

Redundancy Policy and Procedures

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Human Resources

This Policy will be reviewed periodically to ensure compliance with changes in employment law and equality and diversity legislation. In the event that this policy or procedure is not so compliant, the relevant legislation shall prevail.

Changes to this policy will be subject to consultation and agreement with the University's recognised Trade Unions before implementation

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1. INTRODUCTION

Brunel University London aims to provide security of employment for staff through effective business and workforce planning. The University constantly reviews how it operates in order to continue to be successful and viable as an academic institution.

Regrettably this could result in staff redundancies as the staffing requirements change in line with business needs and to aid future growth and sustainability. Heads of Department/Directors will normally have overall responsibility for managing restructuring and conducting redundancy meetings for members of staff within their departments/areas, in line with the Change Management Policy. Where the Change Management Policy and Procedures cannot be followed however and where wider consultation will be required and include appropriate Senate and Council consideration/recommendation/approval, it is expected that this Policy will apply e.g. where academic departments/areas or courses may close or reduce in scale.

While the University intends to avoid compulsory redundancies wherever possible, it is recognised that in certain circumstances this may not be possible, for example through financial pressures, changes/reductions in demand for services, departmental/area or course closures where alternative roles may not be available.

This Policy outlines how the University will manage impending staff redundancies, where the Change Management Policy and processes cannot be implemented, and any decision to implement proposed redundancies. The procedure details the stages involved in potential redundancy situations, who is involved and why and explains the steps that the procedure will follow.

This policy should however be read in conjunction with the Change Management Policy and its general principles should be followed [Change Management Policy - 2015](#).

2. SCOPE

This Policy applies to all staff of Brunel University London at risk of redundancy through Academic Department/area or course closures or reductions as set out above (with the exception of the Vice-Chancellor & President for whom separate provision is made). Where there are procedural variations for Academic staff subject to Statute, these are clearly defined. In all other redundancy situations, the Change Management Policy and Procedures or ACAS guidance would be followed.

Staff with special needs such as language difficulties or disabilities that may prevent them from full participation in the procedure, will be provided with reasonable adjustments/appropriate assistance.

The Redundancy Policy and Procedures do not form part of the contract of employment.

3. DEFINITIONS AND EXPECTATIONS OF ROLES

REDUNDANCY

Redundancy is defined by the Employment Rights Act 1996 as a dismissal attributable wholly or mainly to:

- The fact that an employer has ceased, or intends to cease, to carry on the business for the purposes of which the employee was employed, or has ceased, or intends to cease, to carry on that business in the place where the employee was so employed; or
- The fact that the requirements of that business for employees to carry out work of a particular kind, or work of a particular kind in the place where they were so employed, have ceased or diminished or are expected to cease or diminish.

For collective consultation redundancies only there is a different definition of “redundancy”. The relevant legislation defines redundancy for these purposes as a dismissal:

- Not related to the individual concerned or for a number of reasons all of which are not so related.

LINE MANAGER

For the purposes of this policy, a Line Manager/Head of Department/Director is one who has managerial responsibility for particular members of Staff. All managers with a responsibility for the management of staff will need to be aware of the requirements of this policy and related policies and should ensure that their direct reports are familiar with its contents. The raising of manager’s awareness of the requirements of this policy will be achieved through training and dissemination of the policy.

COMPANION who may be:

i. A TRADE UNION REPRESENTATIVE

A representative from a Trade Union recognised by the University or an official thereof employed by a Trade Union. A Trade Union representative who is not an employed official must have been certified by their union, and must provide evidence, as being competent to accompany an employee.

ii. WORK COLLEAGUE

A fellow worker (employed by the University), who should not be in a conflict of interest position.

The companion should be suitable, willing and, ideally, available on site rather than someone from a geographically remote location. The member of staff’s chosen companion can act as a witness, take a note of the proceedings, address the meeting/hearing and confer with the member of staff and sum up the case as necessary. They may not answer questions on his/her behalf, address the hearing if the member of staff does not wish this, nor prevent the employer from explaining their case.

THE APPELLANT

The member of staff submitting an appeal.

AT RISK

Being placed “at risk” of redundancy means that there is a possibility that the member of staff will be dismissed by reason of redundancy. Once they have been formally notified in writing, staff will remain at risk whilst the University continues to try to find suitable alternatives until the date of termination.

