

Human Resources Directorate



THE UNIVERSITY OF HULL

Policy and Procedure on Redundancy, Redeployment and Outplacement

January 2005

The University of Hull

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Policy statement

- 1 It is through the staff of the university that its strategic plans and objectives are delivered and its work taken forward. The university does all it can to recognise the importance of its staff by maintaining, as far as is possible, long-term stable employment and career development.
- 2 The university recognises that it may not always be possible to anticipate or to cope with changing circumstances by measures such as natural turnover, regulating recruitment and by redeployment. Therefore, it may be necessary to require redundancies. In this situation, the university will seek to make the staffing changes by way of voluntary redundancies. The university's aim is to make compulsory redundancies only as a last resort and after all other options have been identified and considered and there has been full consultation with the appropriate recognised trade unions and the staff who might be affected. If redundancies cannot be avoided, the university aims to follow the procedure set out below to ensure that staff are treated in a fair and consistent manner.
- 3 All suggestions and proposals made by the trade unions and staff who might be affected will be considered by the university before a final decision is made as to whether or not redundancies are necessary and, if so, the number and location of the posts to be made redundant. If and when, decisions about numbers and locations have to be made, the university will usually discuss with the recognised trade unions how the staff to be made redundant are to be selected, the scope there might be to make the staffing changes by way of voluntary redundancies, and the terms on which redundancy is to be offered. The basis of selection will be the university's academic, financial, economic, technical and organisational needs and requirements. There will normally be regular meetings with the recognised trade unions to ensure effective consultation.
- 4 The university will seek to help staff whose posts are to be discontinued in addition to any rights they might have to statutory redundancy pay. A procedure statement on redeployment and a policy statement on outplacement are set out below.

To whom does this policy apply?

- 5 This policy applies to all staff on continuing contracts and staff on fixed-term contracts with a minimum of one year's continuous service. Any member of staff with less than two years service will not be entitled to statutory redundancy pay.

Equality

- 6 This policy has been produced with the aim of supporting the university's overall strategy to embrace diversity and welcome individuals from all backgrounds. When using this policy, the university expects members of staff to treat all colleagues fairly and with respect and will take action against acts which breach the policy on diversity. A member of staff who for any reason finds this or any other policy difficult to read or to follow should contact their area HR Advisor who will provide help with, or alternative formats of, the procedure.

Redundancy

Consultation

- 7 Where the need to reduce the staffing of the university arises, either in particular areas or across the whole institution, the university will consult the appropriate recognised trade unions at the earliest opportunity. This will be with a view to establishing if the proposed job losses can be achieved by means other than compulsory redundancies. The Trade Union and Labour Relations (Consolidation) Act 1992 (TULR(C)A), as subsequently amended, requires consultation with trade unions to take place
- at least 30 days before the first dismissal takes effect in cases where an organisation is proposing to make 20 or more members of staff redundant at one establishment within a period of 90 days or less
 - at least 90 days before the first dismissal takes effect in cases where an organisation is proposing to make 100 or more members of staff redundant at one establishment within a period of 90 days or less

The number of fixed-term contracts not to be renewed for members of staff with more than one year's service will be included in calculating these numbers.

- 8 Consultation with the recognised trade unions will begin in good time and will include consultation about possible ways of avoiding the redundancies, reducing the number of staff to be made redundant and mitigating the consequences of the redundancies and will be undertaken with a view to reaching agreement. If the university's management considers the need for redundancies still remains, it will then make a provisional selection for redundancy and provide written details of the proposals to the recognised trade unions.
- 9 The written details will be at least those required by legislation. The Trade Union and Labour Relations (Consolidation) Act 1992, as subsequently amended, currently requires the following information to be disclosed, in writing, at the beginning of the consultation process.
- The reasons for the proposals
 - The number and descriptions of staff whom it is proposed to make redundant

- The total number of staff of any such description employed by the university
 - The proposed method of selecting the staff who may be made redundant
 - The proposed method of carrying out the redundancies with due regard to any agreed procedure including the period over which the redundancies are to take effect
 - The proposed method of calculating the amount of any redundancy payments otherwise than in compliance with a statutory obligation
- 10 In the event of potential redundancies, the above information will be sent to the trade unions as early as possible, and before any notification to staff. Such information must be kept confidential to the regional and branch officials prior to any meetings with the staff concerned. Facilities will be made available for trade unions to consult with members, and those likely to be affected, once the staff have been officially notified of their situation.

Academic and academic-related staff

- 11 For staff covered by the redundancy procedure set out under University Statutes Section 34 (academic and academic-related staff), Section 34 is published in the University Calendar, which is available on the university intranet.

