

REDUNDANCY POLICY AND PROCEDURE

1 Introduction

This policy and procedure is discretionary in nature. Whilst the University expects its employees and staff to comply with this policy, it does not confer contractual rights or form part of any contract of employment and may be amended by the University or replaced at any time following appropriate consultation and negotiation with recognised trade unions.

Breach of this policy may be addressed via the University's disciplinary and code of conduct policies.

This policy will be reviewed by the Human Resources department on a 3 year basis or amended in response to changes in future legislation and/or case law.

2 Ownership

The Human Resources department owns and manages this policy on behalf of The University of Northampton.

3 Organisational Scope

This Redundancy policy is a corporate policy and applies to all employees (and workers, as applicable) of The University of Northampton including wholly owned subsidiaries, unless an alternative policy exists, subject to any qualifying conditions.

Restructures that will not result in staff being at risk of redundancy will not be in scope for this policy and procedure, but will still require approval from the University Management Team.

4 Policy Statement

- 4.1 The aim of this policy is to underpin the University's approach to Redundancy and provide managers and individuals with a fair and transparent procedure for addressing redundancy situations.

- 4.2 The University will aim to ensure that every effort is made to avoid and mitigate redundancies, and will consult with the recognised unions at the earliest possible time.
- 4.3 In order to minimise redundancies The University will consider amongst all its options, utilising natural turnover, recruitment freezes, reduction of overtime, temporary lay-offs, redeployment, and options for voluntary redundancy wherever possible.
- 4.4 The University will manage redundancies in a fair and supportive manner, in line with statutory requirements and in accordance with our commitment to Equality and Diversity and with legislative requirements, adhering to the Equality Act 2010.
- 4.5 All requirements for individual and collective consultation will be met and provide a meaningful process to gain employee feedback and input.

5 Definitions

- 5.1 **At Risk of Redundancy** – a post may be at risk of redundancy if the organisation is changing what it does, doing things in a different way, changing location, or closing down; meaning that the current post will no longer exist.

A post may also be at risk of redundancy if the associated contract of the incumbent has a fixed end date, although this will depend on the circumstances.

- 5.2 **Consultation** – providing a reasonable opportunity to influence developments and explore possible alternatives.
- 5.3 **Pay Protection** – the preservation for a period of one year, of an employee's salary from a post made redundant, despite their having been redeployed to a post which carries a lower salary than their previous one.
- 5.4 **Pool Group** - a group of employees who are at risk of redundancy, who are identified as having in common, that they undertake a similar type of work and/or require similar skills or experience. Individuals in a pool group will then be aligned to certain posts to which they can apply during a selection process.
- 5.5 **Redeployment** – the process of finding a post within the University for an employee who's own post is at risk of or is being made redundant, in order to mitigate a redundancy situation.

Such a process will be automatically initiated by the University (as part of its

Redeployment Policy/Procedure but an employee can also initiate it and will be participating in this process by applying for and securing a post internally).

5.6 **Suitable Alternative Employment** – a post offered to an employee in the context of this policy, as a result of their original post being at risk of or being made redundant. The post being offered would be comparable to the employee’s original post based on some or all of the following:

- Nature of the work
- Qualifications, skills, knowledge and experience required to carry out the work
- The aptitude or capability of the individual to undertake the work
- Working arrangements e.g. hours of work
- Level of responsibility (in relation to previous post)
- Grade and pay
- Location

A post offered may or may not be the result of a selection process, depending on the circumstances and whether a selection process was required – see section 7.17 entitled ‘Outcomes following Consultation’ for further details about different circumstances.

If an employee unreasonably refuses an offer of suitable alternative employment, he/she will forfeit their right to a redundancy payment (if they were previously eligible for one).

5.7 **Selection Criteria** – the criteria used to assess selection for redundancy.

5.8 **Voluntary Redundancy** – the option for employees who have been identified as at risk of redundancy, to volunteer to be made redundant rather than being made redundant on a compulsory basis (subject to University approval of the volunteer’s request).

