



WARWICK

Policy and Procedure Redundancy

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Major changes to the original draft published on the Statute 24 webpage are highlighted in yellow.

Subsequent changes since 11 April 2017 version are highlighted in green.

In Summary

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This policy provides for a fair and transparent process where circumstances arise which may result in job losses or restructure involving the deletion of particular posts.

The policy and procedure complies with, and in some aspects exceeds, the minimum requirements of employment law at the time of its implementation. Any amendments, additions or revisions will be subject to consultation with the recognised trade unions.

This policy and procedure applies to all employees.

This policy and procedure is underpinned by the principles laid out in Statute 24 that academic employees have freedom within the law to question and test received wisdom, and to put forward new ideas and controversial or unpopular opinions, without placing themselves in jeopardy of losing their jobs or privileges.

There may be occasions when reductions in staffing are considered necessary. This is likely to be when the demand or necessity for work of a certain kind or in a particular area diminishes or ceases, or where financial pressures necessitate a reduction in headcount. On these occasions, every effort will be made to avoid compulsory redundancies but where such dismissals become unavoidable, the University undertakes to handle the redundancies in a fair, consistent and sympathetic manner.

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1. Purpose

1.1. This redundancy policy provides for a fair and transparent process where circumstances arise which may result in job losses or restructure involving the deletion of particular posts.

1.2. This policy and procedure complies with, and in some aspects exceeds, the minimum requirements of employment law at the time of its implementation. Any amendments, additions or revisions will be subject to consultation with the recognised trade unions as detailed below.

2. Scope

2.1. This redundancy policy and procedure applies to all employees.

3. Principles

3.1. This policy and procedure is underpinned by the principles laid out in Statute 24 that academic employees have freedom within the law to question and test received wisdom, and to put forward new ideas and controversial or unpopular opinions, without placing themselves in jeopardy of losing their jobs or privileges.

3.2. There may be occasions when reductions in staffing are considered necessary. This is likely to be when the demand or necessity for work of a certain kind or in a particular area diminishes or ceases, or where financial pressures necessitate a reduction in headcount. On these occasions, every effort will be made to avoid compulsory redundancies but where such dismissals become unavoidable, the University undertakes to handle the redundancies in a fair, consistent and sympathetic manner.

3.3. The following paragraphs set out the steps which are to be taken as soon as a situation arises which leads to redundancies being considered.

3.4. It is recognised that, in most cases, the end of a fixed term contract is a dismissal on grounds of redundancy. Such cases will be managed in accordance with the Fixed Term Contracts guidelines and not the Redundancy policy and procedure. The Fixed Term Contract guidelines can be accessed at: <http://www2.warwick.ac.uk/services/humanresources/internal/policies/ftcs> and will not normally be included as part of any collective consultation with the recognised trade unions.

4. Collective consultation

4.1. Heads of Departments (or where appropriate relevant members of the Senior Management team), will discuss their staffing plans with HR. Where these may result in a redundancy situation, the Director of Human

Resources (or nominated representative) will communicate with the relevant recognised trade union(s) to inform them that a possible redundancy situation has arisen.

4.2. Where it is envisaged that 20 or more employees in the same establishment¹ may be made redundant within 90 days, the University will collectively consult with the relevant recognised trade union(s).

4.3 Legally there is no obligation for the University to collectively consult with trade unions where it is envisaged that 19 or fewer employees may be made redundant.

4.4. For the purposes of collective consultation, the Director of Human Resources (or nominated representative) will communicate with the relevant recognised trade union(s) to discuss the possible redundancy situation. Consideration will be given to the proposals to reduce staffing and ways of avoiding or reducing compulsory redundancies. Such measures may include:

- Flexible working including job sharing or a reduction in hours/part time working
- Voluntary redundancies
- Career breaks
- Recruitment freeze

4.5. Where it is envisaged that large scale redundancies may occur, further consultation with the relevant recognised trade unions will ensue.

4.6. Following a meeting under 4.4 or 4.5 above, HR will write to the appropriate recognised trade union(s) to record the outcome, and to respond to any suggestions or alternative proposals made. Additional meetings will be arranged as appropriate during the consultative period.