Measures to avoid or minimise possible redundancy

- 12 Consideration will be given specifically to appropriate options identified. Depending on the circumstances, any or all the following options may be considered, among others.
- To redeploy including, if necessary and feasible, to retrain the members of staff affected (See the procedure statement on redeployment set out below.)
 - To cease recruitment of new staff other than where this is essential for academic, economic, technical or organisational reasons
 - To restrict the use of subcontracted labour and temporary and casual members of staff
 - To reduce overtime working
 - To implement temporary short-time working, job-sharing and similar devices where appropriate
 - To invite applications, for consideration, for early retirement and/or voluntary redundancy, voluntary redeployment, reduction of hours or leave of absence

Voluntary redundancy or redeployment, early retirement or contract variation

- 13 Where appropriate, staff will be invited to indicate their willingness to consider voluntary redundancy or redeployment, early retirement or contract variation. Such indications will not imply any commitment on the part of either the university or the member of staff making the indication.

- 14 Any staff indicating a willingness to consider any of the above options will be able to discuss their position and details of compensation with the HR Directorate. For such discussion, they have the right to be accompanied by a colleague or trade union representative.
- 15 Any offer will be formally confirmed in writing with all the appropriate terms and conditions set out for agreement by both parties. If any request is turned down, the university will provide written reasons why the request has been refused.

Compulsory redundancies

Consultation

- 16 The university will notify the trade unions and staff that redundancies appear to be necessary, that this policy and procedure will be followed, and hence methods of selection required. In addition, the university will enter into consultation, on an individual basis, with the staff provisionally selected for redundancy. This will be done by writing to the members of staff individually setting the circumstances which have led the university to consider selecting them for redundancy and inviting them to a meeting to discuss this with an appropriate manager and informing them of their right to be accompanied by a colleague or trade union representative. The letter will normally be sent out seven working days before the meeting. When this occurs the staff concerned will be informed of the basis for the selection of their posts to be discontinued and they will be invited to identify any circumstances they believe to be relevant to their provisional selection.

Notice

- 17 Once final decisions have been made, the members of staff who have been selected for redundancy will be given individual written notice, as early as possible, of the ending of their contracts of employment in accordance with their statutory and/or contractual entitlements, a statement as to when the intended dismissal is to take effect, an explanation as to why they have been selected for redundancy and the selection process used together with details of their right to appeal. For staff covered by the redundancy procedure set out under University Statutes Section 34 (academic and academic-related staff) this written notice will include a summary of the action taken by the appropriate body. In certain circumstances, where the university considers it appropriate, the contracts may be ended with payment in lieu of notice.
- 18 The university will make every reasonable effort to identify other employment opportunities before the staff affected leave their employment (see the sections on redeployment and outplacement).
- 19 The university will allow staff under notice of redundancy reasonable paid time off work during their notice period so that they can seek other employment or retraining opportunities.

Notification to the Department for Trade and Industry

- 20 The HR Directorate will be responsible for giving advance warning of the impending redundancies to the Department for Trade and Industry as follows
- where 100 or more staff are to be dismissed at the same establishment within 90 days, at least 90 days' notice will be given
 - where 20 or more staff are to be dismissed at the same establishment within 90 days, at least 30 days' notice will be given

A copy of the notice will be sent to the appropriate trade union representatives or to their head office.

Compensation

- 21 Compensation for loss of employment owing to redundancy will be in accordance with the current statutory entitlement unless the university has introduced other, more advantageous, arrangements following consultation with the recognised trade unions as appropriate. Entitlement to redundancy pay applies to all members of staff with two years or more continuous employment with the university.
- 22 Staff made redundant who are members of the university's pension schemes may be entitled to the immediate payment of pension benefits subject to the rules of the schemes from time to time in force.
- 23 Staff made redundant will be entitled to pay in lieu of any outstanding leave entitlement.

Appeals

- 24 Individual members of staff may appeal against their selection for redundancy.

Academic and academic-related staff

- 25 Staff in the categories covered by University Statute 34 Part V 'Appeals' should lodge their appeals in accordance with the statute. The procedure to be followed will then be the procedure required by the statute. Statute 34 is published in the University Calendar, a copy of which may be obtained from the HR Director or accessed on the intranet.

Support staff

- 26 Support staff who wish to appeal should send written notification of this to the HR Director within 10 working days of their receipt of the written notice of redundancy. A meeting will be arranged to hear the appeal. The appeal will normally be heard by a senior manager nominated by the Vice-Chancellor not previously involved in the redundancy selection process. An HR representative will also attend the hearing. At the appeal hearing, the person making the appeal may be represented by, or accompanied by, a work colleague or trade union representative. Staff may appeal on one of the following grounds

- selection for redundancy
- adequacy of the consultation
- adequacy of the operation of these procedures

Redeployment

- 27 The university will make every effort to identify other employment opportunities within the university before the staff affected leave their employment, in accordance with the notice of termination previously issued to them.
- 28 A member of staff whose post is to be made redundant, and who wishes to be considered for redeployment, will normally be assigned a named HR Advisor, who will consult with the individual to discuss their situation.