6 Key Principles

6.1 The University of Northampton recognises the contribution of all staff to deliver its mission to Transform Lives and Inspire Change, and where possible aims to provide stable and sustainable employment through effective planning.

6.2 Occasionally it may be necessary to review staffing levels in the light of available resources to ensure appropriate application.

6.3 This policy and procedure applies when any post or posts have been identified as potentially at risk of redundancy.

- 6.4 If a reduction in the number of existing posts to align staff numbers with organisational need cannot be prevented, selection for possible redundancies will be based on objective selection criteria which will be reasonably and fairly applied.
- 6.5 All managers will be supported by the HR department in applying this policy and procedure.
- 6.6 Employees have the right to be accompanied by a work colleague or recognised trade union representative at any meeting during the redundancy process for which statutory provisions about accompaniment apply.
- 6.7 The University will make reasonable adjustments to enable an employee with a disability to participate in meetings or hearings at any stage of the procedure. Where an employee has difficulty in understanding written or spoken English, appropriate arrangements will be made.
- 6.8 All proposed organisational changes should remain confidential until all directly affected staff have been informed. Anyone involved in discussions prior to this point must keep the matter strictly confidential.
- 6.9 Complaints related to redundancy related processes will be considered during consultation or heard at the appeal stage, as appropriate (depending on the nature of the complaint). Grievances may run concurrently to the redundancy process. Under no circumstances will the redundancy process be stayed to hear a grievance.
- If a branch grievance related to the redundancy process is submitted by a Recognised Union, the redundancy process may be stayed to hear the grievance, with the agreement of those members of the relevant union who are affected by the restructure.
- 6.10 Unauthorised recording of conversations is prohibited. Anyone in breach of this may be subject to disciplinary action.

7 Procedure

Planning and Approval

- 7.1 A Manager considering making staff changes in their area (here after referred to as 'the Manager') is expected to ensure all relevant information relating to the posts/staff in that area, such as job descriptions, is up to date; and to seek input

from appropriate team members such as line managers within that area, prior to any proposal being submitted for approval.

Where 'appropriate team members' are also affected by the potential staff changes, for example, where a line manager and their team are all potentially affected, it may not be appropriate to seek their input prior to a proposal being submitted. In such cases, their input would be considered as part of the consultation process.

- 7.2 Managers must seek advice from their HR representative and from Finance when preparing their business case, prior to it being approved by University Management Team (UMT). The manager should liaise with their Dean or Director to present the business case to UMT.
- 7.3 Approval from UMT is **not** required in the case of an end to fixed term contract or in the case of a funded project coming to an end.

Notification

- 7.4 Following approval of the business case by UMT, the recognised unions will be notified.
- 7.5 A meeting will be held with affected individuals, either as a group or individually, and Trade Union representatives may be invited to attend. The manager will explain the rationale for their proposed changes and the proposed timetable. There will be the opportunity for employees to ask questions and give initial feedback. The affected employees will be informed prior to any wider communication going out.
- 7.6 Anyone unable to attend the meeting will be sent documentation without delay which communicates the same information as was conveyed during the meeting, and they will be offered the opportunity to meet and discuss the proposal in person.

All affected individuals will be informed in writing that they have been placed at risk of redundancy with details of the rationale and arrangements for consultation.

Consultation

- 7.7 Employees directly affected by the proposal, and their representatives, will be given the opportunity to participate in meaningful consultation. The purpose of consultation is to discuss proposals in greater detail, for employees to give feedback about the proposals, and to make suggestions of alternatives to avoid redundancies.
- 7.8 All employees are entitled to individual consultation meetings to discuss their own individual circumstances. Employees can request a consultation meeting at any

point during the consultation period.

If an employee feels their post should not be at risk of redundancy, they should raise this during the consultation period.

