



## Ordinance 34 Redundancy Avoidance Policy

**Approving Body:** Council

**Date of Approval:** 21 September 2018

**Policy owner:** University Secretary

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**Policy status:** Revised

**Version:** 2.0

**Last review date:** September 2018

**Review date:** September 2020

# **ORDINANCE 34**

## **REDUNDANCY AVOIDANCE POLICY**

### **1. Introduction**

Aberystwyth University is committed to ensuring continuity of employment for employees and strives to avoid compulsory redundancies wherever possible. It also recognises that the Trades Unions are opposed to compulsory redundancies and in agreeing this policy they do so to support the avoidance mechanism contained herein.

### **2. Measures to Avoid and/or Minimise Redundancies**

2.1 In order to maintain security of employment, the university will consider alternative working methods and practices, and flexibility may be required from employees in adapting to new staffing requirements, working methods and/or organisational needs.

2.2 The university will seek to minimise compulsory redundancies wherever practicable by means of the following measures which can be applied in the particular circumstances:

- Making savings in non-pay budgets;
- Reducing staff levels via natural wastage;
- Seeking volunteers to reduce hours of work;
- Exploring opportunities for unpaid leave or external secondments;
- Seeking volunteers for redundancy or early retirement;
- Filling vacancies from amongst existing employees by redeployment or retraining where possible;
- Eliminating or reducing overtime working;
- Seeking alternative funding;
- Investigating the use of alternative working arrangements or re-shaping roles commensurate with the existing grade.

N.B. the above list is not exclusive or exhaustive

### **3. Stage 1 – Proposal**

3.1 The Head of Department or Institute Director (HoD/ID) will need to draft a proposal which must also outline any measures already implemented to mitigate the potential consequences of the proposal with specific reference to Section 2.2 above. 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.

3.2 One consequence of the proposals may be to reduce the number of posts and this may lead to redundancies. The following circumstances give an indication of the circumstances in which redundancies may be identified. This is not an exhaustive list (nor will redundancies always occur in the following circumstances):

- (i) As a result of institutional/departmental re-structuring, or a change in strategy and focus;
- (ii) The closure or reduction of a particular function or service;

- (iii) Where work of a particular type ceases or diminishes resulting in a reduction in the number of posts within a specific group, area or institute/service department;
  - (iv) The expiry of a fixed term contract on a date other than its normal expiry.
- 3.3 Any further measures proposed to mitigate the potential for redundancies must also be included in the proposal e.g. seeking volunteers for redundancy across the university.
- 3.4 Where potential changes are being proposed to a service or function which may have significant implications for the staffing structure of an Institute/Professional Service department, a proposal containing an equality impact assessment of the affected staff in addition to business plan (See Form contained at Appendix 1) must be considered in the first instance by members of the University Executive Group. The HoD/ID may be required to present their proposals in person to members of the Executive Group.
- 3.5 Once the proposal has been considered by members of the Executive Group, a recommendation will be made. The Executive will notify the Human Resources Department of their recommendation to accept, reject or modify the proposal. The proposal together with this recommendation will then be considered by the Redundancy Committee at its next meeting.
- 3.6 Redundancy Committee will consider the proposal together with the recommendations received from the Executive Group.
- 3.7 Redundancy Committee minutes will be reported to the next Professional Development, Staffing and Equality Committee for information.

#### **4. Stage 2 – Approval**

The Redundancy Committee will notify the Human Resources Department of their decision to accept or reject the proposal in principle and where the need to change or reduce posts is identified, the following process(es) will be followed as appropriate in the particular circumstances:-

- 4.1 The Matching and Slotting Process (<https://www.aber.ac.uk/en/hr/policy-and-procedure/match-and-slot/>).
- 4.2 The Redundancy Avoidance Policy (<https://www.aber.ac.uk/en/hr/policy-and-procedure/redundancy-avoidance/>). Where employees have not been slotted or appointed to a post under the Matching and Slotting Process, employees will be notified that they are 'at risk' and placed on the redeployment register. Employees will remain on the register until they are redeployed to another post in accordance with the Redeployment Process or up to the expiry of their redundancy notice period.
- 4.3 Redeployment process (see <http://www.aber.ac.uk/en/hr/employment->

[information/redeployment/](#)). Employees will remain on the register until they are redeployed to another post or up to the expiry of their redundancy notice period.