4. GENERAL PRINCIPLES

The University

- is committed to full consultation;
- will ensure that information is available for staff and unions in order that they can participate in the decision making process;
- will ensure that all affected staff are treated fairly, equitably and transparently;
- will undertake equality impact assessments in line with Equality & Diversity principles;
- will do its utmost to find other alternatives to redundancy and wherever possible, redeploy its staff;
- will ensure transparency in the process for redeploying/selecting staff into new posts where available;
- will provide appropriate support to staff in the event that redundancies occur.

5. ALTERNATIVES TO REDUNDANCY

Before making any compulsory redundancies the University will take all reasonable steps to identify feasible alternatives that will meet the needs of the business. These may include, but are not limited to:

- natural loss of staff through turnover;
- consideration of non-pay costs in parallel where cost is the driver;
- consideration of terminating or restricting the engagement of temporary/agency staff;
- restriction/reduction of external recruitment;
- ‘ring-fencing’ internal recruitment;
- redeployment/retraining to alternative work;
- flexible retirement;
- voluntary redundancy;
- voluntary severance;
- reduction of overtime;
- introduction of flexible working hours/days;
- sabbatical/career breaks.

Please also see *Change Management: Steps to Avoid Redundancy and related definitions* Appendix B.

6. VOLUNTARY REDUNDANCY OR SEVERANCE

In the event of proposed compulsory redundancies where formal written notice of being “at risk” of redundancy has been given, the University may invite affected staff to apply for voluntary redundancy, in line with a scheme appropriate to the circumstances agreed at the time, if deemed a suitable option, and any applicable policies. Depending on the circumstances, the University may offer Voluntary Severance to staff and may open this to staff that are not directly affected by the redundancy proposal. The application period will be limited to a specific period of time. The University may at its absolute discretion accept or reject any voluntary application (e.g. the University believes the volunteer has skills and experience that need to be retained for the University’s future viability) and would be under no obligation to discuss its reason(s) with the applicant.

The details and terms of any scheme might vary from time to time and would be made available to staff at that time and appropriate meetings held to discuss the next steps and the applicable package that may be available.

Once the staff member’s application has been accepted and the member of staff has confirmed their agreement to the package offered, the University is under no obligation whatsoever to accept a withdrawal of his or her application. Acceptance of a staff member’s application would normally be subject to the parties entering into a binding settlement agreement.

7. CONSULTATION

Under this Policy, the University will carry out meaningful consultation with the University’s recognised Trade Unions in respect of any proposed compulsory redundancies that have been given provisional approval through the University’s appropriate bodies e.g. Executive Board, prior to further consideration, recommendation and approval through Senate/Council as required. In line with the Change Management Policy principles and where there are no legal requirements, consultation will normally be for 30 days (excluding University closure periods), although agreement can be reached on moving ahead earlier or where the specifics of the situation require a speedier response.

Where there is a legal requirement for the University to consult in line with the statutory collective consultation process, this will be followed. Consultation periods will be extended to comply with statutory requirements according to the number of staff involved. Currently these are:

- a minimum of 30 days’ consultation before the first of any proposed dismissals takes effect, where between 20 and 99 proposed redundancies are to take place at one establishment within a 90 day period; or
- a minimum of 45 days’ consultation before the first of any proposed dismissals takes effect, where 100 or more proposed redundancies are to take place at one establishment within a 90 day period.

Individuals who are at risk of redundancy will also be consulted separately, as appropriate, and the normal right to being accompanied will apply. Where more than one staff member is at risk this might include initial collective consultation with staff members prior to the individual consultation taking place and the recognised Trade Unions will be invited to attend. Consultation will try to identify ways to avoid compulsory redundancies, aiming to reduce the

number of staff placed at risk of redundancy and mitigating the effect of redundancies on the affected staff.

The affected member of staff will be notified in writing and invited to a meeting with a Line Manager and a representative of Human Resources. Staff will be invited to be accompanied by their representative/companion, should they wish (see definitions). Staff will be expected to attend a consultation meeting and should they fail to attend without good cause, the meeting may proceed in their absence.

The University is committed to providing full and proper information to Trade Union representatives during the consultation process, and will endeavour to consider the views and alternative proposals expressed/information presented within the consultation process and/or any required committee pathways, prior to a final decision being reached.