- 7.9 In cases where more than 20 employees are at risk of redundancy, group consultation is required, which will involve the relevant Manager, Human Resources, and recognised Trade Union representative/s.
- 7.10 The views presented in both group and individual consultations will be considered and responses given to all questions and proposals to avoid redundancy.
- 7.11 A written record of each consultation meeting will be provided to the employee and held in their personnel file.
- 7.12 Employees with more than 2 years service at the proposed termination date will be eligible to receive a Redundancy payment. To ensure as much information is made available as possible, those employees will be informed of their eligibility during the consultation period, along with a provisional redundancy pay figure based on statutory rates.
- 7.13 Minimum consultation periods will be as follows:
- If fewer than 20 employees are affected the consultation period will be long enough to be meaningful, there is no statutory requirement
 - If 20 – 99 employees are affected, the formal consultation period will be for a **minimum** of 30 days.
 - If over 100 employees are affected, the formal consultation period will be for a **minimum** of 45 days.
- 7.14 The minimum consultation periods detailed above will be followed however, the University reserves the right to increase the length of consultation period at any stage where appropriate; for example in a complex situation where it is deemed necessary to ensure meaningful consultation. Time frames will be dependent on the complexity of the situation and will be communicated at the outset, having also been discussed with any relevant unions.
- 7.15 During the consultation period the Manager will consider all the views and any alternative proposals presented to them by affected employees.
- 7.16 At the end of the consultation period affected employees will be informed of the outcome of the consultation and of next steps including any selection process that will follow.

Outcomes following Consultation

Employees move to new posts without need for selection

- 7.17 Where the change/s proposed in the business case creates new posts that are the same or substantially similar to the employees' old ones, **and** where there are the same number of new posts (or more) as the number of affected post-holders, those employees will move to the new posts without the need for a selection process.

Where this scenario exists as a potential outcome, it will have been communicated to affected staff as part of the consultation process.

7.17.1 The approach for assessing similarity will be based on the duties and responsibilities of the old and new posts, and will take the nature of the restructure into consideration.

7.17.2 The assessment will be made by the Manager and independently verified by a member of the HR team.

An employee who moves into a new post without the need for a selection process would not be entitled to a trial period in their new post and would no longer be at risk of redundancy.

No new posts exist meaning no selection can take place

- 7.18 Where the change proposed in the business case means there will be no posts at all – for example if a course or service provision was potentially closing – a selection process may not be possible. Instead all options would be explored for the affected employees, including applying the redeployment procedure (see section 8 on redeployment).

New posts exist but a selection process is needed to fill them

- 7.19 Where the number of affected employees is greater than the number of available new posts, or where the new posts are significantly different to the employees' old posts, an objective selection process will take place.

Selection Process

- 7.20 Employees at risk of redundancy may be assigned to a pool group aligned to certain posts (of those new posts created by the business case). The individuals would be considered for those specific posts, prior to them being released to any other 'at risk'

employee, via agreed selection criteria and a selection process.

Where an employee at risk of redundancy is not assigned to a specific pool group, they can choose to apply for one of the new posts once they become available (via the agreed selection criteria and selection process). They can also choose to apply for any other internal vacancy via the usual recruitment process.7.21 Selection criteria will be determined during consultation and will be communicated prior to the selection process commencing. Criteria may include but is not limited to:

- experience
- qualifications/training
- skills/knowledge/aptitude
- attendance record, excluding absence related to disability or maternity, and where applicable, taking into account recent mitigating circumstances
- disciplinary record or
- performance, in relation to the future needs of the University.

Attendance, discipline and performance will only be used where the individuals concerned are so closely matched in the other criteria that a decision regarding who to select for redundancy cannot be objectively justified.

7.22 Evidence of the above will be sought via a selection process which may include a variety of methods such as application forms or review of CVs, Performance Development Reviews (PDR), interviews, tests or presentations, and they may be weighted according to importance. Methods to be used will be determined by the situation and agreed during consultation.

Outcomes following a Selection Process

Post offered

7.23 If an employee is successful in being offered a new post (of those available as a result of the business case) following a selection process, they will be informed of that and will receive confirmation of the offer in writing.

