

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.

This policy does not form part of any member of staff's contract of employment. It may be amended periodically following appropriate consultation and/or negotiation with the recognised campus trades unions.

2 AIMS AND PRINCIPLES

The aim of this policy 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 University and College Union (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 Redundancy Payments Service (RPS), 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 Joint Consultative Committee on Redundancy Avoidance (JCCRA)

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 collective bargaining process and by the University Court as appropriate.

4.1.2 Composition

JCCRA membership will comprise:

- Vice-Principal/University Secretary (Convenor)
- Head 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 representatives 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; including consideration of the potential impact on other staff beyond those directly affected.
- 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 JCCRA Sub-Groups

JCCRA sub groups will also be established as and when required to progress specific pieces of work:

Remit:

- Provide a forum for consultation on matters relating to proposed organisational change in a particular school/section of the University that are likely to involve a reduction in staffing (reference Change Management Policy)
- Review and discuss overview information where planned change is expected to reduce staffing levels: comprising the reasons for planned change, numbers and descriptions of staff affected;
- Identify any areas of concern in relation to the change process, consultation or proposed redundancies and advise on necessary action, including consideration of the potential impact on other staff;
- Work with HR Partners to ensure that the Change Management Policy is communicated appropriately to managers and staff.

Membership of the Sub-group will include:

- Member of the JCCRA committee (Convenor)
- HR Partner (Clerk)
- Head of relevant school/section
- JCCRA Trade union members representing the staff group(s) impacted

The following individuals may also be invited to attend JCCRA sub-groups:

- University representatives with relevant specialist knowledge or management responsibility for staff potentially affected by proposals
- Further trade union representatives which may include a full-time official.

The membership of JCCRA sub-groups will be agreed in advance and will comprise an equal balance of University and trade union representatives.

4.1.5 Scheduling of Meetings

The 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 Sub Groups will meet as required.

4.1.6 Confidentiality

The University and the recognised Campus Trades Unions are committed to sharing information as openly as possible in JCCRA/JCCRA Sub Groups in order to build trust and understanding and enable partnership working. Where appropriate, JCCRA/JCCRA Sub Groups 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/JCCRA Sub Groups, 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/JCCRA Sub Group 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 their 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. It is acknowledged that, in some circumstances, the period of consultation required may be longer. If circumstances suggest that the timing of the consultation process should be shorter, a JCCRA subgroup will be convened to discuss and unanimously agree the change.

The individual's line manager will invite the member of staff to a consultative meeting with them. The individual will have the right to be accompanied at 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 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 external and other internal advertising of vacancies 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.

4.2.3 Time off for interviews

Individuals will be allowed reasonable paid time off to attend interviews to find alternative employment. This should be discussed and agreed in advance with the individual's line manager and permission will not be unreasonably withheld.

4.2.4 Engagement in the process

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.

4.2.5 Opting out of the individual consultation process

It is acknowledged that some individuals will have participated in the individual consultation process previously. In such circumstances they may choose not to attend individual consultation meetings. If this is their decision they will be asked to confirm their preference in writing and they will still have all the redeployment mechanisms and support available to them. There will also be no detriment to any possible redundancy payment by choosing to not participate in the individual consultation meetings.

4.3 Avoidance and Mitigation of Redundancy

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

Within 2 weeks of receiving notification of an at risk of redundancy letter/email, individuals will be offered the opportunity to meet with the appropriate HR representative/Redeployment Coordinator to discuss their individual 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.

4.3.1 Salary

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. Please refer to Section 4.3.3 for further details.

4.3.2 Suitable Alternative Employment

The University has a legal duty as an employer to seek redeployment opportunities to suitable alternative employment for an individual at risk of redundancy. Suitable alternative employment is a position which is offered to an individual that is comparable to the terms and conditions of their existing post.

The suitability of the offered position would depend upon:

- The similarity of the work to their current position – their skills, abilities, personal circumstances, the pay and benefits of the position, the hours and location of the position.

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 additional periods of 4 weeks, up to a maximum of 12 weeks in total.

Where an offer of suitable alternative employment is refused with no valid reasons, the individual may be deemed to have resigned and they may lose their right to a redundancy payment, if eligible. The University is not obliged to search for further alternative posts if the offer was suitable and would have avoided a redundancy situation.

4.3.3 Redeployment to a lower graded post

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 the following will apply:

- Where the grade of the position offered is one grade below, salary protection will apply as per the Salary Protection Policy and continuous service will be maintained;
- Where the grade of the position offered is two or more grades below, the individual will be entitled to either
 - (i) a compensatory payment (equivalent to a redundancy payment but which will be subject to tax and National Insurance contributions) and redeployment. Re-engagement will be at the appropriate grade and remuneration of the position offered through redeployment and continuous service will be maintained other than for the purposes of calculating any future entitlement to a redundancy payment whereby the date of commencement in the post to which the individual is redeployed will be used.
 - or
 - (ii) salary protection will apply as per the Salary Protection Policy, and continuous service for all purposes, including calculation of redundancy entitlement, will be maintained.

5 RIGHT OF APPEAL

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

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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.

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