

# Regulation Pertaining to Redundancy Procedure for Academic Staff

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## 1. General principles

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- 1.1 This Regulation is made pursuant to the university's Ordinance Relating to Dismissal, Grievance Procedures and Related Matters for Academic Staff.
- 1.2 The power to dismiss and the procedures set out in this Regulation shall apply to all academic employees with the title of Lecturer, Senior Lecturer, Reader and Professor, and any other academic title as adopted by the university, provided that in its application to those staff defined in sub-sections (3) to (6) of section 204 of the Education Reform Act 1988 (staff appointed prior to, and not promoted after, 20 November 1987), the power to dismiss shall be subject to such limitations (if any) on the power to dismiss for redundancy as applied to the member of staff concerned prior to the introduction of the Regulation made by the University Commissioners in the exercise of their powers under Sections 203 and 204 of the Education Reform Act 1988.
- 1.3 Any grievances or complaints about the conduct or initiation of the procedures set out in this Regulation and/or any proposals, decisions or other matters associated with these procedures will only (unless otherwise decided by the university) be dealt with under these procedures themselves (including, if necessary, the appeal process provided in them). Unless otherwise decided by the university, they will not be considered under any other procedures of the university, such as (but not limited to) the university's grievance Regulation. The purpose of this is to assist all parties by allowing any complaint to be considered expeditiously and avoid multiplicity of procedures and any associated delay.

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## 2. Applicability of redundancy policy and procedure

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- 2.1 The redundancy policy and procedures set out in this Regulation apply to academic staff only. They do not apply to other staff employed by the university. Nor do they apply to individuals who are not employed by the university, such as seconded staff, honorary academic staff, agency staff or the staff of contractors.

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## 3. Meaning of redundancy

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- 3.1 For the purposes of entitlement to redundancy payments under the Employment Rights Act 1996, redundancy arises when the dismissal of an employee is wholly or mainly because:
- a) The employer has ceased, or intends to cease, to carry on the business for the purposes of which the member of staff was so employed; or
  - b) The employer has ceased, or intends to cease, to carry on the business in the place where the member of staff was so employed; or
  - c) The requirements of the business for members of staff to carry out work of a particular kind have ceased or diminished or are expected to cease or diminish; or
  - d) The requirements of the business for the members of staff to carry out work of a particular kind, in the place where they were so employed, have ceased or diminished or are expected to cease or diminish.

- 3.2 For the purposes of collective consultation, redundancy arises where the dismissal of an employee is for a reason not related to the individual concerned. Such reasons are referred to in this Regulation as “collective redundancy reasons”.
- 3.3 It should be noted that the collective consultation requirements do not apply to the expiry of fixed-term contracts on the contractual expiry date.
- 3.4 The expiry and non-renewal of a fixed-term contract may, however, give rise to a right to a redundancy payment, where the reason for the non-renewal falls within the Employment Rights Act definition of redundancy referred to above.
- 3.5 Where the proposed non-renewal of a fixed-term contract is for some other reason, including (but not limited to) removal from a non-substantive post, failure to pass probation, discipline or incapacity, the matter will not be dealt with under these procedures but under the Regulations of the university relevant to the reason for non-renewal.

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## 4. Redundancy Protection

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- 4.1 Additional redundancy protection is in place for pregnant employees, employees on Maternity or Adoption leave and for employees who have taken Shared Parental Leave for a period of 6 continuous weeks. This protection continues until 18 months after the date of birth, placement or for overseas adoptions, when the child arrived in the UK.
- 4.2 Whilst the additional protection applies, these employees must be offered suitable alternative employment, where it exists, in preference to other employees who have also been selected for redundancy.

## 5. Collective consultation

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- 5.1 Where it is proposed that 20 or more employees within a single establishment are to be dismissed for collective redundancy reasons within a 90 day period (excluding the expiry of fixed-term contracts), this is a collective redundancy situation. In a collective redundancy situation, the university will commence a process of consultation with the trade unions or representatives recognised in relation to the potentially affected staff. The consultation process will follow the appropriate legal obligations set out in the relevant statutory legislation and will include consideration of practical measures which might avoid or minimise the need for compulsory redundancies.
- 5.2 Where it is proposed that fewer than 20 employees within a single establishment are to be dismissed for a reason not related to the individuals concerned within a 90 day period, the university may also voluntarily seek to inform the trade unions or representatives recognised in relation to the potentially affected staff of the potential redundancies and the reasons for them.
- 5.3 In collective redundancy situations, information will be provided in good time to the trade unions or representatives recognised in relation to the potentially affected staff to allow

sufficient time for consultation. Consultation should be entered into by all parties with a view to reaching agreement. The purposes of collective consultation include:

- a) Seeking to avoid or minimise any dismissals.
- b) Mitigating the consequences of any dismissals.
- c) Considering alternatives such as natural wastage, restricting recruitment and applications for early retirement where possible.
- d) Considering opportunities for redeployment for members of staff including offering re-training where possible.

