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# *University of Bolton*

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## *FRAMEWORK for dealing with redundancy and redeployment of Staff*

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### ***c o n t e n t s***

#### **FRAMEWORK FOR DEALING WITH REDUNDANCY & REDEPLOYMENT OF STAFF**

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## **FRAMEWORK FOR DEALING WITH REDUNDANCY AND REDEPLOYMENT OF STAFF**

### **1. INTRODUCTION - STATEMENT OF INTENT**

- 1.1 It is the policy of the University by careful forward planning to ensure, as far as possible, security of employment for its staff. It is also recognised that there may be changes in funding arrangements, customer needs, competitive conditions, organisational requirements, educational methods and technological developments which may affect staffing needs.
- 1.2 It is the aim of the Vice Chancellor to maintain and enhance the efficiency and effectiveness of the University in order to safeguard the current and future employment of the staff. University management, in consultation with the recognised trade unions and employee representatives, will seek to minimise the effect of redundancies through making every reasonable effort to find suitable alternative employment for surplus staff. Where compulsory redundancy is unavoidable, the University will handle the situation in the most fair, consistent and sympathetic manner possible .
- 1.3 Where dismissals on the grounds of redundancy are contemplated, it is to be clearly understood that the job is redundant, and not the employee. Managers will seek at all times to affirm the personal value and worth of members of University staff who are at risk of losing their jobs and should make every reasonable effort to find suitable alternative employment.
- 1.4 It is the intention of the Vice Chancellor to have regard to the University's commitment to equality of opportunity, in accordance with the corporate objectives, when considering any potential redundancies.

### **2. PURPOSE**

To deal sensitively and effectively with a situation where jobs are at risk of redundancy.

### **3. SCOPE/RESPONSIBILITIES**

- 3.1 This framework covers all staff except designated Senior Post holders employed in the service of The University of Bolton including those on secondments, part-time, temporary, hourly paid contracts.
- 3.2 Although this framework does not apply to designated Senior Post Holders, for whom only the Governors have the right to consider dismissal, if a redundancy situation affects senior post holders the spirit and legal requirements of the framework will apply.
- 3.3 This framework outlines the responsibilities of the Personnel Service, the line manager and the employee.

#### **4. DEFINITION**

The Employment Protection (Consolidation) Act 1978, Section 81 (2) defines redundancy as:

- “a. the fact that his employer has ceased, or intends to cease, to carry on the business for the purposes of which the employee is or was employed by him, or has ceased, or intends to cease, to carry on that business in the place where the employee was so employed, or;*
- b. the fact that the requirements of that business for employees to carry out work of a particular kind, or for employees to carry out work of a particular kind in the place where he is or was so employed, have ceased or diminished or are expected to cease or diminish.”*

*NB. For the purposes of statutory consultation requirements, but not for redundancy payment entitlement, this definition is extended to include any dismissals for reasons not related to the individual.*

#### **5. CONSULTATION**

- 5.1 University management have set up a Group (Joint Union Negotiations Committee – JUNC) where representatives of all the recognised trade unions are able to consult regularly with management.
- 5.2 Whenever any proposals involving the need to consider the dismissal of staff by reason of redundancy emerge, University management will consult with recognised trade unions. Such consultation will take place at the earliest possible opportunity with a view to reaching agreement on ways to avoid or mitigate the number of redundancies.

In accordance with current employment protection legislation this will include when required the issuing of a formal notice in accordance with Section 188 of the Trade Union and Labour relations (Consolidation) Act 1992 as amended by Section 34 of the Trade Union Reform and Employment Rights Act 1993 and the Collective Redundancies and Transfer of Undertakings (Protection of Employment) (Amendment) Regulations 1995, to recognised trade unions’ representatives.

- 5.3 Management proposes that preliminary consultations with the recognised trade unions will be confidential between management and the unions. An initial meeting will be held at which management will give details of the situation and outline their proposals before announcements are made to the staff of the University.

## **6. MEASURES TO AVOID OR MINIMISE REDUNDANCY**

When faced with a potential redundancy situation, management in consultation with the recognised trade unions will first review alternative courses of action, which may be open to it. Dependent on the circumstances of a particular case, and the University's operational needs, these could include:

- freezing any vacant posts;
- natural wastage;
- restriction of recruitment and;
- removal of temporary agency staff;
- removal of overtime;
- retraining/secondment;
- voluntary reduction in working hours;
- voluntary severance (see section 7);
- voluntary participation in job share arrangements;
- restricting vacancies to existing employees;
- suggestions made by trade unions.