4.7. During collective consultation, the recognised trade union(s) will be notified of the following:

- The department or departments affected
- The number and type of posts affected
- The reason(s) why a reduction in staffing may be needed
- The proposed methods of selection of employees for redundancy
- The proposed timescale
- The method of calculating redundancy payments.

4.8. In addition there will be an opportunity to discuss the proposed pool and criteria and methods of selection for redundancy, the timescale, and the method to be used for the calculation of redundancy payments. Selection criteria may vary depending on the circumstances of each redundancy exercise but will be consistently applied to all employees in the affected department. Consideration will also be given to the way in which any redundancies,

¹ An "establishment" in these terms will be at the appropriate organisational level below University level, typically a School or Department.

which eventually may prove to be unavoidable, are to be notified. The intention of the meeting will be to reach an agreement if possible and each side will consider fully any proposals put forward by the other to ensure meaningful consultation.

4.9. For the purposes of collective consultation each department² will be treated as a separate establishment. Collective consultation (where required by legislation) will normally be for a minimum of 30 days before any redundancy notices are issued.

4.10. Written communication will be sent to each employee who may be affected by the selection criteria for redundancy.

5. Individual consultation

5.1. The relevant Head of Department (or appropriate representative), together with an HR representative, will meet with each employee provisionally at risk of redundancy to inform them of the proposal, and to consider any initial response. A second meeting between employees at risk of redundancy, the Head of Department (or nominated representative) and an HR representative will be arranged to allow further consultation, with a third meeting scheduled where the case for the redundancy is confirmed. **At any stage of this process the employee may request that a meeting is chaired by a senior member of staff from an unrelated area.**

5.2. Throughout the individual consultation process, employees have a right to be accompanied to meetings by a recognised trade union representative or work colleague. Attendance by individuals external to the University, such as unrecognised trade union representatives, family members or legal representatives is not permitted.

5.3. The individual consultation period will normally be for a minimum of 30 days or such longer period as may be deemed necessary under the circumstances, or as required by legislation.

5.4. The University recognises that consultation regarding a potential redundancy situation will be a difficult period of time for employees and therefore will ensure that employees are notified of appropriate support mechanisms during individual consultation meetings.

5.5. Where an employee's post is confirmed as redundant employees who have two years' service by the end of their notice period will be entitled to reasonable paid time off to look for alternative work and attend interviews etc. Employees should make appropriate arrangements with the relevant line manager.

² A "department" in these terms will be at the appropriate organisational level below University level. For example, potential redundancies in a Unit/Department within the Finance office will be managed at the level of Group Finance Director's office, and for a Unit/Department within the Medical School any potential redundancies will be managed at the level of the Medical School.

5.6. A template individual consultation process guidance document is included at Appendix 1, highlighting the normal matters to be covered during an individual consultation meeting.

6. Notice of redundancy and appeal

6.1. Formal notice of redundancies may be given once the consultative procedures outlined above have been exhausted, and there is no further mitigation of the redundancy possible. If redundancy is confirmed the employee's notice period will then commence in line with their conditions of employment.

6.2. Employees who receive formal notices of redundancy have the right to appeal against their dismissal. Employees who wish to appeal must lodge their appeal by writing to the Director of Human Resources as soon as possible and no later than 14 calendar days after receipt of formal notice of dismissal on grounds of redundancy, setting out the grounds of appeal. The appeal will be considered by the Registrar (or nominated representative) and a senior manager not associated with the department(s) involved. For an appeal relating to academic employees the senior manager will be a senior Professor not associated with the department(s) involved. A successful appeal may not result in a reduction in the total number of redundancies.

6.3 As stated in Statute 24, for an appeal in relation to academic freedom the appeal will be heard by a panel as follows:

- (i) One member of Council not being a person employed by the University;
- (ii) Up to two senior Professorial members of staff; and
- (iii) A designated representative of the Registrar

A member of HR will be present at all appeal hearings and will advise on procedure.

6.4. Employees under notice of dismissal on grounds of redundancy are eligible to be supported by the provisions of the Redeployment Policy and Procedure, details of which can be accessed at <http://www2.warwick.ac.uk/services/humanresources/internal/policies/redeployment>

7. Redundancy payments

7.1. The University will comply with statutory requirements on redundancy pay. Although employees are expected to take any outstanding annual leave during the notice period, if this is not possible, a payment may be made in lieu of any remaining annual leave on the termination date consistent with contractual terms and conditions of employment.

