



LEEDS
BECKETT
UNIVERSITY

Redundancy Policy and Procedure

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Policy

1. Introduction

- 1.1 The University 'Management of Change Guidelines' highlights that where jobs are at risk, the focus will be to avoid compulsory redundancy. However, there may be occasions when compulsory redundancy cannot be avoided. This policy will be used in situations where dismissals for reasons of redundancy may arise.
- 1.2 The University policy has been developed to ensure that such matters are dealt with appropriately and in accordance with legal requirements.

2. The Legal Position

- 2.1 The Law is very clear in terms of what is expected, including in relation to consultation, identifying the group from whom those who may be made redundant are drawn (the 'Redundancy pool') and in particular circumstances the need for criteria to determine those selected for redundancy. In addition, statutory redundancy notice periods and statutory redundancy pay entitlements are identified.
- 2.2 Compliance with this policy will help ensure that we meet these obligations. It is not the intention to outline in detail the legal requirements here. However, it is important to be clear what is meant by redundancy.
- 2.3 Section 139(1)(b) of the Employee Rights Act states that there is a redundancy situation where the requirements of the 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 they are employed, have ceased or diminished. This covers three separate situations:
 - Where work of a particular kind **has** diminished, so that there is a need for fewer **employees**.
 - Where work **has not** diminished, but fewer **employees** are needed to do it, either because (i) the employees have been replaced by, for example, independent contractors or technology, or (ii) because of a reorganisation which results in a more efficient use of labour.

It is the requirement for **employees** which is significant. The fact that the work is constant, or even increasing, is irrelevant. If fewer employees are needed, there is a redundancy situation.

3. Communication and Consultation

- 3.1 The University will communicate and consult with staff and their representatives (defined as in section 1.4 of the Management of Change Guidelines) at the earliest opportunity, where proposals could lead to job losses. This consultation will include consultation about ways of:
 - Avoiding dismissals;
 - Reducing the numbers of employees to be dismissed and;
 - Mitigating the consequences of the dismissals.

- 3.2 It is important that consultation takes place on an individual basis as well as collectively. Such individual consultation is important, including to enable equity of opportunity and treatment.
- 3.3 In addition, the University may have statutory requirements to meet depending on the number of proposed dismissals.
- 3.4 The details of the consultation process are as outlined in the Management of Change Guidelines.
- 3.5 The following information will be provided to employees and employee representatives at the appropriate time:
- The reason why it is proposed to make redundancies.
 - The proposed pool (see 4 below).
 - Confirmation of the selection criteria (where selection criteria are to be used) and any weighting proposed.
 - The numbers and job titles of employees it is proposed to dismiss as redundant.
 - The total number of such posts in the relevant area/in the wider University.
 - Over what period of time redundancy dismissals will occur.
 - Confirmation of arrangements for determining redundancy payments.

4. Pool for Redundancy

- 4.1 The 'pool for redundancy' will be determined by management in consultation with appropriate staff representatives. The process is as described in the Management of Change Guidelines.
- 4.2 It may be the case that the proposed pool will change in size and/or composition following the consultation process. The intention is to keep the pool as small as possible but at the same time, operate in accordance with legal requirements.

5. Selection Criteria and Selection Process

- 5.1 Where selection criteria are deemed to be necessary, staff representatives will be consulted in order to determine appropriate criteria. (The process for this is as outlined in the Management of Change Guidelines.)
- 5.2 A Redundancy Selection Panel will be constituted to carry out the selection process. The Panel will comprise:
- a. A Senior Member of Human Resources;
 - b. A relevant Senior Manager, normally from the area subject to change;
 - c. Another Senior Manager, from a different area;
 - d. An appropriate representative from a recognised trade union (if this option is taken up).
- 5.3 Human Resources will be responsible for providing relevant information to the Selection Panel.
- 5.4 The deliberations of the Panel will be confidential.

- 5.5 Those selected for compulsory redundancy will be individually informed by their manager that they have been selected and why. They will be advised of the further steps as outlined in the Management of Change Guidelines. Human Resources will confirm the relevant information in writing, including the right of appeal (see section 8). Note: This does not constitute a formal notice of redundancy but is a notice of selection for redundancy.
- 5.6 Those not selected for redundancy will be kept informed but must await the outcome of any appeals process.

6. Alternatives to Redundancy

- 6.1 Once an employee has been selected for redundancy they will be invited to discuss or suggest alternative options to dismissal with their manager and a representative from Human Resources. The employee may be accompanied by a trade union representative or a work colleague.
- 6.2 The voluntary options available will be discussed, in accordance with the Management of Change Guidelines (see also section 7 below).
- 6.3 Alternative employment will be considered in accordance with the Redeployment Guidelines. An employee who declines a reasonable offer of alternative employment risks losing any entitlements under redundancy or voluntary options.

7. Voluntary Options

- 7.1 Voluntary Options remain available to all staff within the designated pool, up to the date notice of selection for redundancy is made. Those not selected for redundancy will no longer have access to the voluntary options.
- 7.2 Those selected for redundancy will have a final opportunity to consider any voluntary options up to the date compulsory redundancy notices are issued. Thereafter, any enhanced terms, including voluntary severance, will not be available.

8. Appeal Against Selection

- 8.1 An employee may appeal against their selection for redundancy.
 - 8.1.1 An employee wishing to appeal against selection for redundancy must do so in writing within five working days of being formally notified (in writing) of their selection for redundancy, (see 5.5).
 - 8.1.2 The employee should write to the Director of Human Resources, stating fully their grounds for appeal.
 - 8.1.3 The Appeal will be heard by the original Redundancy Selection Panel.

9. Redundancy Notices and Redundancy Terms

- 9.1 After five working days following a) the scheduled meeting to discuss alternative options (see 6.1 above), or b) the conclusion of any appeal against selection, formal redundancy notices will be issued as appropriate. Such notices will be issued in accordance with contractual requirements but a longer notice period may be given.
- 9.2 Once redundancy criteria have been applied, and through any compulsory redundancy notice period, efforts will continue to secure reasonable alternative employment.
- 9.3 Where Compulsory Redundancy Notices are issued, this will be on the basis of statutory redundancy entitlement only. For clarification, this includes statutory redundancy pay calculated on the basis of the statutory weekly pay maximum x the statutory maximum number of weeks.

10. Appeal Against Dismissal

- 10.1 As the issuing of Redundancy Notices constitutes a dismissal in Law, employees have a statutory right to appeal against the decision to dismiss. The process and timescales for appealing against a decision to dismiss are outlined in the Staff Appeals Policy and Procedure.

11. Assistance to those to be made redundant

- 11.1 The University would wish to support employees through any change process, and particularly where redundancy is an issue. Such support may include:
- Availability of the Employee Assistance Programme.
 - Advice and guidance in relation to applying for other jobs.
 - Time off to look for other employment or to make arrangements for training for future employment (including statutory entitlement).

12. Disabled Employees

- 12.1 Special care should be given to the selection for redundancy of those employees who are disabled. However, an employer is not expected to give disabled employees preferential treatment.