

UNIVERSITY OF EXETER

REDUNDANCY PROCEDURE

Approved by Council on 19 November 2020

This version takes effect from 1 January 2021

REDUNDANCY PROCEDURE

1. Principles and Standards

- 1.1 These procedures apply to all members of staff except those engaged on a claims basis and Apprentices.
- 1.2 Where there is an issue as to the meaning of 'academic freedom' in any proceedings under these Ordinances, regard shall be had to the agreement with the University and College Union regarding the definition of academic freedom dated 31 July 2009.
- 1.3 An employee has the right to be accompanied by a fellow worker or trade union representative at any meeting under the formal stages of these procedures.
- 1.4 If the companion is unavailable at the time a meeting under paragraph 5.3 or 6.1 of this procedure is scheduled then the employee can ask for the hearing to be postponed for up to one week, on one occasion only. Following such a postponement, the University reserves the right to proceed with the meeting in the employee's absence.
- 1.5 References to academic managers in these procedures means staff in the academic job families with line management responsibility.
- 1.6 The University will try wherever possible to avoid the need for compulsory redundancies but sometimes these may be necessary. The pattern or volume of our business or methods of working may change and requirements for employees may reduce or change.
- 1.7 Before a decision is taken to effect redundancies, the University will consult with individual employees, and where appropriate, also with their representatives, having due regard to any consultation required in accordance with Clause 188 of the Trade Union and Labour Relations (Consolidation) Act ('TULRCA'), on how to avoid the redundancies or reduce the numbers involved and, once a decision has been taken to proceed, about the means of effecting redundancies.
- 1.8 Any selection for compulsory redundancy will be undertaken fairly, reasonably and without discrimination.
- 1.9 The University's redeployment procedure will apply to eligible employees who have been given notice of dismissal on grounds of redundancy.
- 1.10 Nothing in this Procedure shall preclude the University from seeking volunteers for dismissal by reason of redundancy or oblige the University to seek volunteers; and nothing in this Procedure shall preclude any employee agreeing to voluntary severance at any time or oblige the University to accept applications for voluntary severance.
- 1.11 References to the Director of Human Resources ("HRD") include their designate.
- 1.12 The decision of the appropriate manager/panel on which procedure is to be followed shall be final.
- 1.13 Time limits (other than those for prior notification of meetings/disclosure of documentation before meetings) are indicative – there may be circumstances, particularly in the case of complex cases, where these are not realistic. If it is not possible to respond or take action within the time limits referred to in this Procedure, the employee should be given an explanation for the delay and told when a response can be expected. The time limits may be varied by mutual agreement in individual cases.

2. Scope and definitions

- 2.1 For the purposes of this procedure, redundancy is defined in accordance with Clause 139 of the Employment Rights Act 1996 or successor legislation.

- 2.2 This procedure does not apply to the proposed dismissal of an employee where that dismissal would arise from the expiry without renewal of a fixed term contract (fixed term contract) where the overall duration of the fixed term contract period (including any renewals or extensions) is 21 months or less, or where the reason for non-renewal is not by reason of redundancy e.g. where the fixed term contract is used to cover maternity leave or other long term absences or secondments. In these circumstances the Procedure for non-renewal of a fixed term contract will apply.
- 2.3 The pool for selection is the group of employees from which those who are to be made redundant will be drawn. The pool will depend upon the area or areas of activity in which the University's requirements for employees to carry out work of a particular kind have ceased or diminished. The pool will vary from situation to situation depending on the extent to which there are other roles undertaking the same or similar work, and the extent to which these roles can be deemed interchangeable. In some cases there may be no-one else carrying out the same or similar role, or with the same or interchangeable skills and there will be a 'pool of one', in which case there is no selection decision to be made and the individual is provisionally selected for redundancy.
- 2.4 Where there is a pool, selection criteria will be developed to determine which employee(s) should be provisional for redundancy. Selection criteria will be objective and will normally be based on the current and future needs of the College/Service in relation to that specific area of activity. They may take into account factors such as skills and experience, flexibility (i.e. cross functional or multi-skilled), performance, disciplinary record and attendance records.

