

# THE UNIVERSITY OF ABERDEEN

## CONSULTATION ON AVOIDANCE OF REDUNDANCY POLICY

**This Policy should be read in conjunction with Appendices A and B (attached).**

### 1 INTRODUCTION

The University of Aberdeen is committed to seeking to avoid staff redundancies. The procedure that will be followed to underpin the principles and processes for carrying out collective and individual consultation regarding the avoidance of redundancy is outlined below.

### 2 AIMS AND PRINCIPLES

The aim is to identify consultation processes that:

- Ensure that legal obligations are met regarding collective consultation on redundancy;
- Develop provisions with the aim of improving job security for any University staff who may find themselves at risk of redundancy;
- Are constructive and function in a manner that is consistent with partnership working between the University and its recognised Trades Unions;
- Are realistic, workable and meaningful;
- Are robust, and adopted throughout the University, and can be developed in light of experience; and
- Take account of the University's strategic ambitions and its funding.

### 3 SCOPE

Collective consultation will take place between the University and the recognised campus Trades Unions (currently UCU, UNISON and Unite). Collective consultation will also take place between the University and Prospect if any of the former Rowett Research Institute staff for which Prospect is recognised are potentially at risk of redundancy. In addition, where it is expected that 20 or more contracts may conclude as a result of redundancy within a period of not more than 90 days, the University will notify the Department for Business, Innovation and Skills accordingly.

### 4 CONSULTATION PROCESS

A consultation process will be undertaken with staff at risk of redundancy prior to any notice of dismissal being issued. Collective consultation is intended to fully meet the University's legal obligations to seek to consult its recognised Trades Unions about ways of avoiding dismissals due to redundancy, reducing the numbers and mitigating the consequences. Collective consultation will be undertaken with a view to reaching agreement with the Union representatives. Consultation will take place at individual and collective levels. Individual consultation is intended to fully meet the University's legal obligations to seek to avoid an individual redundancy and, where individuals are dismissed, to meet the relevant statutory obligations and procedures established in the University's Academic Statute in force at the time.

#### 4.1 Collective Consultation

##### 4.1.1 Introduction

University-level collective consultation will take place through the Joint Consultative Committee on Redundancy Avoidance (JCCRA), reporting to PNCC. Agreement on any matter affecting terms and conditions of employment will be subject to ratification through the normal bargaining process and by the University Court as appropriate.

##### 4.1.2 Composition

JCCRA membership will comprise:

- Vice-Principal/University Secretary (Convenor)
- Director of People Services/Deputy Director of Human Resources
- Director of Finance
- 3 Representatives from Academic areas ensuring appropriate representation
- 1 Representative from Professional Services
- 2 UCU representatives
- 2 UNISON representatives
- 2 Unite representatives
- 1 Prospect representative (if appropriate)

Providing advance notice is given, the following individuals may also be invited to attend meetings of JCCRA to provide further information and advice:

- One further official per Union, which may include the full-time official.
- University officers with relevant specialist knowledge.

The Committee will normally be clerked by a member of staff from Human Resources.

#### **4.1.3 Remit**

The JCCRA's remit is to:

- Provide a forum for consultation on matters relating to all proposed staff redundancies. Work with the HR Section to develop and review policies and provisions with a view to avoiding or reducing redundancies within the University and, where redundancies cannot be avoided, to mitigate the consequences of redundancies e.g. redeployment, retraining, careers advice and counselling, talent pool management, methodology for maximising job security in the context of diverse sources of funding, arrangements for voluntary severance and early retirement in the context of the avoidance of redundancies;
- Review and discuss overview information on potential redundancies in the period ahead: comprising the reasons for potential redundancies, numbers and descriptions of employees affected, total number of employees in each category and any University proposals for handling the potential redundancies including selection and compensation arrangements;
- Identify any areas of concern and advise on necessary action;
- Work with Redeployment Co-ordinators to ensure that policies and provisions for the avoidance of redundancies are communicated appropriately to managers and staff.

