



## **Redundancy Avoidance Policy**

### **1. Policy Statement**

The University aims to ensure, as far as possible, security of employment for its employees. However, it is recognised that there may be changes in the external environment (e.g. in public policy and funding, financial and market conditions), organisational requirements and other internal factors – both planned and unplanned - which affect staffing needs. This document provides a framework agreed between the University and the recognised Trade Unions for consultation on the avoidance of compulsory redundancies.

The University, in consultation with the recognised Trade Unions, will seek to avoid and minimise redundancies wherever reasonably possible. By implementing the measures associated with this policy and those agreed by the Standing Consultative Committee for Redundancy Avoidance (SCCRA), the University recognises that compulsory redundancies can be avoidable.

### **2. Purpose and Scope**

This Policy sets out key principles for avoiding potential redundancies in the University by outlining the core principles and support for mitigating and avoiding redundancies.<sup>1</sup>

Collective consultation will be between the University and the three recognised Trade Unions (UCU, UNISON and Unite). It may also include Prospect if any of the staff for which they are recognised are potentially at risk of redundancy. Similarly, if any other union is recognised for particular staff as a result of TUPE transfer arrangements, they may also be included when appropriate.

### **3. Aims and Principles**

The University and its recognised Trade Unions have a shared commitment to employment security. Both parties also have a shared commitment to the success of the University and to maintaining and enhancing efficiency and

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<sup>1</sup>Where an employee has specific contractual redundancy consultation arrangements, e.g. due to retaining conditions following a TUPE transfer, these will take precedence over this policy.

effectiveness in order to achieve the University's goals. Thus, the University, in partnership with its recognised Trade Unions, has established consultation processes that aim to:

- Ensure all reasonable steps are taken to minimise or avoid compulsory redundancy and to mitigate the effects of redundancy, including fully considering any alternative proposals
- Encourage partnership working between the University and its recognised Trade Unions in the planning and arrangements for organisational change
- Develop provisions with the aim of improving job security for University staff who may find themselves at risk of redundancy
- Be realistic, proportionate and meaningful
- Be robust, adopted throughout the University and capable of being developed in light of experience
- Take account of the University's goals and its funding
- Ensure that the University's policies on equality and diversity are observed
- Ensure that any legal obligations are met regarding collective consultation on redundancy avoidance.

#### **4. Consultation Process**

Consultation will take place at individual and collective levels. Individual consultation is intended to meet fully the University's legal obligations to seek to avoid an individual redundancy. Collective consultation and regular meetings aim to identify any potential future problems regarding funding and organisational issues with the specific intent of avoiding redundancies. Collective consultation is intended to meet fully the University's legal obligations to seek to consult the recognised unions about ways of avoiding redundancy dismissals, reducing the numbers to dismiss on grounds of redundancy and mitigating the consequences. Collective consultation will be undertaken with a view to reaching agreement with the Trade Union representatives where possible.

##### **4.1 Individual Consultation**

Individual consultation will take place locally, normally between the employee and his/her line manager. Detailed discussion of the individual circumstances and options for avoidance or mitigation of the impact of redundancy for individuals will take place through individual consultation.

Employees have the right to be accompanied by a Trade Union representative/official or workplace colleague during formal individual consultation meetings.

The individual consultation and management process may be informed by guidance, policy or provisions determined by collective consultation.

## **4.2 Collective Consultation**

### **4.2.1 University-level Collective Consultation**

This will take place through a University Standing Consultative Committee on Redundancy Avoidance (SCCRA) reporting into the Combined Joint Consultative and Negotiating Committee (CJCNC). SCCRA's remit is to:

- develop and review policies and provisions with a view to avoiding and/or reducing the number of redundancies within the University and, where redundancies cannot be avoided, to mitigate the consequences 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
- consider any Trade Union proposals for avoiding redundancies at a University level
- oversee arrangements for identifying situations where consultation on potential redundancies may be necessary
- identify any areas of concern and advise on necessary action
- refer for local collective consultation, if agreed to be appropriate
- ensure that arrangements are in place for communicating the policies and provisions for the avoidance of redundancies to managers and staff, as appropriate.