These measures may be applied either University wide or only in the particular area(s) where staff are at risk depending on the circumstances;

## **7. VOLUNTARY SEVERANCE**

An invitation will normally be extended to staff in the affected area(s) and in areas to which staff at risk might be redeployed, to volunteer for severance. The Personnel Service will supply estimates of the potential benefits payable on such severance on request.

The University's current Voluntary Severance Scheme arrangements can be found on the Personnel Service website.

The selection of volunteers will be at the discretion of the University and will be determined by the University's criteria including consideration of the need to retain key skills and experience to meet the present and anticipated needs of the University.

## **8. SELECTION PROCESSES AND CRITERIA FOR COMPULSORY REDUNDANCY**

The aim of having a prescribed selection process is so that there is fair selection for redundancy. When it is necessary, for the reasons given in 1.1 above, to reduce the number of posts in a given area, selection criteria will be identified by management and discussed with the recognised trade unions with a view to reaching agreement.

The selection criteria will be made known to the staff whose jobs are at risk. The following criteria (not in priority order) may be used to ensure fair and objective selection for redundancy:

- the ability to maintain a balanced workforce to deliver the residual business;
- performance, including job expertise; experience; approach to work and quality of work;
- attendance record (disregarding absences relating to disability, pregnancy, and confinement; and any absences agreed by University Management)
- disciplinary record;
- qualifications/training/skills/knowledge/aptitude;
- any other identifiable, specific and relevant factors distinguishable from the above.

**9. RIGHT TO REASONABLE TIME OFF TO SEEK OTHER EMPLOYMENT OR SUITABLE EMPLOYMENT WITHIN THE UNIVERSITY**

- 9.1 The University will fulfil its statutory obligation to consider employees who are identified as redundant for alternative employment within the University. If suitable vacancies are available redundant employees will be considered for them.
- 9.2 Employees who are under notice of redundancy will be entitled to a reasonable amount of paid time off work to look for work or to arrange training.

**10. COMPULSORY REDUNDANCY PROCESS**

- 10.1 Employees who are provisionally selected for redundancy after application of selection criteria or other process will be given written notification to that effect and invited to a meeting to discuss the provisional selection.
- 10.2 Following this meeting, (and if relevant, meetings with other employees at risk of redundancy), the relevant manager will consider the selection decision further. Where the selection is confirmed as correct the employee will be notified. At that point the employee and the manager will consider whether there are any alternative posts which would prevent dismissal for those employees identified as redundant.
- 10.3 If no alternative role to dismissal is found a Designated Senior Officer, or his/her nominee, will write to the employee(s) to convene a meeting at which the possible termination of the employment of the individual will be discussed. The meeting will be attended by a Senior Manager / Head of Service / Director of School / Research Centre, the Personnel Service Manager or Associate Director HR Strategy & Personnel, the employee at risk and his/her trade union representative or workplace colleague.
- 10.4 The employee or his/her representative will be given the opportunity to circulate any appropriate documentation before the meeting and will be provided with copies of any other management documents to be considered. The details of the case and the framework followed will be summarised by the the Personnel Service Manager or Associate Director HR Strategy & Personnel and the views of the staff side considered.
- 10.5 After due consideration of the facts, the Designated Senior Officer or nominee wherever possible will endeavour to speak to the employee personally regarding the redundancy situation and give his/ her decision, giving appropriate notice where applicable.
- 10.6 The Personnel Service will confirm the decision and the statutory rights to notice in writing within five working days and the employee will be informed of the right of appeal to the Vice Chancellor or his / her nominee.

## **11. APPEAL AGAINST DISMISSAL**

- 11.1 The Appeal should be in writing to arrive within five working days of the date of the letter confirming the decision to dismiss and should be sent to the Associate Director HR Strategy & Personnel, outlining the specific grounds of the appeal. The Appeal Letter will be acknowledged within three working days of receipt.

## **12. IMPLEMENTATION**

- 12.1 The framework is provided by management to inform all staff and their representatives of the general guidelines within which management will operate this redundancy and redeployment scheme.
- 12.2 All parties involved in the operation of this framework are invited to comment on its scope, content and implementation at any time during the schemes progress. Any proposed implementation of a policy based upon this framework will be the subject of further consultation between management and recognised trade unions and will require ratification by the Governing Body at a future date to be determined.