#### **4.1.4 Scheduling of Meetings**

JCCRA will normally meet on a monthly basis, and arrangements for further meetings will be subject to review and agreement by both the University and Trades Union members. JCCRA may also set up short-life working parties to take forward specific pieces of work on its behalf.

#### **4.1.5 Confidentiality**

The University and the recognised Campus Trades Unions are committed to sharing information as openly as possible in JCCRA in order to build trust and understanding and enable partnership working and, where appropriate, JCCRA will be informed of the financial situation underlying consideration of potential redundancies. However, it is recognised that, in the course of such working, information may be provided by the University or the Trades Unions that is sensitive or confidential and which, if disclosed out with JCCRA, could be detrimental to legitimate interests, reputation etc. In such cases the confidential nature of the information will be made clear in advance and all JCCRA members will be asked to accept an obligation of non-disclosure of that information to any other parties.

## **4.2 Individual Consultation**

### **4.2.1 Introduction**

Individual consultation will take place locally, normally between the individual and his/her line manager supported by the appropriate HR Representative or Redeployment Coordinator. Individuals may be accompanied by a Trade Union representative or a colleague to this meeting. Detailed discussion of the individual circumstances, including individual preferences, and options for avoidance or mitigation of the impact of redundancy for individuals will take place through individual consultation.

### **4.2.2 Notification of At Risk of Redundancy**

It is the intention that at least 5 months prior to the effective date of the proposed redundancy, the appropriate HR Representative/ Redeployment Co-ordinator will contact the individual's Head of School/Section to advise that the consultation process with the member of staff should commence. From time to time it is acknowledged that the period of consultation required may be longer or shorter than 5 months. Where shorter, the period of consultation will comply with the statutory minimum required. The individual's line manager will invite the member of staff to a consultative meeting with him/her. The individual will have the right to be accompanied to this meeting. The line manager and HR Representative/Redeployment Co-ordinator will explain to the staff member why their post is at risk of redundancy and will explore options for redeployment or other means by which the individual may be retained within the University. The line manager will also outline the support mechanisms available within the University to the staff member. This will include the provision of information on any known, including forthcoming, job opportunities within the School/Section and how to access information about job opportunities elsewhere in the university and also externally. Individuals at risk of redundancy may contact their HR Partner/Adviser/Redeployment Coordinator for information and support during the redeployment process.

Individuals will be afforded the appropriate time to attend consultation meetings. Failure to attend may prevent reasonable alternative options for a continuation of employment being secured.

A date will be established for a follow-up meeting (to be held prior to the commencement of the formal notice period) which will explore the efforts that have been made by the individual and University to avoid redundancy. Should a formal notice of redundancy be issued attempts to find continued employment through the established redeployment routes shall continue until an individual's last day of service.

It is the normal policy to refrain from advertisement for a period of 2 weeks to allow individuals at risk of redundancy the opportunity to apply for, and be considered for available vacancies. If an individual meets all of the essential criteria (or would with reasonable training), as described in the person specification, the individual will be invited to an interview.

If having applied this procedure there is no interest in a vacancy or no appointable candidate, only then will the vacancy be advertised, internally and/or externally.

Should an individual not be invited for interview following an application, or be unsuccessful after interview, appropriate feedback will normally be given within 7 days.

It is the case for all staff that Heads of School, Principal Investigators and line managers have a responsibility to provide advice about career development. In addition, all staff have a responsibility to manage their own careers and to take full advantage of the facilities and opportunities for career development made available by the University. In particular, during redundancy consultation, staff are expected to play a full and constructive part in the process by actively engaging in meetings offered by the school or the University and by using the University's vacancy website as part of their wider strategy for finding alternative employment. Where an individual makes a formal request to his/her line manager for redeployment the line manager should respond formally to the request in a reasonable timescale.

