Newcastle University Redundancy Procedure

Contents

SECTION A INTRODUCTION (APPLICABLE TO ALL STAFF) .......................................................... 2
   A1. Preamble .......................................................................................................................... 2
   A2. Responsibility for managing redundancy ..................................................................... 2
   A3. Consultation ................................................................................................................. 2
   A4. Measures to mitigate the need for redundancies ......................................................... 3
   A5. Redeployment ............................................................................................................. 4
   A6. Non-attendance at meetings ....................................................................................... 4
   A7. Right of Representation .............................................................................................. 4
   A8. HR representation ....................................................................................................... 4
   A9. Legislative requirements .............................................................................................. 4
   A10. Trade union representatives ...................................................................................... 5
   A11. Scheduling of formal meetings and appeals ............................................................... 5
   A12. Status of the Procedure ............................................................................................. 5

SECTION B REDUNDANCY PROCEDURE FOR EMPLOYEES IN THE RESEARCH, TEACHING &
ENTERPRISE JOB FAMILY .................................................................................................. 5
   B1. Procedure where selection for redundancy from a pool is not required .................... 6
   B2. Procedure where selection for redundancy from a pool is required ............................ 7

SECTION C REDUNDANCY PROCEDURE FOR EMPLOYEES IN THE ADMINISTRATIVE &
PROFESSIONAL SERVICES, OPERATIONAL SERVICES AND SPECIALIST, TECHNICAL &
PROFESSIONAL SERVICES JOB FAMILIES ........................................................................ 9
   C1. Procedure where selection for redundancy from a pool is not required .................... 9
   C2. Procedure where selection for redundancy from a pool is required ............................ 10

SECTION D APPEAL PROCEDURE .......................................................................................... 12

SECTION E RELATED DOCUMENTS ...................................................................................... 14

A Manager’s Code of Practice is available and should be read in conjunction
with this procedure before commencing any informal or formal action
SECTION A  INTRODUCTION (APPLICABLE TO ALL STAFF)

A1. Preamble
A1.1 The University views security of employment of its employees as an important part of maintaining a positive working environment and will seek to safeguard this through effective planning of its affairs. The University will endeavour to avoid compulsory redundancy wherever possible.

A1.2 The University will work with recognised trade unions to consider how it might avoid, reduce or mitigate the need for and consequences of any potential redundancies and will regularly update the recognised trade unions on the University's current and projected financial position.

A1.3 Any proposal to dismiss members of academic staff (as defined in the University Statutes) shall have due regard to academic freedom and to the academic character and mission of the University.

A1.4 This procedure shall apply to all employees, except those to whom University Statute 52. (1) (e) applies and the Vice-Chancellor for whom a separate procedure applies.

A2. Responsibility for managing redundancy
A2.1 Heads of Academic/Service Unit will have overall responsibility for managing redundancies in their Unit and will normally conduct redundancy meetings with employees. Where appropriate they will be able to assign a nominee to conduct meetings and deal with related issues (e.g. principal investigators for research staff).

A2.2 In circumstances where it is inappropriate for a Head of Unit to manage the redundancy process, HR will identify an alternative manager to lead the process.

A3. Consultation
A3.1 The University will undertake meaningful consultation with relevant recognised trade union(s) with a view to reaching agreement over any proposal which may include the possibility of redundancies at the earliest practicable opportunity and will keep the relevant trade unions informed of further developments as they arise throughout the period of consultation. In consulting with the trade unions, sufficient time will be allowed for effective consideration and discussion of the issues and for alternative proposals to be considered.

A3.2 The University further undertakes to offer individual consultation with employees who may be affected by the proposals.

A3.3 The formal consultation process will begin:
a) at least 90 days before the first dismissal is due to take effect, where it is proposed to dismiss, as redundant, 100 or more employees within a period of 90 days or less;
b) at least 30 days before the first dismissal is due to take effect, where it is proposed to dismiss, as redundant, between 20-99 employees within a period of 90 days or less;
c) as soon as is reasonably practicable before the first dismissal is due to take effect, where it is proposed to dismiss, as redundant, fewer than 20 staff.