**N.B. The Redundancy Avoidance Policy and the Redeployment Policy and procedure will operate simultaneously.**

## 5. Collective and Individual Consultation

### 5.1 Collective Consultation (where 20 or more redundancies are proposed)

5.1.1 The purpose of the consultation period is to provide as early an opportunity as practicable for all concerned to discuss the proposals, consider options and alternative proposals.

5.1.2 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.

5.1.3 Following the determination of Redundancy Committee, the Director of Human Resources (or depute) will notify the recognised and appropriate trade unions in writing. Once 20 or more redundancies are proposed or where collective issues are recognised as much information as possible in accordance with prevailing legislative requirements will be provided to the recognised and appropriate trade unions. The information given to the recognised trade unions will include:

5.1.3.1 A copy of Form HR1

5.1.3.2 the selection criteria, if applicable, being used to select the affected posts;

5.1.3.3 the 'related skills matrices' and the intended selection 'pools';

5.1.3.4 the nature and details of any voluntary redundancy packages.

5.1.4 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 or where collective issues are recognised at one establishment within 90 days or less;
- (ii) At least 45 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.

5.1.5 Consultation may be extended where issues require further

analysis or consideration. Any requests for such an extension should be made to the Director of Human Resources setting out the rationale for such a request.

5.1.6 The trade unions will be given an opportunity to comment on the information provided before it is finalised.

## 5.2 Individual Consultation

5.2.1 Individual consultation must take place:-

- Where fewer than 20 redundancies are proposed or
- Once collective consultation has taken place

5.2.2 Individual consultation is necessary for all redundancies and the processes for doing so are identified below.

5.2.3 The University will also consult with individuals irrespective of whether or not they are members of a recognised trade union. Formal consultation with individuals subject to collective consultation 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 appropriate. 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.

5.2.4 If the University is offering a voluntary redundancy package, employees will be invited to submit their applications to the Director of Human Resources. Consideration of the applications by the Executive Group will be based upon the University's business needs, with a view to maintaining the appropriate skills, qualifications and experience to enable the University to meet its business needs. There is no obligation on the University to accept a request for voluntary redundancy received from an employee.

5.2.5 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 a trade union representative or a work colleague.

## 6. Methods of Selection for Redundancy

6.1 The initial selection pool will be identified 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.

- 6.2 The precise selection criteria applied to any pool will vary according to each redundancy situation and agreement will be sought with the appropriate recognised trade unions.

## **7. Final proposal**

- 7.1 Following the conclusion of the consultation period, the final proposal will be submitted to the Redundancy Committee for its consideration and determination.
- 7.2 The Redundancy Committee will notify the Human Resources Department of their decision to accept or reject the final proposal.

## **8. Redundancy notification letters**

- 8.1 Following receipt of approval to proceed with the redundancies (where required), or on consideration and approval of the redundancies, the Redundancy Committee will instruct the Director of HR (or depute) to arrange meetings with the individuals concerned and issue notice to terminate employment.
- 8.2 All employees will be given written confirmation of the way in which their statutory redundancy pay has been calculated in their notification letter.
- 8.3 All eligible employees will be informed that they have been placed on the redeployment register and have prior consideration status when applying for alternative roles in the university.
- 8.4 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 them. 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. We advise all employees to take independent financial advice before making a decision.

## **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 on-going 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 for 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.

## **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 Pro Vice-Chancellor (Staff and Student Services) of the University within 14 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 Pro Vice-Chancellor (Staff and Student Services) will notify the Executive of the appeal received and will confirm with the individual that this has been done.
- 10.4 An Appeal Panel will consist of the following :
- Chair - Lay Member of Council
  - Director of Equality or the Director of Ethics.
  - Institute Director or Head of Professional Services Department
- N.B. no member of the appeal panel will have had any previous involvement in the process.
- In advisory capacity: Deputy Director or Director of HR

- 10.5 The University Secretary will provide the name of the Lay Member of Council

and work with the HR Department to identify the other panel members.

