

1. Introduction

- 1.1 Aberystwyth University is committed to managing its staffing resource in the most efficient way possible and plans its staffing requirements carefully to meet the needs of the University. Because of business, organisational or technological developments, changes to staffing requirements are on occasions inevitable and as a consequence the need to reduce staffing levels in some areas may arise.
- 1.2 This policy supersedes all previous arrangements, but does not effect the individual protection arrangements already in place for those members of staff who have been redeployed prior to this date.

2. Aims of the Policy

- 2.1 The aim of this policy is to establish a transparent, equitable and legally compliant approach to managing redundancies and redundancy related redeployment for the University.
- 2.2 The University will aim to avoid compulsory redundancies and will consult with the appropriate trade union representatives and individual employees affected by any such proposals.

3. Scope

- 3.1 This policy applies to all employees, including those on fixed term contracts exceeding 12 months duration (see 3.2). The policy does not apply to those who are self-employed e.g. contractors and consultants.
- 3.2 Where a fixed term contract has exceeded 12 months duration and the reason for the non-renewal is redundancy this policy will apply. However, in circumstances where the non-renewal of a fixed term contract is for a reason other than redundancy, this policy will not apply. i.e. contracts to cover periods of sickness absence, maternity leave or secondments research leave, sabbaticals.

4. Definition of redundancy

- 4.1 Under Section 139 of the Employment Rights Act 1996, as amended, an employee is "taken to be dismissed by reason of redundancy if the dismissal is attributable wholly or mainly to:

- (a) The fact that his/her employer has ceased, or intends to cease, to carry on the business for the purposes of which the employee was employed by him / her, or has ceased, or intends to cease, to carry on that business in the place where the employee was so employed, or
- (b) The fact that the requirements of that business for employees to carry out work of a particular kind, or for employees to carry out work of a particular kind in the place where s/he was so employed, have ceased or diminished or are expected to cease or diminish”

5. Individual and Collective Consultation

- 5.1 The University recognises the difficult but key role that Trade Union representatives have to play when such situations arise. The University also recognises the right – and encourages all employees who are at risk of redundancies to use the entitlement – to be represented by their Trade Union or work colleague during this process.
- 5.2 Consultation will take place between the University and individual members of staff likely to be affected. Collective consultation is required in multiple redundancy situations where the University proposes to dismiss as redundant 20 or more employees at one establishment within a period of 90 days or less and will take place between the University and the appropriate trade union representatives in accordance with Section 188 of the Trade Union and Labour Relations (Consolidation) Act 1992. In all cases, consultation shall be undertaken by the Director of Human Resources or nominated representative.
- 5.3 The University will consult with its recognised trade unions in order to consider ways of:
- avoiding dismissals;
 - reducing the number of employees to be dismissed;
 - mitigating the consequences of dismissals.

6. Measures to Avoid and/or Minimise Redundancies

- 6.1 In order to maintain security of employment, the University may need to consider alternative working methods and practices, and flexibility may be required from employees in adapting to new staffing requirements, working methods and organisational needs.
- 6.2 The University will seek to minimise compulsory redundancies wherever practicable by means of the following measures which can be applied in the particular circumstances:
- Seeking volunteers for redundancy;
 - Consideration of requests for early retirement;
 - Filling vacancies from amongst existing employees by redeployment, transfer and or retraining if possible;

- Eliminating or reducing overtime working;
- Investigating the use of alternative working arrangements.

6.3 The University encourages employees to embrace such initiatives as redeployment, retraining or transfer to prevent or minimise the need for compulsory redundancies.

7. Voluntary Redundancy

7.1 As part of the measures to avoid and/or minimise redundancies, the University will, in appropriate circumstances, invite employees to volunteer for redundancy. This may be on a University wide or department specific basis.

7.2 If an employee expresses an interest in accepting this option they will be provided with an estimate of benefits by the Finance Department.

7.3 The University will agree to applications from volunteers only if it is in the managerial interest. For example, it may be necessary to reject applications in order to preserve special skills and/or experience and to retain a balanced workforce to meet the future needs of the University. Voluntary redundancy may not be the most appropriate mechanism for dealing with the expiry of fixed term contracts.

8. Selection Criteria

8.1 In the event that compulsory redundancies are unavoidable, a fair, consistent, objective and non-discriminatory selection procedure will be undertaken to determine which staff will be retained and which will be made redundant. The procedure will be based on transparent criteria, which takes into account the ongoing requirements of the University by reference to the skills, qualifications, absence (not related to a disability) and live disciplinary records, performance and other factors that can be evidenced. The University will seek to agree the criteria with the trade unions.