A3.4 The University shall commence formal consultation by providing to the relevant recognised trade union(s) the following information:

a) the reasons for the proposals;
b) the proposed method of selecting the employees who may be identified as redundant. This will include a determination as to whether a pool for selection is appropriate. In some situations a pool will not be appropriate;
c) if a pool for selection is appropriate, details of how the pool is defined and the proposed method of selecting employees who are at risk of dismissal;
d) the total number and description of employees it is proposed to declare redundant and the total number of such employees employed by the University;
e) the proposed method of carrying out the dismissals, as detailed in sections B and C of this procedure;
f) the method of calculating the amount of redundancy payments;
g) the period over which the dismissals are to take effect.

A4. Measures to mitigate the need for redundancies
A4.1 Where redundancies are proposed, the University will consider alternative measures to avoid or minimise them which may include the following:

a) natural wastage;
b) reduction in non-staffing costs;
c) restricting recruitment and reviewing the use of any agency staff;
d) redeployment and retraining;
e) reduction or elimination of overtime working;
f) consideration of short time working;
g) consideration of volunteers for part-time working;
h) seeking applicants for early retirement or volunteers for redundancy;
i) consideration of reward strategies;
j) seeking alternative funding.
A5. Redeployment
A5.1 Where employees have been selected for redundancy, the University will seek to identify suitable alternative employment in accordance with the University's Redeployment Policy http://www.ncl.ac.uk/hr/policy/redeployment/

A6. Non-attendance at meetings
A6.1 Where group meetings are convened under this procedure, employees are expected to attend if given reasonable notice. Where consultation is offered on an individual basis and the employee has agreed to engage in the consultation, they should make every effort to attend at the agreed time.

A6.2 Where an employee is persistently unable or unwilling to attend a meeting without good cause, the meeting may go ahead in his/her absence.

A7. Right of Representation
A7.1 Employees are entitled to be accompanied by their trade union representative or a work colleague during any hearings, formal meetings, or appeals relating to this procedure. The trade union representative or work colleague will be allowed to put the employee’s case, sum up the employee’s case, respond on the employee’s behalf to any view expressed at the meeting or appeal hearing, and ask questions on the employee's behalf. However, they will not be allowed to answer questions on behalf of the employee. He/she and the employee will have the right to request reasonable adjournments during any formal meeting to have discussion amongst themselves. No other form of representation is permitted for either party. The employee shall be entitled to provide oral and/or written evidence, and to call such witnesses as s/he thinks appropriate. The trade union representative or work colleague and any witnesses called will be provided with reasonable time off from their normal duties with no loss of pay in order to prepare for and attend the meeting or appeal.

A7.2 Employees will be allowed adequate time to arrange representation. If a trade union representative or work colleague is unavailable on the date of the formal meeting, the manager will seek to rearrange the meeting on a suitable alternative date, provided this is within a reasonable timescale eg within 5 working days from the date initially proposed.

A8. HR representation
A8.1 A representative from HR will normally be present at meetings held under this procedure to provide advice and guidance. If required, a further person, normally from HR, will act as note taker during the meeting. Recording of meetings will not be permitted.

A9. Legislative requirements
A9.1 These procedures will be compliant with ACAS guidance and employment legislation.
A10. Trade union representatives
A10.1 No formal action under this procedure will be taken against an employee who is a recognised trade union representative until the circumstances of the case have been discussed with a full-time trade union officer or their nominee of the trade union concerned.

A11. Scheduling of formal meetings and appeals
A 11.1 Managers will make every effort to provide as much notice as possible to allow an employee and where appropriate their representative sufficient time to prepare for the meeting, which should be arranged at a mutually convenient time for all parties with a minimum period of notification of 5 working days. Notification of meetings must be provided in writing, at which time the employee will be given a copy of the relevant procedure, written details of the matter to be considered at the meeting, any supporting documentation that will be relied upon by the employer's side during the meeting/appeal, and the names of any witnesses that the employer's side may call. In the event that one of the parties is unexpectedly unable to attend the meeting at the notified time, the meeting will be postponed and rescheduled to an alternative time within 5 working days after the date initially proposed. The employee in turn must submit any documentation they wish to be considered at the meeting, and the names of any witnesses they wish to call, at least 3 working days before the meeting. Written notes of meetings will be taken by a non-participating individual [usually a representative of HR] and agreed with the employee wherever possible. They will be made available to the employee and where the employee was accompanied during the hearing by a trade union representative also made available to that representative, but otherwise treated as confidential. If an employee disagrees with the notes then s/he shall set out their disagreement to the relevant HR representative and the manager or panel as appropriate.