8. Notice periods

8.1. Employees will normally be expected to work their contractual notice period unless otherwise mutually agreed.

9. Impact Assessment

9.1. The University recognises its responsibility to ensure that no-one is discriminated against or disadvantaged, through membership of any particular group, or on the grounds of age, disability, sex, trans & gender reassignment, pregnancy and maternity, marriage and civil partnership, race, religion or belief, or sexual orientation. For further information please refer to the University's Diversity and Inclusion website:

<http://www2.warwick.ac.uk/services/equalops>

9.2. The redundancy policy and procedure has been assessed as being of high relevance to our duties under anti-discrimination legislation and the University will review its impact on equality and diversity, identify any inequalities by annual monitoring, and it will take action where necessary.

Appendix 1 – Template Individual Consultation Process

1. Individual consultation process

The University has consulted with recognised trade union representatives in relation to an individual consultation process for all employees which outlines the specific detail of the consultation approach.

Purpose

The purpose of individual consultation is to ensure that individuals are aware of the impact on them of any proposed changes that may result in redundancy. There will be a number of meetings (normally 3) with an appropriate manager, as defined within the Redundancy Policy and procedure, accompanied by a member of HR.

Consultation meetings

Consultation meetings allow exploration of any proposals from employees to minimise the impact/reduce the risk of any proposed redundancies and to ensure that appropriate decisions in relation to inclusion in a selection pool have been taken. It is also an opportunity for an employee to voice any concerns and raise any questions, understand the selection process and its application, and discuss the redeployment process and eligibility for redeployment.

Specific information to be disclosed during individual consultation is outlined below.

Individuals will receive written notification of the first individual consultation meeting which will confirm the date, time, location, attendees and individual's right to be accompanied at that meeting by a recognised trade union representative or work colleague. An outline of the consultation meeting will also be included in the letter.

Following the initial individual consultation meeting, arrangements for further consultation meeting(s) will be agreed as appropriate and confirmed in writing.

It is intended that individual consultation meetings will be held, where possible, with the same manager. However, where requests to reschedule meetings are received, this may mean that this is not feasible and such changes will be communicated to the individual employees.

Individual consultation meeting one

The first consultation meeting will discuss the possibility of an employee being put 'provisionally at risk of redundancy' and will allow the manager to:

- Set out the reasons for the proposed changes
- Confirm how the employee may be affected
- Where a pool has been established detail the proposed selection pool and proposed criteria for selection for redundancy
- Outline timescales for the consultation process
- Detail how the procedure will be implemented, notice periods, the period over which any dismissals by reason of redundancy are to take place, discuss the redeployment process and eligibility for redeployment
- The proposed method of calculating any redundancy payments
- Confirm the support available for the employees affected
- Discuss the financial information provided to the employee (where applicable)

Individual consultation meeting two

The second consultation meeting will consider any feedback from the employee, provide an opportunity to review points raised at the initial meeting (as illustrated above under individual consultation meeting one) and, if appropriate, confirm that the employee is at risk of redundancy.

General discussion in relation to the redeployment process and suitable alternative employment will take place, as appropriate, and progress/timescales in relation to the relevant process being undertaken in relation to the individual employee.

Individual meeting three

At the third meeting, where a case for redundancy has been confirmed, the employee will be notified that they are to be dismissed by reason of redundancy and a redundancy notice will be served in writing, following the meeting. The employee will also be notified of eligibility for consideration for redeployment and the procedure to be followed.

The formal written notice of redundancy will provide details of redundancy payments, notice period and the final date of employment. It will also provide detail of the appeal process.

2. Representation at individual consultation meetings

Throughout the individual consultation process, employees have a right to be accompanied to meetings by a recognised trade union representative or work colleague. Attendance by individuals external to the University such as unrecognised trade union representatives, family members or legal representatives is not permitted.

3. Notes of consultation meetings

For the University's record, notes will be taken of all consultation meetings to capture the key points discussed and any action points. These notes will be circulated to employees for information, in advance of the next consultation meeting, and will be held on file within the HR department and for a 12 month period at which point they will be destroyed, in line with HR procedures for the management of confidential information.

These notes will not be a verbatim record but a summary of the key points discussed.