7.24 When an employee is offered one of these posts following a selection process it may be considered to be suitable alternative employment (as per the definition in this policy/procedure) or simply to be an alternative post (meaning it doesn't meet the definition of suitable alternative). However, both will carry with them a trial period to ensure that the post is genuinely suitable for both the employee and the post's line manager.

7.25 Where an employee accepts one of these new posts, whether it is suitable

alternative or just alternative, the employee will no longer be entitled to a redundancy payment (if they were previously eligible for one), unless it is agreed at the end of their trial period that the post is genuinely not suitable. In such circumstances, the employee will be at risk of redundancy again and will resume their previous eligibility for redundancy pay. (See within section 8 for more information on Trial Periods).

- 7.26 If an employee participates in the selection processes for more than one new post and is offered more than one post, they can choose which to accept.
- 7.27 If an employee participates in a selection process and also accepts an offer of a post that they have chosen to apply for outside of the changes resulting from the business case, they will not be entitled to a trial period for that separate post and they will no longer be entitled to a redundancy payment.

In addition, if an employee accepts such a post, they accept it based on the terms and conditions advertised.

No post offered

- 7.28 If an employee is not successful at being offered a post following a selection process or if there are no posts available to offer (such as where a course or service provision is closing), the individual will be informed of that and will be advised of the next steps for their individual circumstances.

The next steps may include alternative redeployment options for any posts still available as part of the restructure (if applicable) or they may include issuing notice of dismissal by reason of redundancy.

- 7.29 If an employee is informed that they will be issued with notice of redundancy they will be issued with that notice in writing. The written notice will also inform the individual of his/her right to appeal the redundancy decision if they feel they have been unfairly selected.
- 7.30 Employees issued with notice of redundancy will usually be informed that they will be required to work their notice period, although managers may apply flexibility at their discretion, with approval from a member of the HR team.
- 7.31 In some circumstances consideration will be given to the employee being placed on garden leave for the whole or part of their notice period, depending on the individual situation and organisational needs at the time.

7.32 During the notice period the University will aim to redeploy employees to alternative posts within the organisation.

8 Redeployment

8.1 The University has an obligation to attempt to redeploy all employees issued with notice of redundancy, and will actively do this throughout the duration of an employee's notice period, as per the Redeployment Policy and Procedure.

8.2 In order to facilitate the redeployment process, the employee will be given the opportunity to complete the Redeployment Form. This enables the individual to detail their skills and experience from their current post as well as previous posts, and to outline the types of posts or areas of work that they believe they could fulfil.

8.3 It is the employee's responsibility to complete and return the form to HR if they wish to have the additional information it contains considered against job vacancies. If they do not do so, job vacancies will be reviewed against the individual's current post only.

8.4 HR will regularly review vacancies against an individual's current post, and the details contained in their Redeployment Form if they have completed and returned one. If any potential employment opportunities are identified (whether suitable alternative or just alternative), HR will contact the employee and the recruiting manager to discuss them.

8.5 The employee will also be expected to consistently monitor vacancies on the University website and to notify their HR contact if they wish to be considered for a post. There is also the facility to set up vacancy alerts on these web pages.
(See the Redeployment Policy and Procedure for full details).

Trial Periods

8.5 An employee who is redeployed into any alternative post is entitled to a trial period of at least four weeks. This can be extended with the agreement of both parties, for example, if training is required.

8.6 The purpose of the trial period is for both parties (the individual and the line manager) to assess whether the new post is genuinely suitable.
(See the Redeployment Policy and Procedure for full details).

9 Pay Protection

- 9.1 In some circumstances an employee may be offered a post either as part of the changes resulting from a business case or during their notice period, that is considered alternative employment (rather than suitable alternative) because amongst other things, it may be a lower grade than the individual's original post. In such a situation, salary protection will be offered for a period of one year from the date of commencement of the post, with the limit of a difference of two grades between the original post and the alternative one.

For example, if a post at grade 7 is offered to an employee who was previously a grade 10, salary protection would not apply as there are three grades difference between the posts.