Where specific timetables are given in this procedure, they must be subject to reasonable arrangements.

A12. Status of the Procedure
A12.1. The employment relationship between the University and each of its employees is set out in the contract of employment. This procedure does not form part of the contract of employment but it shall apply both to the University and to all of its employees.

SECTION B REDUNDANCY PROCEDURE FOR EMPLOYEES IN THE RESEARCH, TEACHING & ENTERPRISE JOB FAMILY

It should be noted that with regard to members of academic staff(as defined in the University Statutes), due regard should be made to Statute 52. (2) which requires that Senate be notified of proposed redundancies with implications for the academic character and mission of the University.
B1. Procedure where selection for redundancy from a pool is not required

B1.1 In some circumstances the University will propose that there is no requirement for a pool for selection.

B1.2 Heads of Unit are expected to review their strategic plans and business activity on an ongoing basis and to notify HR and senior management as early as possible of any issues which may lead to the need to make an employee or employees redundant.

B1.3 The University will advise the relevant recognised trade union(s) of any strategic or operational issues which may result in redundancies as early as possible. In so doing, the relevant union(s) will be provided with the information outlined in Section A, paragraph A3.4 and the University will consult with the union(s) with a view to reaching agreement and seeking ways to avoid or mitigate the effect of the proposed redundancies with regard to the measures outlined in Section A, paragraph A4.1.

B1.4 Consultation with the relevant unions on collective matters will take place at a Joint Consultative Group which will meet on a monthly basis. This group will also consider whether the redundancy procedure has been followed. The Joint Consultative Group will be made up of equal numbers of trade union representatives and members of management.

B1.5 The Joint Consultative Group will have the option of referring academic issues (e.g. issues of academic freedom or issues which may have implications for the academic character and mission of the University) to Senate for consideration where these issues have not previously been considered.

B1.6 In parallel with consultation with the relevant recognised trade union(s), the University shall notify the affected employee that they may be at risk of dismissal on the grounds of redundancy.

B1.7 The affected employee shall be provided with an opportunity to attend a meeting at which the proposed redundancy will be explained and alternatives to redundancy explored. When arranging the meeting the manager should take account of the requirements set out in section A11. on scheduling of meetings and the rights of representation set out in section A7. The employee shall also be allowed time to access counselling or advice and time to look for alternative employment.

B1.8 If required, further meetings shall be arranged to discuss representations made by the affected employee, respond to them and consider any additional alternatives to the proposed redundancy.
B1.9 Where, following the consultation, the University continues to propose the
dismissal of the employee on grounds of redundancy, the Faculty Pro-Vice-
Chancellor (for Faculty Staff) or Registrar (for staff in the Professional Support
Services) will review the process in consultation with HR and if they determine that a
fair process has been undertaken, including consideration of any points raised by
Senate, HR will give the employee written notice of dismissal on the grounds of
redundancy. The notice of dismissal shall include:

a) details of the period of notice and the date the employment will end;
b) details of the measures that will continue to be taken during the period of
notice to avoid redundancy;
c) details of any redundancy payments that will be made in the event that
alternatives to redundancy cannot be found;
d) details of the employee’s right of appeal against dismissal and the
appropriate time limits for making an appeal.

B2. Procedure where selection for redundancy from a pool is required

B2.1 Heads of Unit are expected to review their strategic plans and business
activity on an ongoing basis and to notify HR and senior management as early as
possible of any issues which may lead to the need to make an employee or
employees redundant.

B2.2 The University will advise the relevant recognised trade union(s) of any
strategic or operational issues which may result in redundancies as early as possible.
In so doing, the relevant union(s) will be provided with the information outlined in
Section A, paragraph A3.4 and the University will consult with the union(s) with a
view to reaching agreement and seeking ways to avoid or mitigate the effect of the
proposed redundancies with regard to the measures outlined in Section A,
paragraph A4.1.