8.2 The University is committed to its Equality Scheme and to ensuring that it retains staff with the relevant skills and knowledge to meet both its ongoing business needs and the delivery of an efficient and effective service to students. An equality impact assessment of the selection criteria will therefore be undertaken prior to the application of any such criteria.

8.3 The selection process may take the form of a competitive process consisting of assessments and/or interviews.

9. Career Counselling/Advice

- 9.1 The University may also make available support and guidance should alternative work not be available within the University through the use of specialist organisations e.g. Careers Wales. In addition to this, the University may also provide support in the form of career advice, training, support with C.V. writing etc.

10. Redundancy Payments

- 10.1 Employees with 2 years' service or more will be entitled to receive a Statutory Redundancy Payment (SRP). The SRP is calculated according to the member of staff's length of service, weekly salary and age.
- 10.2 The University reserves the right to offer an enhanced redundancy payment in specific circumstances and this will be discussed with the trade unions during the consultation process.
- 10.3 Employees who are re-employed by the University within 4 weeks of their leaving date will, as a condition of re-employment, be expected to repay in full or in part their redundancy payment (minus notice pay and accrued leave).

11. Notice Period

- 11.1 The University reserves the right, to require employees at risk of redundancy or during their redundancy notification period not to attend their place of work for all or part of the time in question. In these circumstances, the employee's contract will continue and the employee will continue to receive pay and benefits in the normal way. The employee will also remain bound by all of the obligations and restrictions set out in the contract of employment, including any confidentiality clauses, save the duty to attend work. The employee must within reason remain available to be contacted by the University

12. Appeals

- 12.1 All employees will be entitled to appeal against the decision to terminate their employment by reason of redundancy. This must be submitted in writing within 28 calendar days from the date of the letter of dismissal to the Registrar & Secretary of the University. The appeal will be conducted in accordance with the University's Statutes 9 (Part V).

13. Policy Review

- 13.1 The Director of Human Resources will co-ordinate a review of the University's Redundancy Policy on an annual basis to maintain compliance with legislation and good practice.
- 13.2 The review will be undertaken in liaison with the recognised trade unions and any proposed amendments will be submitted to Staffing Committee for approval.

13.3 The University is committed to embedding the Single Equality Scheme into its policies, procedures and practices. This policy has been equality impact assessed in accordance with this scheme.

Stage 1

1. Proposal

- 1.1 Where potential changes are proposed to a service or function which may have implications for the staffing structure of a department, a business plan must be considered by Planning Group. Prior to submitting these proposals, the manager should consult with the Director of Human Resources or nominee who will advise on the potential staffing implications of the draft proposal.
- 1.2 Redundancies may occur in the following circumstances, although this is not an exhaustive list, (nor will redundancies always occur in the following circumstances):
 - (i) As a result of departmental re-structuring, or a change in strategy and focus;
 - (ii) The closure or reduction of a particular function or service;
 - (iii) Where the work of a particular type ceases or diminishes resulting in the reduction in the number of posts within a specific group, area or department;
 - (iv) An expiry of a fixed term contract exceeding 12 months duration in a redundancy situation.

Stage 2

2. Approval

- 2.1 Following consideration of the proposed draft business case, and where this may involve the possibility of redundant posts, the Vice-Chancellor will advise the University Council that there may be a requirement to reduce staff numbers.

Stage 3

3. Redundancy Committee

- 3.1 The Council will refer the issue to the Standing Redundancy Committee to determine the need to reduce staff numbers in accordance with the Statute 9 (Part II). The Committee will be constituted in accordance with sub paragraph 11 (3) of Statute 9 Part II.
- 3.2 The Redundancy Committee shall be convened for the purposes of this procedure in relation to the possible dismissal of staff on the grounds of redundancy. The purpose of the Committee is in accordance with Para 11 (1) and 11(2) Statute 9 Part II. However, the establishment of a Redundancy Committee under this paragraph 3.2 shall not bestow any power on that Redundancy Committee other than as set out in this procedure.

Stage 4

4. Individual and Collective Consultation

4.1 Individual consultation is necessary for all individual redundancies. In the case of collective redundancies the University will consult with its recognised trade unions in order to consider ways of:

- Avoiding dismissals
- Reducing the number of employees to be dismissed
- Mitigating the consequences of the dismissals

The purpose of the consultation is to provide as early an opportunity as practicable for all concerned to share the problem and explore the options.

