

UNIVERSITY OF ULSTER

**REDUNDANCY POLICY
AND
PROCEDURES**

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1.0 POLICY STATEMENT

It is the policy of the University of Ulster to consider any and all means of maintaining employment for University staff, providing a stable work environment and reasonable security of employment where practicable. The University however acknowledges that changes in competitive conditions, organisational requirements and technological developments may require organisational restructuring and reshaping which may necessitate redundancies. Whilst the University would wish to avoid redundancies wherever possible, this policy is designed to be applied whenever the potential for redundancies arises. This policy and procedure will apply to all staff in the employment of the University irrespective of their contractual status.

2.0 CONSULTATION

In applying this policy the University management (hereafter referred to as 'the University') will consult with the Recognised Trade Union(s) on any staffing measures which might need to be taken and will utilise fair and equitable ways of achieving the necessary changes.

When considering restructuring and/or reductions in staffing levels in a work area, which could lead to redundancies, the University will consult and enter into discussion with representatives of the Recognised Trade Union(s). The issues which make change necessary and the timescale for consultation will be clearly outlined at that stage to the relevant Trade Union. The timescale will allow Recognised Trade Union(s) time to consider proposals, seek views and make representations. This timescale will depend on the particular constraints of each case and these constraints will be clearly highlighted in the consultation.

The Consultations will consider the course of action which might be followed in order to avoid redundancy if possible and minimise the reduction in staffing. However, it is recognised that the circumstances, which might cause existing levels of staffing and staffing profiles to be reviewed, will vary. For this reason it is not possible to establish a precise set of arrangements which must be adhered to in all the circumstances which may occur from time to time. The University will always need to have regard to retaining specific knowledge, experience and skills to preserve a balance within the University workforce.

As soon as reasonably practicable, the University will consult with individual members of staff whose posts are at risk under any redundancy proposals. Such individuals will have the right to be accompanied by a Recognised Trade Union representative or a fellow employee (refer to Appendix I).

3.0 MEANS OF AVOIDING/MINIMISING REDUNDANCIES

The University will seek to avoid compulsory redundancies by having due regard to the following:

- redeployment and retraining as appropriate;
- early retirement;
- voluntary redundancy;
- moratoria on recruitment;

- natural turnover/wastage;
- restriction of recruitment (internal trawls);
- review of overtime working and other working arrangements (eg short-time working);
- reducing the use of agency staff.

The above list is not exhaustive and the University will, as part of its consultations with the Recognised Trade Union(s), consider such other proposals submitted by them which are aimed at avoiding/minimising redundancies.

4.0 PROCEDURE

4.1 Consultation

Consultations with the Recognised Trade Union(s) will take place whenever redundancy is contemplated in accordance with relevant employment legislation and statutory obligations. (No fewer than 30 days prior to the issue of the first notice of redundancy where less than 99 staff are to be made redundant over a period of 90 days or less, or 90 days prior to the first notice of redundancy where 100 or more employees are to be made redundant over a period of 90 days or less).

In particular, for the purpose of consultation, the University will advise the Recognised Trade Union(s) in writing of:

- the reason(s) for the redundancy proposals;
- the numbers and description/category of staff which it proposes to make redundant and the total numbers employed of that description/category;
- the criteria and means to be used in selection;
- mitigating actions for redeployment
- how the dismissals are to be carried out including the period over which the dismissals are to take effect;
- the formula for determining redundancy pay (see Section 4.10 below).

The University will consult with the recognised Trade Union(s) with a view to reaching agreement on these issues. Consultation will also cover any ways in which dismissals can be avoided or reduced including voluntary redundancy and any ways to mitigate the consequences of dismissals, including discussions of whether any suitable alternative employment is available in the University.

The selection criteria will have due regard to the principles of fairness, equity, objectivity and consistency and may take into account such factors as disciplinary record, attendance record, relevant experience, level of appropriate skills/qualifications, performance and future potential.

Whatever the selection criteria, the University reserves the right to retain employees on the grounds of specialist knowledge, training and qualifications or to preserve organisational balance. Therefore additional criteria to the general criteria outlined above may be required to select individuals for redundancy.