5.4 The university will disclose the following information to recognised trade unions or representatives at the start of the period of collective consultation:

- a) Reasons for the proposed redundancies.
- b) The numbers and categories of employees involved.
- c) The numbers of employees employed by the university in each category at the establishment in question.
- d) The proposed method of selection for redundancy (including, where selection criteria are to be applied, the proposed selection criteria).
- e) The proposed method of calculating the amount of any redundancy payment other than the statutory redundancy payment.
- f) The number of agency workers working temporarily for and under the supervision of the university.
- g) The parts of the university in which those agency workers are working.
- h) The type of work those agency workers are carrying out.

5.5 Consultation can be concluded within the legislative periods referred to above by mutual agreement between the university and the employee representatives concerned.

5.6 In collective redundancy situations, notices of termination of employment by reason of redundancy may not be issued in respect of those posts while they remain subject to the collective consultation.

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## 6. Voluntary redundancy

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6.1 The university may seek to achieve redundancies on a voluntary basis from any group at risk of redundancy prior to and during any collective consultation periods where this is possible within a prescribed timescale. Any decisions to seek redundancies on a voluntary basis and to accept or reject any requests for voluntary redundancy will be at the absolute discretion of the university.

6.2 Where there are more requests for voluntary redundancy than the numbers of volunteers required, selection criteria will be determined taking into account the best interests of the university.

6.3 Seeking volunteers may not be appropriate in all situations, such as where one or more specific staff working on a specific project which is terminating are potentially affected or where a whole section is closing and all staff in that section are potentially affected.

- 6.4 There is no obligation to consider requests for voluntary redundancy from employees outside the potentially affected group however the university may consider such requests at its discretion. This is typically where an affected member of staff at risk of redundancy has the skills to undertake a role carried out by another, who is not in the affected group but is willing to volunteer for redundancy. Management will consider various factors, including the need to retain the right mix of skills, knowledge and experience within the university when considering such requests.
- 6.5 Where voluntary redundancy is granted, payment will be in accordance with any relevant voluntary severance scheme operated by the university at the time. Any such payment will include (and will not be less than) statutory redundancy pay.
- 6.6 Where a payment is made under a voluntary severance scheme, the university may require the member of staff to enter into a binding agreement.

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## 7. Compulsory redundancy

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- 7.1 Where an employee is made compulsorily redundant, payment will be in accordance with any relevant compulsory redundancy scheme operated by the university at the time. Any such payment will include (and will not be less than) statutory redundancy pay.

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## 8. Selection criteria

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- 8.1 In collective redundancy situations, any selection criteria proposed to select staff for redundancy will be subject to consultation with the relevant recognised trade unions.
- 8.2 Selection criteria may not always be appropriate, such as where it is proposed that a whole section should close or where the funding for a specific project is coming to an end, resulting in a redundancy situation for the specific member(s) of staff engaged on that project.
- 8.3 If selection criteria are to be applied, they will depend on the particular redundancy situation but may include the following:
- a) Relevance of discipline or specialism.
  - b) Skills, qualifications, knowledge and experience.
  - c) Contribution and performance in research (may include amount of research related income generated).
  - d) Contribution and performance in teaching, innovation, administration, programme management or leadership
  - e) Conduct, disciplinary and attendance record.
- 8.4 It is important to ensure that criteria used do not unlawfully discriminate against any individual or group, unless any indirectly discriminatory effect can be justified as a proportionate means of achieving a legitimate aim.

- 8.5 Additional criteria may need to be used where it is not possible to differentiate between staff following initial assessment.

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## 9. Individual consultation

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- 9.1 Where collective consultation is taking place with relevant recognised trade unions, individual consultation may be conducted in parallel.
- 9.2 Whether or not collective consultation is taking place, individual members of staff identified as being potentially at risk of redundancy will be informed in good time to allow individual consultation to take place.
- 9.3 If selection criteria are being applied to a group of staff, potentially affected individual members of staff will be informed of the size and nature of the group and of the proposed selection criteria.
- 9.4 Any individual members of staff who are specifically identified as being at risk of redundancy will be given the opportunity to attend an individual consultation meeting. At the consultation meeting the member of staff will have the opportunity to discuss the issues relevant to the potential redundancy and to make representations, including in relation to:
- a) The application of any criteria used for identifying staff to be selected for redundancy.
  - b) The process being followed, the timing of the potential redundancy and the amounts of any redundancy or other payments which may be applicable.
  - c) Alternatives to redundancy to be considered, including any potential alternative employment.
- 9.5 Having taken into account any representations made by any relevant members of staff, the university will decide whether the employment of any members of staff should be terminated by reason of redundancy and, if so, which members of staff.
- 9.6 The university will give written notice to any relevant members of staff of any decision to terminate their employment by reason of redundancy. The notice will include the reason for termination and, where selection criteria have been applied, a summary of the results of the application of the criteria to the member of staff concerned, the member of staff's last working day and last paid day (if different).
- 9.7 The written notification will also state that the member of staff may appeal against the decision.