Information provided will include the:

- reason(s) for the proposed redundancies (i.e. the business case);
- numbers and categories of staff affected;
- proposed method of selecting those for redundancy;
- proposed method of carrying out the redundancies;
- time period over which the redundancy dismissals will take place;
- proposed method of calculating redundancy payments (where non-statutory payments are to be made);
- the number of agency workers working under the supervision and direction of the employer;
- which parts of the University the agency workers are engaged in and whether they are affected; and
- the type of work which the agency workers do.

8. REDUNDANCY SELECTION

The University will consult with the Trade Unions and affected staff at the earliest stage on the process to be followed and the redundancy selection criteria to be used as applicable. In seeking to agree fair, transparent and objective criteria, the key consideration will be the long-term sustainability of the University and the need to maintain a high quality, balanced workforce with appropriate knowledge, skills, experience and qualifications as necessary to meet the strategic needs of the University.

The University will enter into individual consultation with all staff who have been provisionally selected for compulsory redundancy and who are therefore 'at risk'.

Each member of staff will be given information about the proposed method of redundancy selection, including any selection criteria to be used. They will be informed of the basis for their selection and be invited to make representations about their redundancy selection before any final decision about who is to be given notice of dismissal is taken.

8.1 SELECTION CRITERIA

In certain circumstances the University may seek to determine the pool of staff which may be affected by the organisational change and may determine not to use the application of selection

criteria for a group of staff.

The selection criteria used will be dependent on the specific circumstances and may include all, or some of the following:

- Skills and experience
- Qualifications
- Attendance records
- Disciplinary (conduct) formal records
- Capability (performance) formal records

and would take into account the equality impact assessment.

For the avoidance of doubt, any procedure adopted by Council for the dismissal of Academic Staff (as defined in Statute 1 – 1.1) by reason of redundancy shall not prejudice, alter or affect any rights, powers or duties of the University in respect of, or apply to, any member of Academic Staff whose appointment was made, or contract of employment entered into, on or before 19 November 1987, and who has not been promoted after that date. For the purpose of this clause, a reference to an appointment made or a contract entered into on or after that date shall be construed in accordance with sub-sections (3) to (6) of section 204 of the Education Reform Act.

9. REDEPLOYMENT

In line with the Change Management Policy principles, the University will make every reasonable effort to identify and offer suitable alternative work to those staff that have been formally notified in writing that they are at risk of redundancy.

Staff that have been formally notified in writing that their posts are at risk of redundancy will join a redeployment pool until the effective date of dismissal. Staff within the redeployment pool will have an opportunity to express an interest in and be considered for any suitable alternative post within the University prior to the posts being advertised.

The University reserves the right to select the best candidate for any job where there is more than one suitable candidate and may apply specific appointment selection criteria. In line with the Change Management Policy principles, the University will 'ring-fence' any vacancies as being open only to internal candidates where appropriate, unless there are circumstances where it reasonably believes there are no suitable internal candidates.

Where a member of staff from the redeployment pool obtains a post within the University they will be either given or offered a minimum statutory four week trial period, during which time they and their managers can establish suitability for the post. This trial period can be extended by mutual consent (not normally more than three months) when further training and/or support is required, but not because there has been a failure to assess the employee's suitability.

If the new position is deemed to be unsuitable by either party, the staff member's employment will be terminated within the trial period. S/he may receive a statutory redundancy payment but it would be based on the date on which their original role became redundant. In circumstances where the redundancy dismissal termination date has not been reached, the staff member will re-join the redeployment pool and should another suitable alternative job become available prior to their termination date and the member of staff is offered that job, they would be entitled to a

further trial period of four weeks.

Should the University consider a vacancy to be suitable as an offer of alternative work, but the staff member unreasonably refuses that offer, or, having taken up the offer resigns that position before the end of the trial period, the staff member will forfeit any right to a redundancy payment.

Where redeployment to suitable alternative work is not possible, and all alternative measures to avoid compulsory redundancy have been exhausted by the termination date, the member of staff will be redundant and may be entitled to a redundancy payment.

An appropriate level of support to staff will be made available within the University (see 11 Support below).

In line with applicable legislation, special consideration will be given to providing suitable alternative work to staff who have been selected for redundancy e.g. those selected whilst on maternity leave.