4.2 Redeployment

Redeployment, if possible and where appropriate, will be utilised to avoid/minimise redundancy. All suitable vacancies within the University will be 'ring-fenced' in order that they may be offered to those individuals whose skills and experience are compatible with the person specification and job requirements of the vacant post and who otherwise would be made redundant. The University's Human Resources Department will inform such individuals of all relevant vacancies within the University.

A redeployed member of staff will be given reasonable appropriate training where necessary to enable him/her to perform the duties of the new job.

Redeployment into a post will be subject to the agreement of both the member of staff concerned and the relevant Dean/Director. The Dean/Director will not unreasonably withhold approval to redeploy an individual into a post in his/her area.

Where more than one 'redeployee' expresses an interest in any particular vacant post then it may be necessary to hold a selection process. In such circumstances the University's normal Recruitment and Selection processes will apply albeit the trawl will be restricted to the identified redeployees.

Any individual under notice of dismissal who unreasonably refuses an offer of suitable alternative employment may forfeit his/her right to a redundancy payment.

Additionally the University's Human Resources Department will, within resources available, provide information, advice and help to staff seeking suitable alternative employment internal or external to the University, in terms of making application for posts, drawing up CVs, attending interviews etc.

4.3 Salary on Redeployment

Staff will only be offered posts by way of redeployment which are at an equivalent grade to that currently held. Where however, a member of staff on the redeployment register wishes to apply for a post designated at a lower grade, the remuneration attached to the lower graded post will apply.

4.4 Trial Period

Individuals who are faced with potential redundancy and who are able to be redeployed to a suitable alternative post will be given a trial period of twelve weeks in the alternative job to allow him/her time to assess its suitability. Equally the University will use the trial period to assess an individual's suitability to the post.

During the trial period the individual will not lose his/her right to a redundancy payment if he/she and/or the manager of the area concerned decides that the job is not suitable.

4.5 Voluntary Early Retirement

In a redundancy situation, voluntary early retirement of staff may be considered by the University.

When making the decision to allow voluntary early retirement, the University will take into account the financial implications to the University. In particular, affordability in relation to actuarial costs which may apply to an early retirement opportunity will be deemed a significant factor which may prohibit the granting of any voluntary early retirement request.

4.6 Voluntary Redundancy

Volunteers for redundancy, as the first step in the process, will be considered from those within the same employment category as the staff group at risk where acceptance of redundancy by volunteers would reduce/minimise the effect of redundancy. Consultations will take place with a view to reaching agreement between the University and the Recognised Trade Union(s) with regard to the criteria and means to be used in the selection among the volunteers for redundancy.

The University reserves the right to retain employees on the grounds of specialist knowledge, training and qualifications or to preserve organisational balance to meet the present and anticipated needs of the University, and, therefore, has the right to refuse or to accept any volunteers for redundancy.

4.7 Compulsory Redundancy

After careful consideration and consultation on all other measures available, it may still be that the only appropriate means of effectively reducing staff is by compulsory redundancy.

After consultation, in line with Section 2.0 above, the proposals will then be finalised and implemented to enable identification of individuals by application of the selection criteria. Individuals identified and selected will then be consulted about their proposed redundancy including being given notification of their calculated entitlement to a redundancy payment and being consulted about any possible redeployment/retraining opportunities (refer to Appendix I for procedural steps). At all stages of the consultation process staff will have the right to be accompanied by a recognised Trade Union representative or a fellow employee.

4.8 Appeal

All staff served with a notice of dismissal will have the right of appeal. Appeals should be lodged, in writing to the University's Human Resources Department, stating the full grounds for the appeal within 10 working days of the date of the notice. The appeal will be heard as soon as practicable but not longer than 20 working days after receipt by Human Resources of the appeal notice. Again individuals have the right to be accompanied at an appeal hearing by a Recognised Trade Union representative or by a fellow employee (refer to Appendix I for procedural steps).

4.9 Time off to seek alternative employment and/or attend interviews

Any member of staff under notice of dismissal who is actively seeking employment opportunities outside of the University will be given reasonable time off with pay to attend interviews.

