UNIVERSITY OF
LINCOLN

Redundancy & Redeployment Policy

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1. Purpose

1.1 The University recognises the value of retaining staff skills and experience which contribute to the achievement of its strategic plans and objectives. It is the overall aim of the University to ensure, as far as possible, security of employment and the avoidance of compulsory redundancies for its employees through effective business planning. The University is committed the fair and equal treatment of employees and to developing and maintaining employment practices which promote the principles of security and diversity of employment including supporting the mobility of employment.

1.2 This policy is applicable to all staff employed directly by the University.

1.3 Workforce planning can help to determine future staffing needs in ways which can improve job security for staff and avoid short term actions which are inconsistent with longer term strategic plans.

1.4 However, from time to time circumstances may make it necessary to consider reductions in staffing levels.

1.5 Accordingly this policy has been designed to provide clarity for all staff members regarding what the University's expectations are of their roles and responsibilities wherever potential redundancies are anticipated.

1.6 Where potential redundancies are anticipated, the University will ensure that:

- Every effort is made to redeploy or find someone alternative employment for employees selected for redundancy
- Employees and, where applicable, their representatives are fully consulted on any proposals and their implementation
- Selection for redundancy is based on clear criteria that will be objectively and fairly applied
- The total number of redundancies made is kept to a minimum

2. Definition of Redundancy and 'At Risk'

2.1 Redundancy is defined within The Employment Rights Act (1996) under section 139 as follows:

"Redundancy:

(1) For the purposes of this Act an employee who is dismissed shall be taken to be dismissed by reason of redundancy if the dismissal is wholly or mainly attributable to-

(a) the fact that his employer has ceased or intends to cease-

(i) to carry on the business for the purposes of which the employee was employed by him, or

(ii) to carry on that business in the place where the employee was so employed, or

(b) the fact that the requirements of that business-

(i) for employees to carry out work of a particular kind, or

(ii) for employees to carry out work of a particular kind in the place where the employee was employed by the employer,

have ceased or diminished or are expected to cease or diminish."

2.2 Employees who work in posts that are identified as likely to diminish or cease are said to be "at risk" of redundancy. The University will formally notify all employees who work in posts that are likely to reduce, although this does not necessarily mean that they will be made redundant.

3. Consultation

3.1 The University will ensure that as a minimum standard it fulfils its legal duty to undertake and meet with the statutory obligation for consultation.

3.2 Individual employees will be consulted in good time in respect of their own particular circumstances, in every case.

3.3 In addition, appropriate and reasonable collective consultations will be carried out in good time with the relevant Trade Union, i.e. UCU and / or UNISON, or staff representatives where applicable, in respect of any collective redundancy proposals.

3.4 Collective consultation will also take place where the University proposes to terminate employment of 20 or more employees for a reason not related to the individuals concerned.

4. Responsibilities

4.1 The responsibilities of Management are to:

- Provide accurate, timely and meaningful data for the business case
- Explore all other avenues with the aim of avoiding or mitigating redundancies
- Respond to representations made and / or concerns raised by the Trade Unions and / or staff representatives where applicable
- Actively participate in the collective and individual consultation process
- Treat all employees equally, fairly and consistently
- Communicate with their staff to keep them fully informed and feed back staff concerns to the Department of People, Performance and Culture (PPC) as appropriate
- Carry out objective assessments where selection for redundancy is required

- Enable staff so that they are able to meet with Trade Union representatives and / or staff representatives where applicable
- Work closely with PPC to ensure that interventions are in place to support the wellbeing and minimise impact for all staff affected, both before and after any redundancies take place
- Assist in the redeployment process by identifying suitable alternative employment and opportunities for retraining
- Conduct a review to ensure appropriate skills and experience mix is maintained

4.2 The responsibilities of the Department of People, Performance and Culture (PPC) are to:

- Provide support to Management in the coordination of the formal collective and individual consultation and overall communication process
- Issue formal notifications to the Department of Business Innovation and Skills, unions and employees as appropriate
- Ensure adherence to policy and statutory duties
- Provide support and advice to Managers and employees, as required
- Ensure assessments are designed and carried out fairly and objectively where selection for redundancy is required
- Ensure the selection process for suitable alternative employment is carried out fairly and objectively
- Ensure ‘due regard’ has been exercised in relation to the Equality Act (2010) on those groups of staff affected by the potential redundancies prior to the start of formal consultation
- Work closely with Management to ensure that interventions are in place to support wellbeing and minimise the impact of all staff affected, both before and after any redundancies take place
- Respond to Trade Unions concerns regarding the process
- Provide support to Management in the coordination of the redeployment process by assisting in identifying suitable alternative redeployment and opportunities for retraining, along with offering advice to employees on job seeking skills