The University and the recognised Trade Unions are committed to sharing information as openly as possible in SCCRA in order to build trust and understanding and enable partnership working and, where appropriate, SCCRA will be informed of the financial situation underlying consideration of potential redundancies.

In addition, in specific redundancy situations, relevant financial information will be provided to support collective consultation through SCCRA or the local consultation process as appropriate.

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 outwith SCCRA, 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 SCCRA members will be asked to accept an obligation of non-disclosure of that information to any other parties.

SCCRA will meet as frequently as it determines to be appropriate to address its remit, taking account of the level and frequency of potential redundancies in the University. SCCRA may also set up working groups to take forward specific pieces of work on its behalf.

SCCRA's membership will be:

- A Vice Principal or nominee
- Manager from the College of Medicine and Veterinary Medicine
- Manager from the College of Humanities and Social Sciences
- Manager from the College of Science and Engineering
- Manager from a Support Group
- University HR Services representative
- Another management/HR representative, if appropriate

(Of the management members, at least one will have a good knowledge of research funding/contracts and one will be from a College/Support Group HR team. The management members will represent the interests of the business as a whole.)

- 1 JULC representative
- 1 UCU representative
- 1 UNISON representative
- 1 Unite representative
- 1 Prospect representative, if appropriate
- 1 EIS/ULA representative, if appropriate.

One official per Trade Union may also attend to advise and assist that Trade Union's representatives, provided advance notice is given. University officers with relevant specialist knowledge may also attend to provide advice, provided advance notice is given.

SCCRA will report into the CJCNC and agreement on any matter affecting terms and conditions will be subject to ratification by CJCNC. Given that the membership of SCCRA includes senior University managers and representatives of all three recognised Trade Unions, it is anticipated that CJCNC will not normally need to reconsider SCCRA reports or proposals.

#### **4.2.2 Local-level Collective Consultation**

This should take place at a local (sub-University) level, where that is the most effective form of consultation. It is anticipated that this would arise where a particular organisational change is planned within a College/Support Group which may result in redundancies and where specific consultation is appropriate. The need for local collective consultation may be identified by SCCRA or by the relevant College/Support Group and, in either case, would be taken forward between the relevant local area and the Trade Union(s) concerned. Any such local consultations would be in the context of the University-wide policies developed by SCCRA, and the parties involved could bring matters for consultation at SCCRA if University-wide issues arose from a local redundancy situation. Where local collective consultation takes place, this will be reported to SCCRA, along with any significant outcomes and/or issues, for information.

#### **5. Support for Consultation Process**

The University and the Trade Unions recognise the importance of consultation processes in relation to the avoidance and mitigation of redundancy and are committed to having processes that are consistent with partnership working. It is recognised that Trade Union facility time will be required for collective consultation at local and University levels, as well as for individual representation. The time and resources required for constructive and effective consultation processes are a matter for discussion by SCCRA and CJCNC.

#### **6. Measures to minimise or avoid Compulsory Redundancy**

Depending on the circumstances, measures to avoid or minimise redundancy may include:

- Seeking new funding, e.g. a new project/research grant
- Making non-salary savings
- Reduction of staff levels by natural wastage
- Recruitment restrictions
- Filling vacancies from among existing employees
- Redeployment (including, where necessary, retraining) to other parts of the institution
- Reductions in overtime
- Encouraging voluntary reduction in hours and/or job sharing
- Reducing the use of temporary workers or external contractors
- Voluntary severance
- Early retirement (with or without enhancement)
- Sabbaticals and secondments
- Providing opportunities for unpaid leave of absence
- Developing staff to facilitate redeployment.

Where a specific potential group redundancy situation is identified, the management of the area concerned should keep a record regarding the measures taken and the outcomes.

Where employees at risk of redundancy require a Certificate of Sponsorship to be employed in the UK, redeployment to a different job may only be through external competition in order to satisfy UK Visas and Immigration (UKVI) requirements.