4.10 Severance Pay

Currently, statutory redundancy pay is calculated as follows:

- (a) 1.5 weeks' pay for each year of employment during which the employee was aged 41 or over;
- (b) 1 week's pay for each year of employment during which the employee was aged 22-40 inclusive;
- (c) ½ week's pay for each year of employment in which the employee was aged 18-21 inclusive.

In order to qualify for a redundancy payment, employees must be employed for over two years and be aged 18 and over. Reckonable service is limited to the last 20 years before redundancy.

The University will base redundancy pay on actual weekly earnings, or the amount permitted under the Employment Rights (NI Order) 1996 whichever is greater, and will apply the statutory redundancy pay calculator as above in 4.10(a)-(c). In the case of voluntary redundancy the calculated statutory redundancy will apply plus an additional compensation of 20% of actual annual earnings.

5.0 OPERATIVE DATE

This policy is operative with effect from 2nd April 2007.

PROCEDURAL STEPS FOR INDIVIDUAL CONSULTATION

Step 1 : Invitation to a Meeting

As soon as is reasonably practicable after a potential redundancy situation has been identified, the University will consult with all employees whose positions are at risk.

The appropriate Manager will write to the employee explaining the reasons for the proposed redundancies, and inviting him/her to a meeting to initiate the formal consultation process. The employee will be informed of his/her right to be accompanied by a Recognised Trade Union representative or fellow employee.

It is appropriate for the Manager to meet with the employee face to face to give them the notice and explain its contents.

Step 2 : The Meetings

There will normally be at least two meetings with an employee in a redundancy situation and the employee should have reasonable opportunity to consider their response to each situation prior to the meetings.

The first meeting will be held before any selection decision is taken and the purpose of the meeting is to:

- explain the reason for the proposed redundancy exercise
- to give the employee a fair opportunity to discuss any factors which may contribute to their selection for dismissal by reason of redundancy
- to discuss the possibility of suitable alternative work and to consider any other vacancies within the university should they be selected for redundancy
- to listen to any comments/representations that the employee wishes to make.

Following this meeting and the completion of a selection process the employee will be informed of the selection criteria and will be entitled to see and comment on their own assessment scores against criteria. Any comments will be taken into account at this point and a record kept of whether or not the scores require to be amended, any amended scores and the reason for any decision taken to make a change.

At the end of the first meeting and once selection has been decided the length of the consultation period will be confirmed. This will depend on the particular circumstances and the extent to which there has already been informal communication. Confirmation of redundancy will not take effect until the consultation period has been completed. There may be additional meetings during the consultation period.

If selected for redundancy the employee will be placed on the Redeployment Register which will ensure that they receive notification of all vacancies within the University.

At the end of the consultation period, a further meeting will take place to:

- review the position in relation to suitable alternative work
- to listen to any other comments/representations that the employee may wish to make .

Following this meeting the Manager will inform the employee of his decision. If the decision is to dismiss the employee by reason of redundancy, the written notice will:

- inform the employee that his employment will end and the date upon which it will end
- explain the basis for the decision
- set out any arrangements in relation to the notice period ie whether the University requires the employee to work their notice
- state details of the redundancy payment due
- advise the employee of his/her right to a reasonable amount of time off to look for another job
- give details of the right of appeal.

Step 3 : Appeal

If an employee decides to exercise their right of appeal against the decision, this should be notified in writing, setting out the grounds of appeal, within 10 working days from the date of the letter, to the University's Human Resources Department as set out in Section 4.4 of the Redundancy Policy and Procedures.

Appeals will be heard by an Appeal Panel consisting of a two (2) Lay Members of the University's Council.

On receipt of the notice of appeal, the Human Resources Department will send a copy to the Manager who took the original decision. The Manager will then send a report to the Human Resources Department detailing:

- reasons for dismissal
- any factors taken into account in reaching the decision
- the process that was followed prior to reaching the decision

Within 10 working days of receiving this report, the Human Resources Department will give the employee notice in writing calling an appeal meeting and informing them of their right to be accompanied by a Recognised Trade Union representative or a fellow employee.

Following the meeting the Appeal Panel will write to the member of staff, as soon as is reasonably practicable, stating the outcome and the reason for its decision. This is the final stage in the appeal procedure and the Appeal Panel's decision is final.