B2.3 Consultation with the relevant unions on collective matters will take place at a
Joint Consultative Group which will meet on a monthly basis. This group will also
consider whether the redundancy procedure has been followed. The Joint
Consultative Group will be made up of equal numbers of trade union representatives
and members of management.

B2.4 The Joint Consultative Group will have the option of referring academic
issues (ie issues of academic freedom or issues which may have implications for the
academic character and mission of the University) to Senate for consideration where
these issues have not previously been considered.
B2.5 In parallel with consultation with the relevant recognised trade union(s), the University shall notify the employees in the pool that they may be at risk of dismissal on the grounds of redundancy. The employees shall also be allowed time to access counselling or advice and time to look for alternative employment.

B2.6 If required, meetings shall be arranged to discuss representations made by the employees in the pool, respond to them and consider any additional alternatives to the proposed redundancy/ies.

B2.7 Where, following the consultation, the University continues to propose the dismissal of the employees on grounds of redundancy, the University will consult with the relevant trade union(s) and the employees in the pool on the proposed selection criteria to be used to determine which employees in the pool are to be dismissed by reason of redundancy.

B2.8 The employees in the pool will be provided with a reasonable period of time within which to make representations about the selection criteria (unless this has already been the subject of consultation with relevant trade union(s) and affected employees) or to provide any information to be taken into account when the selection criteria are applied.

B2.9 The employees in the pool will be assessed in accordance with the selection criteria. Selection will normally be carried out by the Head of Unit and another member of staff as agreed with HR. A member of HR will also be present during the assessment process.

B2.10 Following the assessment, the employees in the pool will be invited to individual meetings, taking account of the requirements set out in section A11. on scheduling of meetings and the rights of representation set out in section A7. At the meeting he/she will be informed that:

a) he/she has been provisionally selected for redundancy and they will be provided with details of their assessment against the selection criteria or that;

b) he/she has not been provisionally selected for redundancy, but that this situation is subject to change depending upon the outcomes of meetings with employees who have been provisionally selected for redundancy.

B2.11 Where, following the consultation, the University continues to propose the dismissal of the employees on grounds of redundancy, the Faculty Pro-Vice-Chancellor (for Faculty staff) or Registrar (for staff in the Professional Support Services) will review the process in consultation with HR and if they determine that a fair process has been undertaken, including consideration of any points raised by
Senate, HR will give the employees written notice of dismissal on the grounds of redundancy. The notice of dismissal shall include:

a) details of the period of notice and the date the employment will end;
b) details of the measures that will continue to be taken during the period of notice to avoid redundancy;
c) details of any redundancy payments that will be made in the event that alternatives to redundancy cannot be found;
d) details of the employee’s right of appeal against dismissal and the appropriate time limits for making an appeal.

SECTION C  REDUNDANCY PROCEDURE FOR EMPLOYEES IN
THE ADMINISTRATIVE & PROFESSIONAL SERVICES,
OPERATIONAL SERVICES AND SPECIALIST, TECHNICAL &
PROFESSIONAL SERVICES JOB FAMILIES

C1. Procedure where selection for redundancy from a pool is not required
C1.1 In some circumstances the University will propose that there is no requirement for a pool for selection.

C1.2 Heads of Unit are expected to review their strategic plans and business activity on an ongoing basis and to notify HR and senior management as early as possible of any issues which may lead to the need to make an employee or employees redundant.

C1.3 The University will advise the relevant recognised trade union(s) of any strategic or operational issues which may result in redundancies as early as possible. In so doing, the relevant union(s) will be provided with the information outlined in Section A, paragraph A3.4 and shall consult with the union(s) with a view to reaching agreement and seeking ways to avoid or mitigate the effect of the proposed redundancies with regard to the measures outlined in Section A, paragraph A4.1.

C1.4 In parallel with consultation with the relevant recognised trade union(s), the University shall notify the affected employee(s) that they may be at risk of dismissal on the grounds of redundancy. The employee shall also be allowed time to access counselling or advice and time to look for alternative employment.

