
17. Redundancy Payments

- 17.1. Employees who are made redundant following two or more years' continuous service as at the date of dismissal will be eligible for a redundancy payment based on the terms available at the time. Details will be available from Human Resources.
- 17.2. The payment will be treated in line with Inland Revenue requirements for redundancy payments (currently tax free on payments below £30,000).
- 17.3. Staff will generally be expected to work out their period of contractual notice and therefore entitlement to pay in lieu of notice will not normally arise. Where staff have a fixed term contract, notice will have been deemed to have been given at the start of the contract.
- 17.4. In the event that the amount payable under statutory provisions is higher than the amount as calculated under this policy, an adjustment will be required.

18. Monitoring

- 18.1. The number of redundancies and costs will be reported to Council at least once a term. Equalities data will be reported in line with the Institute's established monitoring arrangements.

Summary of Redundancy and Redeployment Process



Summary of Redundancy and Redeployment Process/cont