4.3 The responsibilities of Trade Union Representatives are to:

- Actively participate in the collective consultation process with Management to help identify ways of minimising redundancies
- Represent and accompany employees in formal meetings as appropriate
- Communicate with and advise employees
- Liaise with Managers and PPC representatives to assist in the redeployment process

- Inform PPC representatives if they identify situations where they believe policy is not being adhered to

4.4 The responsibilities of Employees are to:

- Engage in individual consultation
- Be willing to take up suitable alternative employment or retraining
- Actively consider other redeployment opportunities at the University by participating in the redeployment process

5. Measures to avoid or reduce redundancies

5.1 The measures for minimising or avoiding compulsory redundancies may include the following, however, it is recognised that not all will be appropriate or possible in every situation:

- Not replacing leavers
- Restricting external recruitment
- Retraining and redeployment to other parts of the University, with ring fencing of vacancies where appropriate
- Reduction or elimination of overtime
- Reduction of use of agency staff
- Voluntary reduction of hours to a fractional or part time post
- Seeking volunteers for redundancy

6. Voluntary Redundancy (VR)

6.1 As noted above in order to minimise the need for compulsory redundancies, the University may, in some cases, consider presenting employees placed ‘at risk’, the opportunity of expressing an interest in voluntary redundancy.

6.2 An invitation to express interest does not constitute an offer of terms for voluntary redundancy and the University reserves the right to refuse to offer VR to any employee who may register an expression of interest.

6.3 Written confirmation of whether or not an expression of interest has been accepted will be sent to the employee once the process of redeployment is complete.

6.4 The University will consider all requests for voluntary redundancy in accordance with this policy but reserves the right at its absolute discretion to decline requests for voluntary redundancy in order to ensure the University’s business requirements are met.

7. Redeploy to alternative employment

7.1 The University will make every effort to redeploy an employee who is “at risk” to alternative employment wherever possible. Such employees will be informed of all the available vacancies in the University, regardless of level and salary, at the time of their selection and will be given an opportunity to discuss with their Line Manager which vacancies, if any, are likely to be suitable for them.

7.2 When a number of roles within an area are “at risk”, all suitable vacancies will be advertised internally so that employees “at risk” of redundancy can be considered as redeployment applicants prior to them being advertised more generally.

7.3 Employees ‘at risk’ will be entitled to a preferential interview for posts at or one grade below their current level where they can demonstrate they meet the essential criteria as defined in the person specification (for further details refer to the University’s Recruitment and Selection Policy).

7.4 If an ‘at risk’ employee wishes to apply for vacancies at a higher grade than their current post they should apply as an internal applicant in the usual manner.

7.5 While priority will be given wherever possible to employees ‘at risk’ of redundancy, the University reserves the right to select the best available candidate in relation to any given vacancy.

7.6 Employees have a separate legal entitlement to be offered any suitable alternative employment that is available if they are made redundant while on maternity leave, additional paternity leave, or additional adoption leave.

7.7 The University may offer the employee an alternative post for which they have not applied, however this would be subject to the contextual circumstances within the organisation at the time. In assessing the suitability of the offer, the University will consider the pay grade, the hours of work and the location of the alternative post. Any offer of alternative employment will be made in writing before the current contract is due to terminate, and will clearly state the new terms and conditions.

7.8 Offers of alternative employment will normally be for a new job to start immediately after the end of the old job, and in all cases after an interval of not more than four weeks, in which case continuity of service would be maintained.

7.9 An employee may not unreasonably refuse an offer of a suitable alternative employment. If they wish to reject an offer they must state very clearly their grounds for rejecting the offer and submit this to PPC.

7.10 If an employee’s refusal of alternative employment is found to be unreasonable the employee may lose any entitlement to redundancy pay.

7.11 Where an employee is offered alternative employment on different terms and conditions of employment, they will be entitled to a four week statutory trial period, in accordance with ACAS guidelines.

7.12 The purpose of the trial period is to give the employee a chance to decide whether the new job is suitable without losing the right to a redundancy payment, and for the University to assess the employee's suitability for the new role.

7.13 If an employee accepts an alternative post at a site which is a significantly more than the travel to work distance for their original post travel assistance will be given in accordance with any policy applicable at that time.