10 Assistance with Applications

- 10.1 Staff in a redeployment situation are eligible to receive support in completion of CV's and refreshing interview skills. Staff should contact their relevant HR representative for further details.

11 Appeal

- 11.1 If an employee feels he/she has been unfairly selected for redundancy that individual has the right to appeal the redundancy decision. Employees can appeal in writing to the Director of Human Resources within 5 working days of receipt of the letter issuing notice of redundancy, stating why they wish to appeal.
- 11.2 The appeal hearing will be heard by a senior manager (chair) not already involved in the redundancy process for the area in which the employee works; supported by a member of the Human Resources team.
- 11.3 The hearing will be arranged by Human Resources and normally held within 10 working days of the appeal notification being received in Human Resources.
- 11.4 The employee will be informed in writing of the meeting details, including their right to be accompanied by a work colleague or trade union representative, 2-5 working days in advance of the hearing date.
- 11.5 At the hearing the employee will be given the opportunity to present their appeal and provide any supplementary evidence.
- 11.6 The Chair will ensure that all relevant issues are explored before reaching their decision.

11.7 The Chair will communicate the decision in writing to the employee as soon as reasonably practicable but normally within 5 working days of the hearing taking place.

11.8 The decision of the Chair is final.

12 Repayment of Redundancy Pay

12.1 Where an employee leaves the University by reason of redundancy and receives a redundancy payment, he/she has been given that payment as compensation for their loss of employment. Therefore, if they are rehired by the University within the timeframes outlined below, they must repay that redundancy payment back to the University:

Timeframe	Proportion to be repaid
Within 1-4 weeks of termination date	Full redundancy payment required
Within 5-8 weeks of termination date	80% of redundancy payment
Within 9-12 weeks of termination date	60% of redundancy payment
Within 13-16 weeks of termination date	40% of redundancy payment
Within 17-20 weeks of termination date	20% of redundancy payment
21 weeks plus from termination date	No repayment required

Where an employee is rehired within 1-4 weeks of their redundancy termination date, they must repay their redundancy payment in full, and they will maintain continuity of service.

Redundancy Payments and the Modification Order

12.2 Where an employee has previous continuous service with an organisation covered by the Redundancy Payments Modification Order (RMO) the service may be taken into account for redundancy payment purposes.

12.3 Previous continuous service with an organisation covered by the RMO may not be used for redundancy payment purposes if the employee has previously received a statutory redundancy payment in respect of the same period of service.

12.4 If an employee under notice of redundancy receives a job offer from another organisation covered by the RMO before the termination of his or her employment, and starts the job within four weeks of the end of the old employment, there will be no dismissal for redundancy payment purposes and the employee will

not be entitled to a redundancy payment.

12.5 As a condition of receiving any redundancy payment from the University, employees will be required to confirm in writing that they have not previously received a payment under the RMO in respect of the same period of continuous service and that they have not accepted an offer of alternative employment with another RMO employer to commence within four weeks of the termination of their employment with the University.

12.6 Receipt of a redundancy payment will break an employee's continuity of service for redundancy pay purposes. The significance of the RMO is only in relation to redundancy pay and has no significance for other terms and conditions of employment governed by continuity of employment.

13 Associated Documents

No relevant associated documents.

14 Equality Impact Assessment

A copy of the Equality Analysis is available upon request.

15 Version Control

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Author:	HR	Approval:	Board Approval 01 February 2015
Date written:	Autumn/ Winter 2014	Updates:	
Current status:	Approved for issue 01 February 2015		
Record of Amendments			
Date	Details of Change	Approval	
02/10/2015	Changes made following feedback from both employees who have been subject to the policy/procedure and from those within HR who have applied and managed the	Approved	

	<p>policy/procedure.</p> <p>Feedback is primarily focussed on the need to add clarity overall, and specifically in relation to selection and outcomes in varying scenarios.</p>	
17/12/2015	Changes made following feedback and discussion with recognised Union representatives.	Approved
09/01/2017	Changes made following feedback from employees who have been subject to the policy/procedure and from staff within HR who were involved in applying it.	