3. Authority to take formal action under this procedure

- 3.1 Where the dismissal of an employee or employees by reason of redundancy is being considered, the manager shall (in consultation with the HR Representative for the College or Service, and taking account of guidance issued by Human Resources on managing restructuring and redundancy) submit a report to the Director of Human Resources ("HRD") and (for appointments in Colleges) the Pro-Vice-Chancellor and Provost) or (for appointments in Services) the Director of Service and the Registrar and Secretary advising of:
- the reason for the proposed redundancy/redundancies;
 - steps taken to try to avoid compulsory redundancies;
 - the total number of redundancies proposed and their categories or descriptions;
 - the total numbers of employees employed in the affected unit of each such category or description, including details of any agency or casual workers if applicable;
 - the proposed timescale over which it is proposed that the redundancies would take place;
 - the proposed pool for selection and the proposed criteria for selection (or an explanation why there is a 'pool of one'), including whether the procedures in clause 5 or clause 6 of this Procedure (below) should be instituted to effect the proposed redundancy or redundancies;
 - the consultation which will take place with the employee(s) and appropriate representatives of the employee(s).
 - the cost centre from which any redundancy payments and/or voluntary severance payments will be made from.
- 3.2 After consideration of a report under paragraph 3.1, taking account of the comments of the Pro-Vice-Chancellor/Director of Service and the Provost/Registrar and Secretary (as appropriate), the HRD (or where the proposed redundancies are within the HR Directorate, the Registrar and Secretary) will authorise the commencement of consultation on the proposals set out in the report (subject to any modifications by the HRD), in accordance with the provisions of this procedure, and implementation of the proposed redundancy or redundancies.

- 3.3 Where the potential redundancies arise from organisational design/restructure, then the HRD will submit a report to the Vice Chancellors Executive Group (“VCEG”), setting out the organisational design, rational for the changes and people impact, for consideration by the Vice Chancellors Executive Group (“VCEG”). After considering the summary report, VCEG will authorise the commencement of consultation on the proposals set out in the report (subject to any modifications by VCEG), in accordance with the provisions of this procedure, and implementation of the proposed redundancy or redundancies.
- 3.4 Deputy Vice-Chancellors (“DVC”), Assistant DVCs, Pro-Vice-Chancellors (“PVC”), Deputy PVCs, Associate Deans, Directors of Institutes, Heads of Department, Directors of College Operations and Directors (and Deputy and/or Assistant Directors) of Professional Services are authorised, following appropriate training and with guidance from the HR Representative for their area, to take action under this procedure (including an appeal under paragraph 7) following consultation with the HRD.
- 3.5 Following appropriate training, the HRD may authorise other named managers to take action under this procedure (including an appeal under paragraph 7) following consultation with the HRD.
- 3.6 Formal action under this procedure in respect of staff in the academic job families will be taken by academic managers.
- 3.7 References in this procedure to ‘the manager’ may mean a panel of managers authorised to take formal action under this procedure who are involved in the selection decision.

4. Consultation

- 4.1 Following a decision by the HRD or VCEG under paragraphs 3.2 or 3.3 above, the manager shall (in consultation with the HR Representative for the College or Service, and taking account of guidance issued by Human Resources on managing restructuring and redundancy) consult with employee(s) in the affected unit(s), and if applicable, with appropriate representatives of the employee(s) in accordance with the requirements of Clause 188 TULRCA.
- 4.2 The discussion and consultation will include where applicable:
- the reason for the proposed redundancies;
 - the Services, Colleges or other units at the establishment in question within which it is proposed that the dismissals would take place (‘the affected units’);
 - the total number of redundancies proposed and their categories or descriptions;
 - the total numbers of employees employed in the affected unit of each such category or description, including details of agency or casual workers if applicable;
 - the proposed timescale over which it is proposed that the redundancies would take place;
 - the proposed pool for selection and the proposed criteria for selection (or an explanation why there is a ‘pool of one’);
 - how redundancy pay will be calculated.
- 4.3 Following this consultation the proposal may be amended to take into account feedback of the employees and appropriate representatives. Where this results in significant changes to the proposals set out in the report/Summary made to the HRD or VCEG (for example any changes to staffing levels affecting budgets) then a further report shall be made to the HRD or VCEG as applicable.