- 10.6 The Appeal Panel will hear the appeal and determine the outcome. If necessary a majority decision will be communicated.
- 10.7 The employee bringing the appeal is entitled to be represented by a trade union representative or work colleague.
- 10.8 A hearing will be called at which the individual and their representative are entitled to be present. With the consent of the Appeal Panel, the individual will be given the opportunity to call witnesses.
- 10.9 The appeal panel may also wish to hear from other parties involved in the decision making process.
- 10.10 The Appeal Panel will ensure that they make sufficient provision for postponements and adjournments as required by any of the parties present.
- 10.11 The Appeal Panel may allow or dismiss the appeal in whole or in part, and may remit an appeal to the Redundancy Committee for further consideration.
- 10.12 The Chair of the Appeal Panel will ensure the outcome of the appeal together with findings of fact, if different, is communicated to the Executive and to the parties involved in the appeal.

## **11. Equality Impact Assessment**

The University is committed to embedding the Strategic Equality Plan into its policies, procedures and practices. The Redundancy Avoidance Policy has been equality impact assessed in accordance with this framework.

## **12. Policy Review**

This policy will be reviewed every 2 years in conjunction with the trade unions. Employees are invited to comment on this policy and suggest ways in which it might be improved by contacting the Human Resources Department or their local Trade Union representative.

## **13. Welsh Language – Employee Rights**

In accordance with the Welsh Language Standards that came into effect on 1 April 2018 employees have the right to use the Welsh language to

- (a) make a complaint
- (b) respond to a complaint or allegation

and employees also have the right to use the Welsh language in meetings where they are the subject of

- (c) complaints and allegations (or have made the complaint)
- (d) disciplinary proceedings
- (e) effective contribution scheme discussions
- (f) individual consultation meetings



A simultaneous translation service from Welsh to English will be provided at the meeting when the meeting cannot be conducted solely in Welsh.

The university has, in conjunction with its recognised trade unions, incorporated the above requirements into all relevant HR policy and procedural documents.

The following protocol has been agreed separately and does not form part of the Ordinance:

#### **Appendix 1: PROTOCOL ON THE APPLICATION OF WELSH LANGUAGE STANDARDS DURING A RESTRUCTURE**

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1. There should be objective justification for the inclusion of the Welsh Level as an essential criterion. i.e. the Welsh language level must reflect the requirements of the post. The PVC for Welsh Language, Culture and External Relations or deputy (as nominated by the VC) will provide early guidance on restructure proposals in relation to the above and other considerations relevant to specifying the requirement for Welsh language skills.

2. In a restructure situation where the Redundancy Avoidance Policy and Procedure is being applied and the number of posts are to reduce, there may be a situation in which there is a requirement for a certain number of posts within a team to have Welsh Language as an essential requirement. In academic departments, as a guide, the expectation of AU Welsh-medium Academic Plan and the Coleg Cymraeg Cenedlaethol for each academic discipline offering:

- 40 credits or more in each year through the medium of Welsh requires a minimum of 2 FTE WM staff;
- 80 credits or more in each year through the medium of Welsh requires a minimum of 4 FTE WM staff;
- 120 credits in each year through the medium of Welsh requires 6 FTE WM staff.

In addition, the new Welsh Language Standards (effective from 1st April 2018) require Aberystwyth University to be able to provide all Welsh-speaking students with a Welsh-speaking Personal Tutor.

The exceptions from the 40 credit threshold at AU are the School of Art, English & Creative Writing, and IMLA.

3. In this situation, the following process will apply at the selecting in stage:-

3.1 The number of posts in the team will be identified.

3.2 The number of posts within the team requiring Welsh Language at level C2 (WL C2) will be identified and all staff at risk will be informed.

3.3 All applicants on the redeployment register who meet or could meet (with reasonable

adjustments) the essential criteria for the post will be selected for interview. Welsh language will not be considered an essential criterion for any specific post within the team at this stage.

3.4 Applicants for each post will be scored on the basis of their skills and abilities assessed against the job description and person specification for the post. No posts will be offered until interviews and scoring have been completed for all posts within the team.

3.5 Where the highest scoring applicant for a post possesses Welsh language at level C2, the applicant will be offered the post. If the required number of WL C2 posts can be filled in this manner then any remaining posts will be offered to the highest scoring applicants, regardless of their Welsh language level.

3.6 If the required number of WL C2 posts cannot be filled in this manner, the scores of any remaining candidates possessing WL C2 will be compared across posts within the team (by comparing score/number of criteria). The highest scoring applicants from this process will be offered the posts in which they achieved their highest scores in rank order until the required number of WL C2 posts has been filled. Any remaining posts will then be offered to the highest scoring applicants from stage 3.4, regardless of their Welsh language level.