It is acknowledged that some individuals will have participated in the individual consultation process previously. In such circumstances an individual will have the opportunity to choose not to attend individual consultation meetings. Should this be their preference they will still have all the redeployment

mechanisms and support available to them. There would also be no detriment to any possible redundancy payment by choosing to not participate in the individual consultation meetings.

#### **4.2.3 Avoidance and Mitigation of Redundancy**

The University will allocate appropriate resource in each College and in the Administrative Section to enable effective operation of the process.

Within 2 weeks of receiving notification of at risk of redundancy, individuals will be offered the opportunity to meet with the appropriate HR Representative/Redeployment Coordinator to discuss the individual's requirements.

Individuals who are at risk of redundancy shall have the opportunity to identify reasonable training requirements that will enable them to avoid redundancy.

In certain circumstances the University will consider bridging funding for individuals at risk of redundancy in accordance with School procedures.

Individuals who are at risk of redundancy and who secure a position at a higher grade are entitled to be paid at the appropriate spinal point for the role.

If suitable alternative employment is available at the same grade an individual's salary and salary progression within the grade will be maintained.

Should an individual have an opportunity of a position at a lower grade/spinal point, they are not obliged to take such a post and will suffer no detriment in terms of redundancy payment. Individuals accepting a redeployment post may have a one month trial period, which if unsuccessful, will not affect the right to a redundancy payment. The trial period may be extended by mutual agreement for a further period of up to 4 weeks. It is acknowledged that redeployment into a position at a lower grade is unlikely to constitute suitable alternative employment. In these circumstances if an individual accepts redeployment into a lower graded position they will be entitled to receive a compensatory payment and re-engagement at the appropriate grade and remuneration. Continuous service for all reasons other than redundancy will be maintained in these circumstances; continuous service for the purposes of redundancy entitlement will commence from the date of appointment in the redeployed position. Should an individual choose to receive a redundancy payment and re-engagement the payment will be a compensatory payment equivalent to a redundancy payment which will be subject to tax and National Insurance contributions.

Any member faced with redundancy will have the right of appeal. The University appeal procedure will be the mechanism for handling such matters.

#### **5 Period of Agreement**

This agreement takes effect from 5 December 2011 and its terms and operation will be reviewed regularly.

The parties to this Agreement reserve the right to terminate it by giving three months' notice in writing. Amendments may be made only with the consent of all parties.

Revised November 2017  
Approved Court December 2017

## **Appendix A**

### **Avoidance of Redundancy: Management Statement**

We acknowledge that it is the policy of our recognised Campus Trades Unions not to enter into agreement on the scope of redundancy pools or the selection of staff for dismissal as a result of redundancy, therefore the following statement outlines the University's position and is unable to be agreed by our trade unions.

The University recognises that it is important to avoid destabilising staff morale and motivation in the wider University community through the risk of staff redundancies. Therefore, where redundancies are unavoidable, the University will adopt a position of containing the redundancy pool within the smallest appropriate unit of the University. It is anticipated that the pool will be confined to all relevant staff in a defined working group and, in practice, as a minimum this is likely to be a project team or academic discipline/administrative section or part thereof. If a member of staff is carrying out a unique role within the University the pool may be limited to that person alone.

## **Appendix B**

### **Avoidance of Redundancy; Management and Campus Trade Unions Statement**

Members of staff who are pregnant and at risk of redundancy will receive full occupational maternity and statutory maternity pay. Individuals whose contracts conclude during the course of maternity leave will have their contracts extended to allow for full occupational maternity and statutory maternity pay to be received.

Where feasible, staff members' work activities will be put on hold and completion deadlines extended in order to allow such individuals to return to work following the period of maternity leave.

Where staff members' work is in support of projects with specific end dates which cannot be moved, individuals' contracts will conclude at the end of their maternity pay period; however, individuals on maternity leave will nevertheless receive the same support as other staff at risk of redundancy and are entitled to be considered for further employment through the redeployment process.

Staff members on maternity leave will be invited to participate in individual consultation on the avoidance of redundancy, either in person or via telephone.