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## 10. Appeal

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- 10.1 A member of staff wishing to appeal against the decision to terminate their employment by reason of redundancy must do so within 10 working days of the notice of termination. The appeal must be sent in writing to the Director of Human Resources. Any appeal must identify the specific grounds on which the appeal is made. The grounds must not merely be to the effect that the

member of staff disagrees with the decision or that the decision is wrong. The grounds must set out the basis on which the member of staff contends that the decision was made unreasonably.

- 10.2 The appeal will be undertaken by a panel consisting of a manager more senior than (or at least at the same level as) the manager who made the decision and a member of the Human Resources Department. The panel may (but need not necessarily) choose to convene a meeting with the member of staff concerned for purposes of the appeal. Should such a meeting be convened, the member of staff has the right to be accompanied by a trade union representative or work colleague (see [section 11](#)).
- 10.3 The panel will consider the grounds stated in the appeal and any relevant additional representations made by the employee. The panel may decide that the dismissal decision should be upheld or revoked or that it should be reconsidered in accordance with written guidance provided by the panel. A further right to appeal will apply to any dismissal decision made after such reconsideration.
- 10.4 This is the final stage in the procedure and the member of staff has no further right of appeal or consideration under any other university procedure or process.

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## 11. Right to be accompanied

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- 11.1 At all formal individual consultation meetings held in accordance with this policy, a member of staff may be accompanied by a trade union representative or work colleague. The trade union representative or work colleague will be allowed to address the meeting in order to put the member of staff's case, sum up the member of staff's case, and respond on behalf of the member of staff to any view expressed at the meeting. The trade union representative or work colleague does not have a right to answer questions on the member of staff's behalf.
- 11.2 The member of staff should provide the name of any trade union representative or work colleague to the Human Resources Department no less than 3 working days in advance of the meeting. It is the member of staff's responsibility to notify their representative of the arrangements for the meeting, and to ensure that they have all of the relevant paperwork.
- 11.3 If the trade union representative or work colleague cannot attend on the date proposed the member of staff may specify an alternative date and time for a meeting which will usually be within five working days of the original meeting.
- 11.4 The member of staff should make all reasonable efforts to attend any meeting to which they are invited under this procedure. In the event of failure to attend or make reasonable efforts to attend the alternative meeting dates arranged, the meeting may be held in their absence and the university may proceed with a decision under this procedure. Should a member of staff not be able to attend they may, should they wish, make a written submission for consideration by the university.

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## 12. Suitable alternative employment

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- 12.1 The university wherever possible will seek to redeploy staff selected for redundancy into positions considered to be suitable alternative employment.
- 12.2 Each situation must be considered on a case by case basis taking into account the requirements of the position and individual skills.
- 12.3 Where a member of staff accepts suitable alternative employment, a trial period of 4 weeks will apply. This is to enable the member of staff and the university to decide if the new position is suitable without losing the right to the entitlement to redundancy pay during this period. If the member of staff continues to work in the new job beyond the 4 week period, they are deemed to have accepted the new employment.
- 12.4 Members of staff need to be aware that should they unreasonably refuse an offer of suitable alternative employment they may lose their entitlement to redundancy/severance pay.

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## 13. Time off to look for employment during period of notice

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- 13.1 A member of staff who has been given notice of dismissal due to redundancy is entitled to reasonable time off with pay to look for another job or make arrangements for future training or employment during their period of notice.

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## 14. Other forms of assistance

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- 14.1 The university, at its discretion, may choose to offer additional forms of assistance to members of staff to be made redundant in the form of re-training assistance, outplacement services and other forms of career support.

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## 15. Re-employment following redundancy

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- 15.1 The university will not consider the re-employment of any staff made redundant except in cases where the role applied for is significantly different to the role made redundant and a period of 12 months has elapsed since the member of staff has been made redundant or the decision to re-employ the person has been approved in writing by the Directors of Finance and Human Resources or their nominee.

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