

UEA Guidelines for Dealing with Redundancy and Redeployment

1.0 General Principles

- 1.1 This document identifies the guiding principles and approach to be adopted by the University when faced with possible redundancies.
- 1.2 Insofar as national funding of Higher Education allows, the University will, as a general principle, seek to minimise redundancies by careful recruitment practices, staff development and forward planning.
- 1.3 The University acknowledges the impact that the threat of redundancy has on members of staff. It will seek to ensure fairness and objectivity throughout the process of selecting members of the workforce for redundancy, and make reasonable efforts where possible to find alternative employment.
- 1.4 The University will involve the Trade Unions at an early stage in consultation, and will warn and consult with affected members of staff in a timely fashion.
- 1.5 Members of staff have the right to be accompanied by a Trade Union representative or colleague at any formal meeting connected to the redundancy process. However, should an employee wish to be accompanied at an informal stage of the process, this can be accommodated.
- 1.6 Members of staff employed under fixed term contracts have the right not to be treated less favourably than comparable permanent employees on the basis of their fixed-term status, unless the different treatment can be objectively justified.
- 1.7 Nothing within these guidelines shall be construed as over-riding or excluding any provision of Statute 7 concerning the dismissal of a member of staff who is covered by Statute 7 by reason of redundancy or for good cause.
- 1.8 The University will ensure that good equal opportunities practice in relation to current legislation is adhered to in the practices arising from these Guidelines.
- 1.9 It should be remembered that it is the post that is becoming redundant, not the person and therefore there should be no automatic selection for redundancy of the post-holder without considering the "redundancy pool".
- 1.10 The beginning of pregnancy to the end of maternity leave is a 'protected period' during which a woman is entitled to special considerations. It is recognised that during this period a woman must not be selected for redundancy because of her pregnancy, maternity leave or a related reason, and a woman made redundant while on maternity leave must be offered any suitable alternative vacancy if one is identified taking into account her qualifications, skills and abilities, in accordance with current legislation. A woman on maternity leave will also be included in any consultation process.
- 1.11 In accordance with section 152(1) and section 153 of the Trade Union and Labour Relations (Consolidation) Act 1992, a member of staff may not be selected for redundancy where the main reason or, if more than one, the principle reason is on grounds of union membership or activities.

1.12 The University will seek to avoid compulsory redundancies wherever it is possible to do so. These will only be implemented when other avenues have been exhausted.

2.0 Overview of these Guidelines

2.1 These guidelines explain the main principles concerning redundancy. They are divided into a number of sections, each of which deal with a specific aspect of the redundancy process.

- Section 3 clarifies when these guidelines apply.
- Section 4 explains what is meant by 'redundancy'.
- Section 5 explains how to provisionally select appropriate members of staff when faced with a proposed redundancy of one or more posts.
- Section 6 explains the need to consult with provisionally selected members of staff and, where appropriate, Trade Union representatives.
- Sections 7 and 8 focus on a particular aspect of consultation, that of consideration of alternative employment; they cover looking for alternative employment and offering alternative employment respectively.
- Section 9 covers redundancy payments, in cases where it has not been possible to find permanent alternative employment.
- Section 10 provides members of staff with the right to appeal if they feel they have been unfairly selected for redundancy or if they believe they have been incorrectly or unfairly treated during the redundancy process.
- Section 11 sets out the assistance the University will give to members of staff provisionally selected for redundancy and section 12 deals with revisions of the guidelines.

3.0 Application of these Guidelines

3.1 These guidelines apply where redundancy has been identified as the reason for dismissal (see section 4 below).

3.2 The University frequently employs people for short periods to cover such eventualities as sickness, maternity leave or specific temporary workflow problems; it is not intended that staff employed under these, or other similar conditions be covered by these guidelines. Staff employed for these specific short term reasons will be notified in advance when they take on such work that the ending of their contract will not be considered as a redundancy. However, staff taken on in this way who are then offered continued employment will possibly be covered by these guidelines and clarification will be provided by the Human Resources Manager and notified to the individual.

3.3 These guidelines are not intended to apply to any situation where, as a result of any restructuring or re-organisation, there is no overall reduction in head count and where the posts within the new structure are very similar to the old.