9.1 RE-ENGAGEMENT

The University will not re-engage any member of staff in any capacity (including in a temporary/part-time capacity) who has been made redundant (including voluntary redundancy/severance) for a period of 12 months post termination. Any re-hire must be into a position that is significantly different from the post that has been made redundant, with the difference being defined by at least two of the following criteria:

- skills and content of the role;
- grade/level of the position (at least 1 grade difference);
- working hours per week (e.g. from full time to part time, with part time being less than 50% of the full time role).

Any re-hire must be to a vacant post through open competition that has been fully considered and approved via the REAP process.

In certain circumstances the University may require the member of staff to repay all or some of any redundancy payment made on a pro-rata basis.

10. TIME OFF TO LOOK FOR WORK/TRAINING

Any member of staff under formal written notice of redundancy dismissal will be granted reasonable paid time off to look for alternative work with another employer. This will also include reasonable time off to attend interviews or to undergo training for alternative work. Appropriate time off will be arranged and authorised through the staff member's Line Manager. At least 24 hours' notice should be provided to the Line Manager and confirmation of interviews etc. may be required in order to obtain appropriate approval.

11. SUPPORT

The University will make every reasonable attempt to support any member of staff who is to be

made redundant. Depending on resources available at the relevant time, and all other circumstances pertaining at the time, outsourced support may be arranged e.g. career counselling, interview skills training etc. Note that specific coaching for internal interviews will not be provided on a one to one basis as this could give unfair advantage to one candidate over another in the selection process. Reasonable requests from staff for financial support towards training/educational or career advice costs might also be considered, subject to approval, up to a limit and used within a 12 month period from the formal notice of termination. Any agreed amount (currently a maximum £1,000) would be claimed on production of the appropriate invoices/receipts and in accordance with the University's applicable policies.

12. REDUNDANCY PAY

Those members of staff who meet legislative criteria (currently those with two or more years' continuous service with the University) will be entitled to receive a statutory redundancy payment in line with the prevailing legislation and the statutory formula. The University reserves the right to put in place an enhanced payment at its absolute discretion. In certain cases the University may refer such cases to the Remuneration Committee for approval.

Individual staff members will, however, be provided with written details of the redundancy package that applies to them, in the event that they are made redundant. If requested, this may be supplied at an earlier stage of the process to aid individual's decision making.

13. FLEXIBLE/FULL RETIREMENT

Staff may wish to discuss taking flexible or full retirement from the University as an alternative avenue. This would be subject to individual circumstances and discussion. Note that the University and the pension provider can only provide information and not individual financial advice. It is therefore recommended that any staff considering retirement should seek independent financial advice.

14. NOTICE/TERMINATION

The University may waive its right for the redundant member of staff to work his or her contractual notice. In certain circumstances a payment in-lieu of notice (PILON) may be made.

It would be expected that all accrued annual leave would be taken by the date of termination. However, in exceptional circumstances where it is not practicable or appropriate, payment may be made for outstanding accrued annual leave on termination.

15. APPEAL

Affected staff may appeal against their selection for redundancy. Any appeal should be sent to the Director of Human Resources in writing, clearly stating the grounds for their appeal, within 10 working days of the date of their formal written notification.

For Academic staff (as defined in Statute 1 – 1.1), where their selection for redundancy has been formally notified, a Redundancy Committee shall be established to hear an appeal against selection for redundancy of a member of Academic staff. It shall operate in accordance with this Policy and Procedures and shall consist of at least five members including an independent chair, two members of Council (not being persons employed by the University) and two

members of Academic staff nominated by the Senate who are not also subject to that particular redundancy process.

An Appeal Hearing will be arranged as soon as possible, allowing for factors such as Panel member availability. The individual will have the right to be accompanied by a companion and should make the necessary arrangements to enable their companion to attend.

Possible outcomes of an Appeal Hearing may be for the Appeals Panel to:

- Confirm the decision that the staff member is redundant; or
- Uphold the Appeal and rescind the decision; in which circumstances the Appeals Panel might consider it appropriate to recommend an alternative outcome.

The outcome of the appeal will be set out in a letter from the Chair of the Panel (or nominee) to the Appellant who will be advised that the decision is final and that there is no further right of appeal.

16. NON-ATTENDANCE AT MEETINGS/APPEAL HEARINGS

Members of staff are expected to make themselves available for meetings/hearings at the date and time as specified in their written invitation and to fully engage in the process. If there are good reasons why they are unable to attend they must inform the University in advance where possible e.g.:

- The chosen companion will not be available at the time; the meeting may be delayed to a time when the representative/companion is available, provided that the alternative time is both reasonable and normally not more than 5 working days after the date originally proposed. Where the Panel are unable to convene for this proposed date, an alternative proposal will be made but all parties should try to avoid unnecessary delay.
- As a result of exceptional circumstances that are outside of their control and which were unforeseeable at the time the meeting was arranged, the University will arrange another meeting, again without unnecessary delay where possible.