C1.5 The affected employee shall be provided with an opportunity to attend a meeting at which the proposed redundancy will be explained and alternatives to redundancy explored. In arranging the meeting the manager should take account of
the requirements set out in section A11. on scheduling of meetings and the rights of representation set out in section A7.

C1.6 If required, further meetings shall be arranged to discuss representations made by the affected employee, respond to them and consider any additional alternatives to the proposed redundancy.

C1.7 Where, following the consultation, the University continues to propose the dismissal of the employee(s) on grounds of redundancy, the Faculty Pro-Vice-Chancellor (for Faculty staff) or Registrar (for staff in the Professional Support Services) will review the process in consultation with HR and if they determine that a fair process has been undertaken, HR will give the employee written notice of dismissal on the grounds of redundancy. The notice of dismissal shall include:

a) details of the period of notice and the date the employment will end;
b) details of the measures that will continue to be taken during the period of notice to avoid redundancy;
c) details of any redundancy payments that will be made in the event that alternatives to redundancy cannot be found;
d) details of the employee’s right of appeal against dismissal and the appropriate time limits for making an appeal.

C2. Procedure where selection for redundancy from a pool is required

C2.1 Heads of Unit are expected to review their strategic plans and business activity on an ongoing basis and to notify HR and senior management as early as possible of any issues which may lead to the need to make an employee or employees redundant.

C2.2 The University will advise the relevant recognised trade union(s) of any strategic or operational issues which may result in redundancies as early as possible. In so doing, the relevant union(s) will be provided with the information outlined in Section A, paragraph A3.4 and shall consult with the union(s) with a view to reaching agreement and seeking ways to avoid or mitigate the effect of the proposed redundancies with regard to the measures outlined in Section A, paragraph A4.1.

C2.3 In parallel with consultation with the relevant recognised trade union(s), the University shall notify the employees in the pool that they may be at risk of dismissal on the grounds of redundancy. The employee shall also be allowed time to access counselling or advice and time to look for alternative employment.
C2.4 If required, meetings shall be arranged to discuss representations made by the employees in the pool, respond to them and consider any additional alternatives to the proposed redundancy/ies.

C2.5 Where, following the consultation, the University continues to propose the dismissal of the employees on grounds of redundancy, the University will consult with the relevant trade union(s) and the employees in the pool on the proposed selection criteria to be used to determine which employees within the pool are to be dismissed by reason of redundancy.

C2.6 The employees in the pool will be provided with a reasonable period of time within which to make representations about the selection criteria (unless this has already been the subject of consultation with relevant trade union(s) and affected employees) or to provide any information to be taken into account when the selection criteria are applied.

C2.7 The employees in the pool will be assessed in accordance with the selection criteria. Selection will normally be carried out by the Head of Unit and another member of staff as agreed with HR. A member of HR will also be present during the assessment process.

C2.8 Following the assessment, the employees in the pool will be invited to individual meetings taking account of the requirements set out in section A11. on scheduling of meetings and the rights of representation set out in section A7. At the meeting he/she they will be formed that:

a) he/she has been provisionally selected for redundancy and they will be provided with details of their assessment against the selection criteria or that;
b) he/she has not been provisionally selected for redundancy, but that this situation is subject to change depending upon the outcomes of meetings with employees who have been provisionally selected for redundancy.

C2.9 Where, following the consultation, the University continues to propose the dismissal of the employees on grounds of redundancy, the Faculty Pro-Vice-Chancellor (for Faculty staff) or Registrar (for staff in the Professional Support Services) will review the process in consultation with HR and if they determine that a fair process has been undertaken, HR will give the employees written notice of dismissal on the grounds of redundancy. The notice of dismissal shall include:

a) details of the period of notice and the date the employment will end;
b) details of the measures that will continue to be taken during the period of notice to avoid redundancy;
c) details of any redundancy payments that will be made in the event that alternatives to redundancy cannot be found;
d) details of the employee’s right of appeal against dismissal and the appropriate time limits for making an appeal.