In this situation, namely, where members of staff are, in essence, undertaking the same role in their new post as in their old, staff will be expected to undertake the new role and no redundancy situation will arise, although the relevant Trade Union and affected staff will be consulted throughout the process

4.0 The meaning of Redundancy

4.1 Redundancy arises when employees are dismissed because:

- the employer has ceased, or intends to cease, to carry on the business for the purposes of which the employee was [so] employed; or
- the employer has ceased, or intends to cease, to carry on the business in the place where the employee was [so] employed; or
- the requirements of the business for employees to carry out work of a particular kind have ceased or diminished or are expected to cease or diminish; or
- the requirements of the business for the employees to carry out work of a particular kind, in the place where they were so employed, have ceased or diminished or are expected to cease or diminish.

4.2 In cases where a fixed term contract is due to expire, the University Code of Practice on Fixed Term Appointments – Compliance Guide for Heads of Schools, Divisional Heads and Line Managers must be followed. Where it has been identified through the process set out in the University's Code of Practice on Fixed Term Appointments that it is not possible to extend the fixed term contract, *usually* the reason for not extending the contract will fall under the definition of redundancy (see 4.1). The relevant Human Resources Manager will confirm the reason the contract is not extended and, where it is because of redundancy these redundancy guidelines must be followed.

5.0 Selection

5.1 As is explained in section 3.3, these guidelines are not intended to apply to a situation where, as a result of a restructuring or re-organisation, there is no overall reduction in head count and where the posts within the new structure are very similar to the old. However, where restructuring or re-organisation **does** result in an overall reduction in head count, or where the posts available after restructure or re-organisation are likely to be different to those currently held by the affected employees (thereby triggering redundancy), steps will be taken to identify those employees who may be potentially selected for redundancy.

5.2 Where it appears that redundancies cannot be avoided it may be necessary to establish the "pool" from which selections for redundancy are to be made. Provisional selection for redundancy will be determined by considering appropriate selection criteria (see below, in the remainder of this section 5). There will be no need for selection criteria where there are no other members of staff who carry out the same, or similar work, or whose skills are interchangeable. It should be remembered that it is the post that is becoming redundant, not the person and therefore there should be no automatic selection for redundancy of the post-holder without considering the "redundancy pool".

5.3 It is not intended to have only one agreed set of selection criteria. For any circumstance in which there is more than one person within a selection pool, the appropriate Human Resources Manager will liaise with the appropriate manager/s to establish the specific details of each case. The Dean of Faculty or Head of School, together with the line manager and Human Resources Manager (or their nominated representatives), will then decide upon the appropriate criteria in the interest of the business of the University. Following this, Human Resources will consult with the relevant campus Trade Unions with a view to reaching agreement on the criteria, or criterion, to be used. Such consultation will be with a view to reaching agreement.

5.4 The following are examples of objective criteria that may be used as selection criteria for redundancy. Care will also be taken that the criteria are not directly or indirectly discriminatory on grounds of race, sex, sexual orientation, pregnancy or maternity leave, disability, fixed-term status or part-time work, or religious beliefs and, while the list below is not definitive and may be subject to change, criteria are likely to include one or more of the following:

- Relevant qualifications
- Knowledge/skills
- Experience
- The needs of the service
- Adaptability/flexibility
- Standards of work performance and aptitude for work*
- Attendance/disciplinary record*

*These will only be used as criteria for selection where an objective process exists which can be applied to all those affected.

5.5 The University will determine selection criteria prior to assessment of individuals against these criteria. Where a situation involves individuals across Schools or Faculties, Human Resources Managers will ensure consistency of application of criteria.

5.6 Any member of staff provisionally selected for redundancy will be notified of the criteria which have been used for redundancy assessment. These members of staff will be notified of their assessments against these criteria and will be able to challenge these assessments against these criteria already adopted (which may subsequently result in changes) before a final decision is taken.

6.0 Consultation

6.1 The University acknowledges that in potential redundancy situations good communications and early consultation is important. Consultation will take place in line with current employment legislation and regardless of legal deadlines will occur at the earliest possible opportunity. In any case where a member of staff is identified as at risk of redundancy, as defined in 4.1 above, the member of staff will be contacted individually and advised:

- why and how they are at risk of redundancy,
- of any appropriate vacancies or re-deployment opportunities, and
- of any practical support available to them.

One important aspect of consultation with the employee involves consideration of alternative employment. This issue is considered separately in sections 7 and 8 below.

Additional consultation with appropriate employee representatives may be necessary, and is explained in the remainder of this section 6 below.