### **6.1 Suitable Alternative Employment and Other Redeployment**

The University aims to provide all reasonable support to employees at risk of redundancy in identifying other opportunities within the organisation. This is seen as a positive measure to retain skilled and experienced employees as well as a means of avoiding redundancies. Information on this support and facilities available to assist in identifying potential employment opportunities is provided via the HR website at: [www.ed.ac.uk/schools-departments/human-resources/policies-guidance/organisational-change](http://www.ed.ac.uk/schools-departments/human-resources/policies-guidance/organisational-change)

Employees who are at risk of redundancy are responsible for doing all they can to obtain alternative employment and are expected to make use of the support available.

Employees may be offered alternative employment through several routes:

- They may apply for a vacancy that they have identified, and subsequently be offered the job
- A recruiter, their manager or HR may invite them to apply for a job, which they are subsequently offered
- Their manager or College/Support Group HR team may identify and offer alternative employment
- The University may reassign them to the same or a similar job in the same unit or elsewhere in the University.

In some cases the University will deem alternative employment to be 'suitable alternative employment'. Suitable alternative employment will be judged objectively with regard to the employee's knowledge, skills, aptitudes and experience and whether they meet the essential requirements of the job, and the terms of the alternative job (e.g. status, pay, hours, place of work, duties and responsibilities) as compared with the terms of the previous job. Redeployment to a lower grade would not usually be deemed 'suitable alternative employment'.

Where a job is offered as 'suitable alternative employment', if an employee unreasonably refuses the offer, they will forfeit their right to a redundancy payment.

If alternative employment, not deemed 'suitable' is offered, it will be open for the employee to decline the offer without forfeiting their entitlement to redundancy pay.

Where the University offers alternative employment, the offer will normally be on the following basis:

- The offer will be in writing and will specify the terms and conditions, as for any new appointment
- The appointment may start following the normal notice period, or at any time from the end of the employee's current employment to four weeks afterwards, or at an earlier point by mutual agreement
- The University policy on protection of pay and conditions of service will apply where the University is requiring the employee to move to another, lower-graded job due to restructuring and/or to avoid redundancy
- The job will have a trial period of four weeks to enable the employee and University to determine whether the alternative job is indeed suitable. A longer trial period may apply if training is required and the extension is agreed in writing before the trial period starts.

### **Trial Period Outcome**

- Either party may choose not to continue following the trial period, in which case the employee will be redundant at the end of the original notice period or the end of the trial period, whichever date is later, unless further alternative employment can be found
- If the employee unreasonably chooses not to continue in a job which the University has offered as 'suitable alternative employment' they will forfeit redundancy pay
- If the University chooses not to continue because the employee is not a suitable match for the job, redundancy pay will be paid.

### **6.2 Maternity, Adoption and Shared Parental Leave**

There are specific legal provisions relating to the potential redundancy of employees on e.g. maternity, adoption, or shared parental leave<sup>2</sup> (hereinafter referred to as family leave). The effect of this legislation is that if there is suitable alternative employment, the University must offer it to the employee on family leave in preference to any other employee who is similarly affected by the redundancy situation. This means that an employee on family leave has priority over other at risk staff, excepting any other at risk employee also on family leave.

### **6.3 Support for Job Seeking, Retraining and Other Support**

Employees who have received notice of dismissal due to redundancy are entitled to reasonable time off to look for another job or make arrangements for training for future employment. Requests for time off for these purposes will usually be viewed favourably and employees may be granted reasonable time off for this purpose.

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<sup>2</sup> Regulation 10 of the Maternity and Parental Leave etc. Regulations 1999 and regulation 23 of the Paternity and Adoption Leave Regulations 2002, Shared Parental Leave Regulations 2015.

Employees at risk of redundancy will be offered career transition support. This continues during the notice period, with a view to avoiding redundancy wherever possible. In addition, academic and research staff can access career development support and consultation provided by the Institute for Academic Development.

Information on this, along with staff development courses and advice offered in the University, the University's Staff Counselling Service and a range of other support available to employees at risk of redundancy, is accessible at: [www.ed.ac.uk/schools-departments/human-resources/policies-guidance/organisational-change](http://www.ed.ac.uk/schools-departments/human-resources/policies-guidance/organisational-change)

## **7. Legal Obligations**

The recognised Trade Unions and the University accept the implementation of these consultation arrangements and any policies agreed as a result of SCCRA's work, provided these arrangements are maintained and adhered to by the University, as satisfying any obligations the University may have under the Trade Unions and Labour Relations (Consolidation) Act 1992.