8. Support and time off work to look for new work, or for training

8.1 Employees who are “at risk” of redundancy and have been continuously employed for at least two years, qualify for a statutory entitlement to a reasonable amount of time off with pay to look for an external post or to arrange training. The University will normally extend such assistance to all employees who are “at risk” of redundancy. Employees must make formal requests for time off to their Line Managers and a record will be retained.

8.2 The University may, where appropriate, offer support and assistance such as:

- Outplacement support / redundancy counselling
- Financial advice including redundancy pay, pensions and state benefits
- Training in job search, writing CVs, how to complete application forms and interview techniques
- Confidential independent counselling for employees who request this

The level of support offered will depend on resources and / or budget available at the time and the nature and numbers of the redundancies.

9. Termination of employment

9.1 The University will normally require employees to work their notice, however the University may, in some case waive its right to insist on employees working their notice and instead give a payment in lieu of notice.

9.2 Employees with two or more years' service may be entitled to a statutory redundancy payment. The amount of this payment will be confirmed when the employee is selected for redundancy and the sum will be paid along with the employee's final salary payment or payment in lieu of notice.

10. Compulsory selection criteria

10.1 The University will aim to minimise and avoid compulsory redundancy as far as possible. However, when redundancies are unavoidable, the University will consult with the Trade Unions on the criteria to be used when selecting staff for redundancy. The criteria will be based on the skills required to meet the current and future needs of the University. The final decision regarding selection criteria will be made by the University.

10.2 Relevant selection criteria will depend on the circumstances but may include some or all of the following where applicable (the list below is not exhaustive):

- Qualifications
- Skills and experience
- Standard of work performance or aptitude for work
- Willingness and potential for retraining
- Evidence of relevant continuous professional development
- Experience in operationally critical roles
- Engagement in business / community development
- Attendance record (with consideration of the Equality Act, 2010)
- Disciplinary record (excluding spent action)
- Relevant research profile where appropriate
- Level of professional engagement and activity in discipline / subject area
- Contribution to teaching and learning
- Involvement in curriculum development

10.3 The University is committed to a fair, consistent, objective and non-discriminatory selection procedure and provides a commitment to exercise 'due regard' in relation to any proposed selection criteria.

10.4 In seeking to determine selection criteria, the most important consideration for the future viability of the University is to maintain an appropriate skill set after the redundancies have been affected. Other criteria such as specific skills, flexibility, adaptability and an employee's approach to work may also be relevant considerations to the future success of the business, and therefore need to be included within the selection criteria.

11. Dismissal and Appeals procedure

11.1 Following collective and / or individual consultation, if an employee is made redundant this decision will be confirmed by letter, along with the details of all payments due, e.g. redundancy pay; any payment in lieu of notice, holiday pay owed and their right of appeal.

11.2 The appeal shall be made in writing to the Chief People Officer and is to be received within 5 working days of the employee's written confirmation of the redundancy decision being issued to the employee.

11.3 The appeal process shall be in line with relevant employment legislation and shall include a meeting with the member of staff and the University to consider the appeal, such meeting to take place as soon as reasonably practicable.

11.4 The member of staff will be entitled to be accompanied by a Trade Union representative or work colleague if they so wish.

11.5 The decision of the appeal panel shall be final and exhausts internal procedure.

11.6 There is no right of appeal against non-selection for voluntary redundancy.

12. Redundancy payments

12.1 Redundancy payments will be in line with current statutory legislation plus any enhancements which may be agreed from time to time after meaningful consultation with the recognised Trade Unions. There is no right to an enhanced redundancy payment and such payments are made at the absolute discretion of the University in each case.

12.2 These payments will be applied consistently to all staff who are included in any one redundancy situation.

A ready reckoner for the calculation of Statutory Redundancy Pay is available at

https://www.gov.uk/calculate-your-redundancy-pay **12.3** Employees will be provided with details in writing of the redundancy pay which would apply in their case.

13. Fair and equal treatment

13.1 All parties involved in the operation of the Redundancy Policy shall ensure that the application of this policy is in line with the University's Equality, Diversity and Inclusion Commitment and all applicable discrimination legislation.

13.2 The impact of the redundancy policy on all groups of staff shall be assessed on a regular basis and any adverse or disproportionate impact on any particular group addressed.

13.3 This policy should not be used to deal with cases of misconduct or poor performance, for which other procedures exist.

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