4.2 The Director of Human Resources will notify the recognised and appropriate trade unions in writing once 20 or more redundancies are proposed and provide as much information as possible in accordance with legislative requirements. The information given to the recognised trade unions will include:

- A copy of Form HR1
- the selection criteria, if applicable, being used to select the posts;
- the 'related skills matrices' and the intended selection 'pools';
- the nature of any enhanced voluntary redundancy packages.

4.3 Consultation with the recognised trade unions will commence:

- (i) At least 30 days before the first of the dismissals is due to take effect where it is proposed to dismiss at least 20 but fewer than 100 employees at one establishment within 90 days or less
- (ii) At least 90 days before the first of the dismissals is due to take effect where it is proposed to dismiss 100 or more employees at one establishment within a period of 90 days or less.

4.4 The trade unions will be given an opportunity to comment on the information, provided pursuant to paragraph 4.2 above, before it is finalised.

4.5 The University will also consult with individuals irrespective of whether or not they are members of a recognised trade union. Formal consultation with individuals will not begin until the recognised trade unions have been informed of the situation including consultation about selection criteria, skills matrices and selection pools. Where fewer than 20 redundancies are proposed a series of separate consultation meetings will be held with all individuals who are identified as potentially redundant or have been identified as belonging to a specific selection pool.

4.6 If the University is offering a voluntary redundancy package, staff will be invited to submit their applications to the Director of Human Resources. Consideration of the applications will be based upon the University's business needs, with a view to maintaining the appropriate skills, qualification and experience to enable the University to meet its business needs. There is no obligation on the University to accept an offer of voluntary redundancy made by a member of staff.

- 4.7 Once an employee has been informed that they are 'at risk' of redundancy, they will have the right to be accompanied at any subsequent meetings by their trade union representative or a work colleague.

Stage 5

5. Methods of Selection for Redundancy

- 5.1 The initial selection pool will be determined at proposal stage. The need to maintain a balanced, skilled and experienced workforce is paramount and will be taken into account fully in the construction of any pool at team, departmental or institutional level.
- 5.2 The precise selection criteria applied to any pool will vary according to each redundancy situation and agreement will be sought with the appropriate trade unions. Please refer to Guidance Notes for Heads of Departments for further details of the types of selection methods available.
- 5.3 Where selection criteria are utilised, they will be based on merit taking into account for example skills, qualifications, experience, performance, disciplinary and sickness absence records.
- 5.4 Where a competitive selection process is to be used, this may take the form of assessments and / or interviews. Staff will be assessed against the essential and desirable criteria as specified in the person specification of the job description for the post.

Stage 6

6. Submission of final Redundancy proposal to the Redundancy Committee and Council

- 6.1 Following consultation, selection criteria and the posts identified through the process will be submitted to the Redundancy Committee for its consideration.
- 6.2 Where required to do so in accordance with the Statute 9 (Part II), the Redundancy Committee will report their recommendations to the Council.

Stage 7

7. Redundancy notification letters

- 7.1 Following receipt of approval to proceed with the redundancies (where required), or on consideration and approval of the redundancies, Council will instruct the Director of HR to issue the notice to terminate employment to all individuals affected.
- 7.2 All employees will be given written confirmation of the way in which their redundancy pay has been calculated in their notification letter.
- 7.3 Should any employee 'at risk' of redundancy wish to receive an estimate of redundancy benefits they should contact the HR Department which will then arrange for the estimate to be sent to their home address. Where an employee

also requires an estimate of their pension benefits then they should contact the Payroll Manager. Pension estimates may take up to two weeks to process.

Stage 8

8 Alternative Employment

- 8.1 Eligible staff shall be placed on the redeployment register for the duration of their notice period or alternatively for no more than three months (defined as the redeployment period).
- 8.2 Any extensions to the redeployment period shall be on an exceptional basis and be dependent upon individual circumstances. Extension of the redeployment period beyond the notice period shall require the approval of the Director of Human Resources.
- 8.3 Redundancy notice periods shall run concurrently with the redeployment period.
- 8.4 Employees are expected to play an active role in identifying suitable alternative employment and where they consider a post as potentially suitable, they must complete the application form, highlighting on the front page in red ink "Redeployment Application" and submit to the Recruitment Team prior to the vacancy's closing date.
- 8.5 All vacancies available during the consultation period will be published on the Human Resources website and discussions will take place with the employee concerning any vacancy the individual deems suitable. Where appropriate, training will be provided to enable employees to move into areas of the University not fully covered by their original training or recent experience. This training will be agreed if it will enable the employee to undertake the full range of duties required for the alternative employment within a six month period.
- 8.6 All 'redeployment applicants' whose application meets the essential criteria of a post will be invited to an interview in accordance with the Recruitment & Selection procedure.
- 8.7 Where a member of staff has received an interview for a post but has not been selected for appointment, written reasons based on the requirements of the post, shall be provided by the Appointing Panel to the Director of Human Resources. In such circumstances, feedback will be provided to the member of staff by the Appointing Panel.
- 8.8 Suitable alternative employment is defined as posts arising of the same grade or

the grade below and includes posts in alternative staff categories and posts occurring in alternative University locations.

