Procedure for Managing Changes in Staffing Structures

Human Resources
1 Introduction

1.1. The Policy for dealing with the Management of Organisational Change sets out the context and principles within which such change will be managed.

1.2. This Procedure deals with management of change which results in potential reductions in the workforce.

2 Legal Provisions

2.1 Consultation and Notification

An employer proposing to make collective redundancies is required to consult in advance with representatives of the affected employees and to notify the projected redundancies to the Department for Business Enterprise and Regulatory Reform. A collective redundancy situation arises where an employer proposes to dismiss as redundant twenty or more employees at one establishment within a ninety day period. Employers are under no specific legal obligation to consult employee representatives in cases falling below the 20 redundancies threshold but as a matter of good practice, appropriate employee representatives will be informed in all cases where it is proposed to make members of staff redundant.

2.1.1 Consultation

Under the terms of the Trade Union and Labour Relations (Consolidation) Act 1992 and subsequent amendments where a collective redundancy situation arises, the University has a statutory duty to consult with employee representatives including relevant recognised trade unions, and individuals where a requirement has been determined for reductions in the workforce.

Legal consultation must begin:

- At least 45 days before the first dismissal is due to take effect, where it is proposed to dismiss as redundant 100 or more staff within a period of 90 days or less within an establishment.
- At least 30 days before the first dismissal is due to take effect where it is proposed to dismiss as redundant between 20 - 99 staff within a period of 90 days or less within an establishment.
- As soon as is reasonably practicable before the first dismissal is due to take effect where it is proposed to dismiss as redundant fewer than 20 staff within an establishment.

2.1.2 Notification

An employer who proposes to dismiss twenty or more employees as redundant at one establishment within a period of ninety days or less has a statutory duty to notify the Department for Business Enterprise and Regulatory Reform.

The minimum notice provision is as follows:

- If between 20 - 99 employees may be dismissed as redundant at one establishment within a period of 90 days or less - at least 30 days and, in any event, before giving notice to terminate an employees’ contract.
- If 100 or more employees may be dismissed as redundant at one establishment within a period of 90 days or less – at least 45 days and in any event, before giving notice to terminate an employees’ contract.

2.2 As part of its Policy for the Management of Organisational Change, the University will inform its recognised trade unions (in writing) of any proposed reductions in staffing levels. The information to be provided is outlined below:

- The reasons for any potential redundancies.
2. The projected number of posts, their grades and their designations.

3. The total number of staff covered by that description within the University.

4. The total number of staff within the area of the University that is subject to re-organisation and within the University as a whole.

5. The proposed methods of avoiding/reducing the need for compulsory redundancy.

6. Should it be necessary, the proposed method of selection.

7. The proposed timing of any redundancies.

2.3 The information above will be provided to recognised trade unions before any formal announcement is made on any potential redundancy situation.

3 Mitigation of Redundancy

To mitigate the effect of any potential reduction in staff numbers as set out in paragraph 3.3 of the Policy for the Management of Organisational Change, the following measures may be considered.

- Natural wastage/vacancy control
- Reduction/elimination of overtime or agency staff
- Reduction in non staffing costs
- Income generation
- Redeployment, relocation/retraining of staff
- Agreed reduction of hours/pay
- Offer of voluntary severance/early retirement.

Scope to use any of these measures will be considered by the Director of Human Resources and Associate Director of HR: Employee Relations and Performance (or delegated representative(s)), in conjunction with the Dean/Director (or delegated representative(s)) and in consultation with appropriate recognised trade unions.

4 At Risk Staff

4.1 Where members of staff are declared at risk of redundancy, they may be offered redeployment in accordance with the provisions set out in the ‘Procedure for the Deployment of ‘At Risk’ staff’.

5 Voluntary Severance

5.1 The University, in accordance with paragraph 3.4 of the Policy for the Management of Organisational Change, will give full consideration to the scope to achieve the necessary reduction in the number of staff employed through voluntary means.

5.2 Consideration of voluntary severance will be determined at the discretion of the Dean/Director in conjunction with the Director of HR. In considering voluntary severance, the financial implications, operational requirements and the overall interests of the organisation will be taken into account.
6 Selection for redundancy

6.1 The University will determine, in accordance with strategic objectives, operational requirements and within resource constraints, those areas of activity which require change. Where, following consultation with recognised unions and mitigation as specified in paragraph 3 of this procedure, it is decided that change will lead to reductions in staffing levels then selection for redundancy will be managed in the following manner:

6.1.1 Consultation will take place between the University and unions recognised for collective bargaining purposes for affected group(s).

6.1.2 Wherever possible selection pools and criteria will be agreed but the University reserves the right to determine criteria where it has not been possible to reach agreement.

6.1.3 Criteria for selection for redundancy will be fair, objective and will be applied in a consistent and non-discriminatory way.

6.1.4 The following factors (which are intended to be examples and not exhaustive) will be considered to assist in determining agreed pools and criteria where reductions in staff have been identified in any particular area, taking into account equality and other relevant legislation:

- Academic relevance or specialist nature of academic subject.
- Requirement for professional/technical/occupational skills
- Teaching or service requirements
- Student demand for programmes
- Individual research profile
- Teaching standard achieved
- Level of overall contribution to the needs of Faculty/Department
- Grant capture/research income/3rd mission activity
- Termination of a specific funding stream
- Performance in post where formal disciplinary action has been taken and is still extant.
- Attendance record over the past year with reference to associated reasons but discounting absence due to a long-term health condition or disability.
- Disciplinary record where appropriate with reference to associated reasons.
- Lack of demonstrated flexibility with regard to training and development of new skills

6.2. Selection for redundancy will be undertaken by the manager with advice from Director of Human Resources and the Associate Director of HR: Employee Relations and Performance (or delegated representative(s)), following appropriate consultation with recognised trade unions.

6.3. Following the redundancy selection process, any member of staff given notice of dismissal for reasons of redundancy shall have the right of appeal to the appropriate level of management. This right of appeal should be exercised within 10 working days of the date of notice of dismissal.
7 Notice provision

Staff selected for dismissal by reason of redundancy are entitled to receive notice which will be either the contractual notice period or statutory notice whichever is the longer.

8 Time off with pay to seek alternative employment

An employee who has received notice of dismissal due to redundancy is entitled to take reasonable time off with pay (but no more than 2/5ths of a week's pay in total, regardless of the length of time off allowed) to look for another job, or to arrange training for future employment. The employee, who must have at least two years' continuous service, can take the time off within working hours while under notice.

9 Redundancy payment

Staff with at least 2 years' continuous service will be entitled to statutory redundancy pay, based upon age and length of service with this University. Staff transferred under TUPE regulations will have service with their previous employer recognised for this purpose. Where an employee has successfully applied for Voluntary Severance, their statutory redundancy payment entitlement will form part of their overall severance payment and will not be paid in addition to the Voluntary Severance payment.

10 Re-employment

Members of staff who leave the University’s employment for reasons of redundancy (either voluntary redundancy or compulsory redundancy), will not be re-employed by the University within 12 months of their termination date.

11 Review

This procedure has been screened to determine its impact on groups which are protected by law using the University's Equality Impact Assessment process. This procedure will be reviewed in two years, or earlier if legislative requirements change.

Last Date of Review: May 2014