Redeployment register

- 29 The HR Directorate will maintain a register of staff who wish to be considered for redeployment. Staff on the register will be required, in consultation with an HR Advisor, to draw up a comprehensive profile of their skills, competencies, abilities and experience which will be used to match them to suitable alternative posts. Wherever possible the alternative employment will be of a similar nature and equivalent grading and salary to the redundant post.
- 30 Job descriptions and person specifications for all new vacancies will be considered by the HR Directorate prior to any recruitment proceeding, in order to identify potential redeployment opportunities. The HR Advisor will alert the Dean, Director or Head of Service which has the vacancy to the potential redeployment situation that exists.
- 31 Staff held on the register will receive a regular vacancy bulletin setting out current vacancies within the university.

Suitable alternative employment

- 32 If the HR Advisor and the Dean, Director or Head of Service agree that a member of staff on the register is able to meet the essential criteria for the post, or would be able to meet the criteria with a reasonable level and amount of retraining and the post is of a similar nature, equivalent grading and salary, then the member of staff will be redeployed into the post. The terms and conditions which will apply to the redeployment will be the standard terms and conditions for the new post. The member of staff will retain their existing incremental date, if applicable, and any long-service leave entitlement. Continuity of employment will not be disturbed by the redeployment.
- 33 While the university will make every effort to reach agreement with the member of staff on what constitutes 'reasonable' suitable alternative employment, should the member of staff unreasonably refuse what the university deems to be an offer of suitable alternative employment, they will lose their right to a redundancy payment and be dismissed.

- 34 In the case of there being more than one member of staff on the register to be considered for the post, interviews will be held to determine the most suitable candidate to be redeployed.

Offers other than suitable alternative employment

- 35 Where a member of staff on the register expresses interest in a post which has less favourable terms and conditions than their redundant post, the university may agree to redeployment with protection of their previous contractual salary for a 12 month period. At the end of the 12 month protection period the member of staff will revert to the salary and terms and conditions appropriate to the new post.
- 36 Where a member of staff on the register expresses interest in a post which has more favourable terms and conditions than their redundant post, they will be guaranteed an interview for the post provided they meet the essential criteria. The interview will be in competition with other applicants recruited through the normal recruitment procedures.

Trial period

- 37 On accepting the new post, the member of staff being redeployed will receive a four week trial period in which they will decide whether or not to accept the new contract of employment. Where training is needed to undertake the new post, this trial period can be extended by written agreement between both parties. The written agreement must specify the date on which the trial period is to end and the terms and conditions that apply in that alternative employment. However, the right to receive a redundancy payment will be lost if the member of staff's termination of the contract during the trial period is considered to be unreasonable. For academic posts where teaching is required, most of the trial period should take place normally in the teaching periods of a semester.
- 38 During the trial period the Dean, Director or Head of Service will ensure that
- the member of staff being redeployed receives a thorough induction into the role within week one
 - a meeting is held during week four with the HR Advisor and the member of staff being redeployed to determine whether or not they wish to accept the new post

Outplacement

- 39 In certain circumstances, for example where a significant number of redundancies are likely, the university may appoint external outplacement specialists to provide advice and assistance to members of staff whose posts are declared redundant. This assistance will include
- reasonable time off to attend interviews
 - a careers guidance interview
 - use of university IT, photocopying, telephone and postal facilities to make job applications

- on hand advice from an HR Advisor or Careers Advisor on writing and presenting job applications

Communication and training

- 40 The university aims to raise all staff's awareness of their rights and responsibilities under this policy. Training will be provided to managers to ensure that they gain the knowledge, skills and experience necessary to be able to operate the university's policy and relevant legislation effectively, and to disseminate it to staff.

Data protection

- 41 The data collected in the course of following this policy will be used for the purposes of monitoring the fairness and effectiveness of this policy. It will be stored on the computerised Staff Information Management System and paper records will be kept on individual staff's central HR file. Only staff who need the information in order to carry out the duties of their post will have access to this data. The information will be kept on computerised and paper record for the life of those records, details of which can be found in the policy on data protection for members of university staff.
- 42 The university will not pass personal information directly to any representatives who may be assisting a member of staff, unless a written instruction to do so is received from that member of staff.

Monitoring

- 43 The effectiveness of this policy will be ensured by continuous monitoring, annual review and consultation with staff groups. The results of the monitoring process will be published.

It will be the responsibility of the HR Director to monitor the effectiveness of this policy. This will include

- assessing the nature and frequency of complaints or cases and identifying any patterns which need to be addressed
- monitoring individual complaints or cases to ensure that they are effectively resolved and that no victimisation occurs

- 44 The operation of the HR policies will be monitored by the HR Director reporting through the Staffing Committee to the Human Resources Committee. As part of the process, and prior to the reports being finalised, the HR Director will discuss key issues with the trade unions and incorporate their views accordingly.

Status of policy and procedure

- 45 It is expressly intended that this policy and procedure document does not confer any contractual rights and does not form part of a member of staff's contract of employment. Any significant changes to this document will be

made only following consultation with the trade unions recognised by the university.