5. Procedure where a pool exists

- 5.1 Following consultation under clause 4, the manager authorised under paragraphs 3.3 or 3.4 above (‘the manager’) will confirm in writing to those employees falling within the pool for selection:

- the pool for selection from which redundancies will be effected by the application of selection criteria;
- the total number of staff employed in that group of affected staff (i.e. the number of roles 'at risk');
- the total number of staff to be dismissed from that group by reason of redundancy;
- the selection criteria to be used to determine which employees within the affected group are to be provisionally selected for redundancy;
- who will assess the staff within the affected group against the selection criteria;
- when the assessment of affected staff against that criteria will take place.

5.2 Taking account of guidance of the HR Representative and the guidance issued by Human Resources on managing restructuring and redundancy and the procedures notified to employees under paragraph 5.1, the manager shall decide who shall be provisionally selected for redundancy.

5.3 Before an employee who has been provisionally selected for redundancy is given written notification of dismissal on the grounds of redundancy, they will be invited to attend a meeting with a nominated manager to explain why they have been selected for redundancy and to provide them with an opportunity to ask questions about their selection for redundancy, make oral or written representations and propose alternatives to dismissal.

5.4 Following the meeting, written notification will sent to employees who are to be dismissed. The written notification shall:

- summarise the reasons for the dismissal and why they were selected;
- give notice of dismissal on the grounds of redundancy;
- advise them of their right to appeal;
- Confirm the redundancy payment that will be made;
- Confirm redeployment status where eligible.

5.5 Those employees within the relevant group of affected staff not provisionally selected for redundancy shall be advised in writing that, although not provisionally selected at this stage, that position could change as a result of meetings with or appeals by provisionally selected employees under this Procedure.

6. Procedure where a pool does not exist ('Pool of one')

6.1 Where this paragraph applies, the manager shall confirm to the employee in writing the reason(s) for their proposed dismissal and the employee shall be invited to a meeting with a nominated manager to explain why they have been selected for redundancy and to provide them with an opportunity to ask questions about their selection for redundancy, make oral or written representations and propose alternatives to dismissal.

6.2 Taking account of all the information provided and the representations made, and with the guidance from the HR Representative for the College or Service, the manager shall decide whether the employee shall be given notice of dismissal on grounds of redundancy.

6.3 Following the meeting, the employee shall be advised in writing of the decision taken and the reasons for it. Where the decision is that the employee is to be dismissed, the letter shall:

- summarise the reasons for the dismissal and why they were selected;
- give notice of dismissal on the grounds of redundancy;
- advise them of their right to appeal;
- Confirm the redundancy payment that will be made;
- Confirm redeployment status where eligible.

7. Appeal

- 7.1 An employee has a right of appeal against a decision made to select them for redundancy following the application of the procedure in paragraph 5 or paragraph 6. An employee cannot appeal against the decision to institute redundancy procedures made in accordance with paragraph 4 of this procedure.
- 7.2 The right of appeal must be exercised within 14 days of the date of the written outcome under 5.4 or 6.3.
- 7.3 The appeal, stating the grounds on which it is made, must be in writing addressed to the HRD.
- 7.4 An appeal will be heard by a panel comprising two senior managers who have had no previous involvement in the case.
- 7.5 The University will aim for an appeal to be heard within 21 days of the appeal being lodged, unless otherwise agreed between the parties.
- 7.6 The appeal will be a review of the decision taken by the manager.
- 7.7 The appeal panel may:
- confirm the decision to dismiss the member of staff;
 - revoke the decision to dismiss and reinstate the member of staff; or
 - remit the decision to be considered further in accordance with the selection process under clause 5 or clause 6, as the Appeal Panel shall specify.
- 7.8 The decision of the appeal panel shall be final within the procedures of the University.
- 7.9 An appeal will not delay dismissal on grounds of redundancy, but where an appeal is successful then the employee will be reinstated.