SECTION D APPEAL PROCEDURE

D1. An employee who wishes to appeal against dismissal on the grounds of redundancy shall submit notice of appeal in writing to the Executive Director of Human Resources within 10 working days of receipt of the written notification of dismissal, setting out the particular grounds for the appeal. The appeal will be heard by a member of Executive Board (adjudicator) nominated by the Executive Director of Human Resources (or an Assistant Director of Human Resources) who has not previously been involved in the case.

D2. In the case of academic staff, as defined in the University Statutes, any appeal against dismissal will be heard by a panel comprising a lay member of council and a senior academic nominated by senate, neither of whom will have any connection with the employee concerned.

D3. A member of the Human Resources Section shall attend the appeal hearing in an advisory and secretarial capacity.

D4. The adjudicator/panel shall determine the conduct of the hearing and shall ensure that both sides of the case are fully considered, and that the employee and/or representative and the manager are given full opportunity to put their case and to put questions to any witnesses.

D5. The following procedural guidelines shall apply during the hearing, which may be adjourned at any time at the discretion of the adjudicator/panel:

- There will be no legal representation at an appeal hearing.
- The adjudicator/panel shall review both the proceedings to date and the evidence relied upon together with any further evidence submitted and may put questions to the employee and any representative and/or call witnesses, and shall allow the employee and any representative to put questions to witnesses.
- Normally, the employee will open the appeal hearing by way of representations in support of his or her appeal, and shall be entitled to provide written and oral evidence in relation to his/her appeal and to call such witnesses as s/he thinks appropriate.
- The manager who took the formal decision will, if requested by the
adjudicator/panel, be available to attend the appeal hearing and will outline at the hearing, in the presence of the employee and his or her representative, the reasoning behind his or her original decision.

- Where an investigation was carried out, the person who carried out the investigation which led to the formal decision may also be required to attend the appeal hearing and will make representations, in the presence of the employee and his or her representative, in relation to the investigation undertaken.
- The manager and the person who carried out the investigation will have the opportunity to put questions to the employee (or his/her representative) and his/her witnesses.
- The employee (or his/her representative) will have the opportunity to put questions to the manager and the person who carried out the investigation and any of their witnesses.
- The adjudicator/panel will have the opportunity to put questions to all those present at the hearing as appropriate.
- The employee (or his/her representative) and the Manager will have the opportunity to sum up their case.
- All of the parties will withdraw, with the exception of the HR representative. The adjudicator/panel will deliberate in private, accompanied by the HR representative but may recall any of the parties to clarify points of uncertainty. If recall is necessary, both parties are to return.
- The decision of the adjudicator/panel shall be confirmed in writing within 2 working days giving the reasons for reaching the decision. In the event that the appeal is upheld all actions against the appellant shall be withdrawn and the existence of the action taken and any details relating to it or any investigation thereof expunged from HR records. If pay has been withheld this should be made up to the member of staff at the earliest opportunity.
- Where the adjudicator/panel is satisfied that the dismissal is within the band of reasonable responses which could have been selected, the original decision will be upheld.
- Actions put in place before submission of an appeal, including notice of dismissal, remain in effect pending the outcome of the appeal.
- The appeal decision will be final.
- The employee will be entitled to receive written notes of the appeal proceedings and of the reasons for the decision of the person/panel hearing the appeal. Where the employee was accompanied during the hearing by a trade union representative, this document will also be provided, on a confidential basis, to that representative.

D6. Where the employee (and/or his/her representative) fails to attend the appeal hearing without good reason which has been notified to the Human Resources
representative by the start of the hearing, the hearing will proceed in his/her absence.

SECTION E RELATED DOCUMENTS

Redundancy Procedure – Manager’s code of practice
Redeployment Policy
Policy on the use of Fixed-term Contracts
Reorganisation Procedure

<table>
<thead>
<tr>
<th>Effective Date</th>
<th>3 May 2011</th>
</tr>
</thead>
<tbody>
<tr>
<td>Approval</td>
<td>Staff Committee 21.06.10  Senate 05.10.10  Council 13.12.10</td>
</tr>
<tr>
<td>Policy/Procedure Owner</td>
<td>Garry Coupland</td>
</tr>
<tr>
<td>Last Reviewed</td>
<td></td>
</tr>
</tbody>
</table>