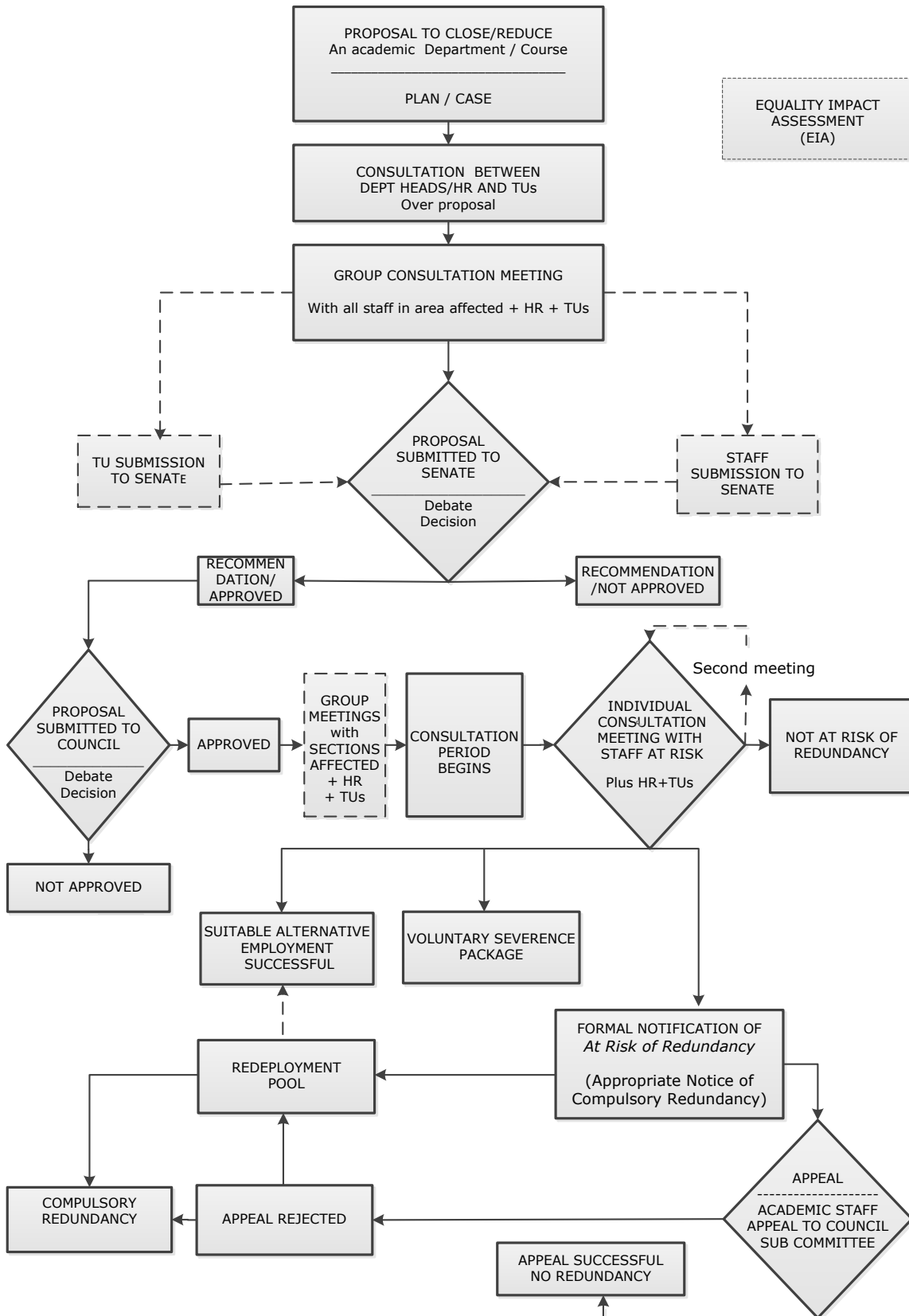
However, if the employee is unable to attend the reconvened meeting, refuses to attend, or the University does not accept the reasons given for not attending, it may proceed in their absence, taking into account the information available. Staff may, in extenuating circumstances, supply the Panel with a written statement but it should be noted that this is not a recommended option nor would it provide the opportunity for the individual to respond appropriately e.g. to questions raised within the hearing/meeting.