- 8.9 Alternative work is defined as any post arising at more than one grade lower and includes posts in alternative staff categories and posts in alternative University locations. Where employees 'at risk' of redundancy are prepared to accept a lower graded post, or are prepared to accept part time employment, they should inform the HR Department as soon as possible so that all potential redeployment options can be explored.
- 8.10 Employees who accept the offer of suitable alternative employment or alternative work are entitled to a trial period of 4 weeks. The trial period will give both the employee and the University an opportunity to assess whether the new job is in fact suitable. Trial periods will not affect any subsequent claim for redundancy payments unless the new post is unreasonably refused. With the agreement of the Director of Human Resources, a longer trial period may be agreed where it can be demonstrated that the requirements of the post would warrant it.
- 8.11 At the conclusion of the trial period the manager and the member of staff shall advise the Director of Human Resources, in writing, whether or not the appointment is regarded as successful. Where the appointment cannot be confirmed this must be supported by written reasons which shall be reviewed by the Director of Human Resources or nominee. Where these are accepted, alternative courses of action shall be discussed with the member of staff.
- 8.12 Where an employee unreasonably refuses an offer of suitable alternative employment, they will forfeit their right to a redundancy payment.

Stage 9

9 Time off to look for work/ Supportive measures

- 9.1 Employees under notice of redundancy are entitled to reasonable time off work to look for a new job, attend interviews or arrange training. Time off must be agreed with the employee's line manager prior to the event. Employees may be asked to provide details of appointments/interviews etc.
- 9.2 Employees under notice of redundancy who obtain employment with a different employer may ask for an earlier release date from that specified in their notification letter. The University will consider all reasonable requests from employees in accordance with the ongoing needs of the University.
- 9.3 The University will also consider the following supportive measures where appropriate for those selected for redundancies:
- Access to independent and confidential Counselling via the University's provider;
 - On site workshops from organisations such as Careers Wales, DWP, Inland Revenue etc
 - Signposting internal Staff Development courses;

- Access to the internet where no access exists to search for alternative employment, including University vacancies;
- Provision of support in CV writing or interview skills and advice on the completion of external job application forms;
- Provision of support in developing spin-out initiatives;
- Consideration of financial support to attend training courses either internally or with external providers to enhance employability (please note this assistance may be constrained by the number of applications and cost benefit analysis);
- To actively support applications for alternative funding for a particular project within the appropriate timeframes available;
- Outplacement support;
- Time off to seek financial advice;

Stage 10

10. Appeal – termination of employment

- 10.1 All employees will be entitled to appeal against the decision to terminate their employment by reason of redundancy.
- 10.2 An employee must submit their appeal against the decision in writing to the Registrar & Secretary of the University within 28 calendar days following receipt of the written notice to terminate employment by reason of redundancy, setting out the grounds for the appeal. Examples of grounds for appeal could include selection for redundancy; the reason for dismissal was not redundancy or procedural irregularities. This is not intended to be an exhaustive list.
- 10.3 The Registrar & Secretary will notify the Council of the appeal received and will confirm with the individual that this has been done.
- 10.4 The Council will appoint a person (in accordance with the Statute 9, Part V where appropriate) to hear and determine the appeal.
- 10.5 The employee bringing the appeal is entitled to be represented by another person, whether such person be legally qualified or not.
- 10.6 A hearing will be called at which the appellant and their representative are entitled to be present. With the consent of the Appeal Panel, the appellant will be given the opportunity to call witnesses.
- 10.7 The Appeal Panel will ensure that they make sufficient provision for postponements, adjournments, *dismissals for want of prosecution* and for the correction of accidental errors.

- 10.8 The Appeal Panel may set appropriate time-limits for each stage to ensure that the appeal is heard as soon as is reasonably practicable.

- 10.9 The Appeal Panel may allow or dismiss the appeal in whole or in part, and may remit an appeal to the Council for further consideration.

- 10.10 The Chair of the Appeal Panel will ensure the decision about the appeal together with findings of fact different from those come to by the Redundancy Committee is communicated to the Vice Chancellor and to the parties to the appeal.