- 6.2 Where consultation with Trade Union representatives is required by existing employment legislation, the existing relevant TU Consult staff representatives, or their nominated deputies, will constitute appropriate employee representation for the purpose of redundancy consultation
- 6.3 In cases of restructuring or re-organisation, information will be provided to the relevant campus Trade Unions as soon as is practicable. This will include information concerning the proposed changes and which posts may disappear or be significantly affected.
- 6.4 No final decision as to whether an employee is to be made redundant will take place until consultation has taken place.

7.0 Searching for alternative employment

- 7.1 As part of the consultation process set out in section 6 above, the University will consider whether there is any alternative employment which would be appropriate for any member of staff provisionally selected for redundancy.
- 7.2 The Human Resources Manager will consider the medium for placement of the advertisement for any vacancy taking into account all relevant factors, including specific operational needs. Consideration will first be given to limiting advertisement to redeployees only. However, where it is necessary to comply with immigration or other legislation, terms of funding or other relevant factors, the University will consider simultaneously advertising the vacancy internally and externally.
- 7.3 In the event of internal restructures which result in a reduction of posts, either overall or within one or more of the grades affected by restructuring, the university may, following consultation with the relevant trade union representatives, 'ring-fence' posts to enable only those affected by the restructuring to apply.
- 7.4 All members of staff who have been provisionally selected for redundancy may choose to be entered on to the University's Redeployment Register (*see separate document in respect of operation of Redeployment Register*).
- 7.5 Any member of staff at risk of redundancy and on the Redeployment Register may ask the Human Resources Manager for advice on CV construction, completion of the application form and interview guidance.
- 7.6 Members of staff at risk of redundancy are entitled to remain on the Redeployment Register until the date of termination of their contract or until they obtain suitable alternative employment, whichever is the sooner.

8.0 Offer of alternative employment

8.1 Where either:

- a suitable alternative post within the University's employment is located by the University, or
- a job is found by a member of staff due to his/her membership of the Redeployment Register

and the job is offered to and accepted by a member of staff who has been provisionally selected for redundancy, then (subject to section 8.2 below) if the provisions of the new contract differ from the original contract, the member of staff will be entitled to a four-week trial period in the new post. If retraining is needed the trial period can be extended beyond four weeks by written agreement between the member of staff and the line manager (after consultation with the Human Resources Manager), up to a maximum of three months.

8.2 Where suitable alternative employment has been identified either by the University identifying a position or by the member of staff's initiation via the Redeployment Register, in order for continuity of employment to be preserved, the alternative employment must be offered before the old contract of employment expires and must start immediately after the old job ends or within a period of four weeks from that time. If the provisions of this section 8.2 are complied with then, subject to 8.3 below, the employee will not be entitled to a Statutory Redundancy Payment.

8.3 If the member of staff wishes to end the new contract within the four-week trial period as they do not consider it to be suitable alternative employment, or the University wishes to end the new contract within the four-week period for a reason connected with the new job, the member of staff will be considered to have been made redundant from the date their original job ended. In this situation a Statutory Redundancy Payment would still be made if the member of staff otherwise qualifies for such a payment.

8.4 During the trial period regular review meetings should take place between the line manager and member of staff and written notes of these meetings must be kept. If, at the end of the four-week trial period or, in the case of retraining, the agreed *extended* period, the member of staff is still in the alternative job, they will be deemed to have accepted the post. In this situation employment with the University continues and therefore no redundancy payment is made.

8.5 The University will seek to maximize opportunities for re-deployment but members of staff cannot be retained on a supernumerary basis beyond the final date notified at the outset. Therefore where redeployment to suitable alternative work is not possible, and other measures to avoid compulsory redundancies have been exhausted, the member of staff will be made redundant on the date originally notified.

9.0 Redundancy Payment

9.1 If consultation has been exhausted and no alternative employment is available and, where the member of staff is entitled to such a payment, the University will pay to the member of staff a Statutory Redundancy Payment. For entitlement to a Statutory Redundancy Payments, under the Employment Rights Act 1996, redundancy is deemed to have arisen when employees are dismissed as defined in section 4 above.

- 9.2 To qualify for a Statutory Redundancy Payment (unless they are still subject to a waiver clause in a contract signed prior to 1st October 2002):
- a member of staff must have a minimum of two years' continuous service at the date of dismissal;
 - the member of staff must have been dismissed, rather than resigned, for a reason defined as redundancy; and
 - there must have been no suitable alternative employment available, or suitable alternative employment was not considered suitable following a trial period.
- 9.3 Where a member of staff is eligible for a Statutory Redundancy Payment, the University's standard practice is to make a payment of Statutory Redundancy Pay in line with the statutory minimum at the current prevailing rate, based on the employee's weekly earnings at the time of redundancy. Any benefit paid in addition to a Statutory Redundancy Payment is entirely discretionary and does not form part of any member of staff's employment contract.