In all instances a reasonableness test will be applied when considering how best to proceed.

17. APPENDICES

- A. Redundancy Flowchart
- B. Change Management: Steps to Avoid Redundancy

A. REDUNDANCY FLOW CHART



B. CHANGE MANAGEMENT: STEPS TO AVOID REDUNDANCY

1. **Natural loss of staff through turnover**

Not recruit to roles where staff have resigned and/or retired thus restricting the recruitment of permanent staff.

2. **Reducing the use of temporary staff**

Reducing or eliminating the use of temporary staff could provide continued employment for permanent staff at risk of redundancy.

3. **Restricting/Reducing external recruitment/internal ring-fencing**

If there are vacancies these could either be deleted and the work redistributed amongst staff at risk of redundancy or any vacant positions could be ring-fenced internally and offered to staff in the affected area only. If there is no one suitable from within the affected area the role could be offered to the wider University therefore trying to fill vacancies from among existing employees thus not increasing the headcount.

4. **Reduce overtime**

Reduce overtime and redistribute work load to reduce the need for overtime i.e. shift patterns if staff are needed to work early, late or weekends.

5. **Redeployment/Retraining**

If there are vacancies in one part of the University at a time when redundancies are being considered in another those vacancies could be ring-fenced and, if appropriate, be offered to employees at risk of redundancy. Any redeployed staff will need to be given any necessary training to equip them to perform the new job.

6. **Volunteers for flexible working**

Staff could be given the opportunity to apply for flexible working i.e. reduce working hours and work part-time; job share opportunities; flexible retirement etc. instead of backfilling the un-worked hours, savings could be made wherever it was practical and where there was no detrimental effect on the service. (see also Flexible Working Policy).

7. **Sabbatical/Career breaks**

Staff could be given the opportunity to take a sabbatical/career break to travel or study. The savings from that post could be made by filling the vacant post with a temporary part-time/full-time person on a lower point of the grade or re-allocating the work enabling some staff the opportunity of development and perhaps receive an 'acting up' allowance.

8. **Volunteers for flexible retirement**

The University could consider a scheme inviting volunteers to apply for flexible retirement (see also Flexible Retirement policy).

9. *Suitable alternative employment*

Wherever possible the University will seek to maintain individuals in employment in work of a broadly comparable nature and the University should be proactive in seeking to achieve this.

To be deemed suitable alternative employment, the following criteria must be used to determine the suitability of alternative employment:

- Grade and Pay;
- The nature of the work;
- The qualifications, skills and experience required to carry out the work;
- The aptitude or capability of the individual to undertake the work;
- The working arrangements i.e. hours of work, shift arrangements etc.;
- Level of responsibility relative to previous role.

Where alternative work is available and a job offer is made it will be put in writing. The offer should show how the new employment differs from the old and by law must be made before the employment under the previous contract ends. The offer must be for the new job to start either immediately after the end of the old job or after an interval of not more than four weeks. Employees who unreasonably refuse an offer of suitable alternative employment may lose any entitlement to redundancy pay.

Unreasonable refusal may arise where the differences between the new and old jobs are such that the new job amounts to suitable alternative employment or where the employee assumes rather than investigates the changes that a new job might involve in, for example, travelling time or working conditions.

Definitions

- *Assimilation (Slotting in – is used where the new job is deemed to be the same or substantially similar to the old. The employee would be slotted into the new post.*
- *Ring-fencing – is determined by using the same principle for assimilation where the old and new jobs are found **not** to be “substantially similar” but the University will take the view that they have sufficient elements in common and would take into account the grade of the post, so as to give the employee an opportunity to be considered for the new post, usually via a selection process. Ring-fencing may be applied within a group, section or department etc. according to the circumstances.*
- *Redeployment- is appropriate for employees who have been displaced as a result of*
 - *Their job has been deleted and ring-fencing would not be applicable;*
 - *They have been unsuccessful at the ring-fence interview; or*
 - *Being “at risk” or selected for redundancy.*
- *Open competition (i.e. normal University recruitment – will only be used when the University has been unable to fill a post by using the above provisions, or where these do not apply.*