The University must conduct equality impact assessments in relation to potential collective redundancy situations in consultation with the Trade Unions.

## **8. Monitoring**

The Standing Consultative Committee for Redundancy Avoidance (SCCRA), or a relevant successor body, monitors implementation of this policy. This includes monitoring in relation to Equality and Diversity.

## **9. References, linked policies and sources of further information**

- Collective Consultation Processes
- Individual Consultation Processes
- Management guidance on redundancy selection and processes, as applicable
- Redeployment Guidance for Recruiters
- Guidance for Employees at Risk of Redundancy
- Employment Related Appeals Processes
- University Court Resolution 55/2010
- Policy on Conflict of Interest
- Protection Policy
- Flexible Working Policy
- Code of Practice for the Management of Research Staff.

Further information is available from:



- The HR website at: [www.ed.ac.uk/schools-departments/human-resources/policies-guidance/organisational-change](http://www.ed.ac.uk/schools-departments/human-resources/policies-guidance/organisational-change)
- The two key pieces of legislation relating to redundancy are the *Employment Rights Act 1996* and the *Trade Union and Labour Relations (Consolidation) Act 1992* (as amended by Section 34 of the Trade Union Reform and Employment Rights Act 1993). Combined, these contain provisions relating to the right not to be unfairly dismissed. The former also contains provisions relating to time off to look for work and the latter contains provisions regarding redundancy consultation and notification
- ACAS [www.acas.org.uk/index.aspx?articleid=1365](http://www.acas.org.uk/index.aspx?articleid=1365)
- The Fixed Term Employees (Prevention of Less Favourable Treatment) Regulations (2002) [www.legislation.gov.uk/uksi/2002/2034/contents/made](http://www.legislation.gov.uk/uksi/2002/2034/contents/made)
- Department for Business, Energy and Industrial Strategy <https://www.gov.uk/search?q=redundancy>

This policy was drafted with reference to the following:

- ACAS, *Redundancy Handling*, April 2009
- CIPD guidance

## 10. Policy history and review

This policy was approved by CJCNC on 30 March 2011 and took effect from 1 April 2011. It replaced/superseded the following policies/documents:

- Staffing Policy Statement and Procedures: Redeployment, Retraining and Redundancy (*Non-Teaching Staff*) (SAM 5:11)
- Staffing Policy Statement and Procedures: Redeployment, Retraining and Redundancy (Academic and Academic-Related Staff) (SAM 6:29),
- SAM 2.5
- Staff Restructuring Framework (2001)
- Consultation on Avoidance of Redundancy (2010)

A full review of this Policy was carried out, and amended as noted at Section 10.1, and was approved by CJCNC on 27 September 2013. It was further amended and approved by CJCNC on 17 August 2016.

In the event of any significant change to the legal position on redundancy, fixed-term contracts, relevant statutory requirements or any other related matter, this policy will be subject to immediate review in consultation with the Trade Unions. In the absence of such a change, the policy will be reviewed by December 2019.

### 10.1 Change control record:

No.	Approval date:	Amendment made:	Approved by:
1.	27 Sep. 2013	<b>Full Review: Section 6.1:</b> an inclusion to clarify eligibility to be reinstated on to the Talent Register, when an 'at risk' employee accepts alternative employment on a temporary contract to cover for: maternity leave, secondment, or long term sickness; or the possibility of a redundancy payment if alternative employment cannot be found following expiry of the temporary contract.	CJCNC
2.	17 August 2016	<b>Full Review</b> to reflect removal of two year service qualification for access to the Talent Register and career management support (section 6.3); minor amendments to sections 4, 6.1, 6.2	HRPDG and CJCNC

### 11. Alternative Format

This document can be provided in alternative formats on request by email to: [UHRS@ed.ac.uk](mailto:UHRS@ed.ac.uk) or by calling 0131 650 8127.