10.0 The right of appeal against dismissal on grounds of redundancy

- 10.1 Members of staff who are made redundant will have the right of appeal if they feel they have been unfairly selected or if they believe they have been incorrectly or unfairly treated during the redundancy process. A letter giving full details of the complaint should be addressed to the Director of Human Resources as soon as reasonably possible and ideally no later than the date of termination in order that the complaint may be considered without delay.

11.0 Assistance to Members of Staff facing Redundancy

- 11.1 The University will make every reasonable effort to help identify suitable alternative employment as an alternative to redundancy.
- 11.2 Reasonable paid time off to look for work will be given if the member of staff is under notice of dismissal for redundancy subject to prior approval of the Director of Human Resources or her representatives.
- 11.3 While under notice of redundancy, a member of staff, under certain circumstances and in accordance with employment legislation, may leave and still receive a Statutory Redundancy Payment.
- 11.4 The Human Resources Division will provide as much support and assistance as possible to those affected.

12.0 Revision of Guidelines

- 12.1 Changes to these Guidelines will be made in accordance with Government Legislation and amendments to the Statutes and Related Ordinances.



Human Resources Division

University of East Anglia
Norwich Research Park
Norwich NR4 7TJ
United Kingdom

Dear []

Following the consultation meeting held with your [PI or line manager], I am writing to let you know that funding for the continuation of your employment in your present role is being actively explored and I hope to be able to write to you shortly to confirm the details of an extension.

However it is important to make you aware at this stage that your [PI or line manager] has not been able to identify any similar employment in your immediate working area into which you can be moved, which means that if we are unable to secure the anticipated funding, or to identify alternative employment by the end of your fixed term contract, you will be made redundant.

While we anticipate that funding will be available, I would like to invite you to join the Redeployment Register so that you can be made aware of vacancies that may provide suitable alternative employment within the University. The purpose of the Redeployment Register is to ensure that those on it are guaranteed an interview for any advertised post within the University in which they are interested, provided they meet the minimum essential person specification.

Entry onto the Redeployment Register is triggered by completion and return of the attached form to Human Resources. It serves as confirmation that you are on the Redeployment Register and enables the relevant Human Resources Manager to review the details provided in relation to vacancies that arise.

Information on current vacancies can be accessed on the Human Resources Intranet of the UEA web-site <https://www.uea.ac.uk/hr/vacancies>. The same vacancies are also held in paper copy in the Registry Reception, and the Receptionist there will be happy to direct you to the folder. You will also be forwarded details of all relevant vacancies if you provide your contact details on the attached Redeployment Register form.

If you do see a vacancy in which you are interested please contact me on the above number or by email. An application form will need to be completed in the usual way and, while we cannot guarantee that you will be appointed to any such vacancy, if you meet the essential criteria of the person specification for the post, we will ensure that you are invited for interview. However, to ensure this you must contact me before the closing date to let me know you are submitting an application.

Advice on CV construction, completion of the application form or interview guidance is available and, if you have not attended an interview for some time you may find this useful. If you wish to take up this assistance, please contact me.

I will be in touch to update you on the progress of the discussions. Please do not hesitate to contact me if you have any questions.

Yours sincerely

Human Resources Manager

enc: Redeployment Register Sheet

cc PI or line manager, HoS as appropriate

Registration Sheet for Redeployment Register

Name	
Contract End Date (where applicable)	
Current Post Title	
Faculty/School/Division/Office (as appropriate)	
Contact Number(s) and email address	
If you wish to be advised of available posts <u>please provide your preferred method of contact</u>, i.e. work email, home email or home address. <i>If home address or home email address, please write this clearly opposite.</i>	
Summary of relevant Educational Qualifications	
Summary of skills and/or abilities and/or work experience	
Name of current line manager	

- Please return this form to the Human Resources Division where your details will be entered on the Redeployment Register.
- The information provided on this form will not be provided to a third party outside the Human Resources Division without your knowledge and consent.
- Once your employment has ended or you have been successful in finding further long term employment you will be removed from the register and this form will be archived in your personnel file.

Signature **Date**