

REDUNDANCY

Part I - Application and Scope

1. Before a decision is taken to effect redundancies, the University will consult with individual employees and/or their representatives, having due regard to any consultation required in accordance with Section 188 of the Trade Union and Labour Relations (Consolidation) Act 1992 (“TULRCA”), on how to avoid the redundancies or reduce the numbers involved and, once a decision has been taken to proceed, about the means of effecting redundancies and mitigating their consequences.
2. Nothing in this ordinance shall preclude the University from seeking volunteers for dismissal by reason of redundancy or oblige the University to seek volunteers; and nothing in this ordinance shall preclude any employee agreeing to voluntary redundancy or voluntary early retirement at any time or oblige the University to accept any application for voluntary severance.
3. The pool for selection will be the group of employees from which those who are to be made redundant are to be drawn. The pool will depend upon the area or areas of activity in which the University’s requirements for employees to carry out work of a particular kind has ceased or diminished. In some cases, for example (in relation to a very specialist post) the role may be unique and there will not be a pool, in which case there is no selection decision to be made and the individual may be provisionally selected for redundancy on the basis that the position is unique.
4. Where there is a pool, a selection mechanism will be developed to determine which employee (if any) should be put forward for redundancy. This may be the application of selection criteria to “select out” individuals; or a competitive interview method to “select in” to newly created posts following the deletion of other posts, or some other mechanism. The selection mechanism will normally be based on the current and future needs of the College/Department in relation to that specific area of activity. The equality implications of any selection process will be considered.
5. The University will consider redeployment for staff who are identified as being “at risk” through the application of the University’s Redeployment Ordinance, until their employment with the University ends.
6. This ordinance does not apply to the proposed dismissal of an employee where that dismissal would arise from the expiry without renewal of a fixed term contract or from the termination of a specific, fixed term funding stream (where a separate ordinance applies).
7. For the purposes of this ordinance, “relevant managers” are the Vice-Chancellor, Registrar, Pro-Vice-Chancellors, Heads of College, Directors of

Department and any other managers from time to time authorised by the HR Director to take action under this ordinance.

8. Nothing in this ordinance should be seen as diminishing the powers of Senate that are set out under the relevant Ordinance.

Part II - Application of Procedures

Stage 1

9. Where a relevant manager considers that restructuring within their area is required, which may lead to the dismissal of one or more employees by reason of redundancy, the relevant manager shall prepare a business case for that restructuring, to include:
 - the College, Department or other organisational unit affected by the restructuring proposal (the “affected unit”);
 - a description of the proposed restructuring of the affected unit and the rationale for that proposal;
 - the current and proposed new structures within the affected unit;
 - the total number of redundancies proposed;
 - the reason for the proposed redundancies;
 - the categories or descriptions of staff at risk of dismissal for redundancy in each unit and the number of dismissals proposed in relation to each such category or description;
 - the total numbers of staff employed in the affected unit of each such category or description;
 - the proposed timescale over which it is proposed that redundancies take place;
 - the proposed pool for selection and the proposed mechanism for selection (or a proposal that a certain post or posts be selected on the grounds that the positions are unique and no longer required);
 - the impact on students.
 - an equality impact assessment
10. The relevant manager shall present the proposed business case to the Vice-Chancellor or Registrar. The Vice-Chancellor or Registrar will normally consult with the senior management team in the matter. The Vice-Chancellor or Registrars may decide to ask the relevant manager to reconsider the proposal. If the Vice-Chancellor or Registrar considers that there is a prima facie case for restructuring, the proposal shall then be the subject of

consultation with staff and (to the extent required by Section 188 TULRCA 1992) with union representatives.

11. Consultation with union representatives of the affected staff in accordance with and to the extent required by Section 188 TULRCA and with the employee(s) at risk of dismissal shall then be carried out by the HR Director or nominee.
12. Following this consultation, the relevant manager shall send to the Vice-Chancellor or Registrar a report containing the restructuring proposal together with a summary of the consultations which have taken place upon it (including any representations made upon the proposal and the response to these representations). The Vice-Chancellor or Registrar shall review and may approve the proposal (subject to the ordinances in the following paragraphs), or may request further information, or may direct that further consultation with staff and union representatives takes place.

Stage 2

13. Where the Vice-Chancellor or Registrar has approved the restructuring proposal, the Registrar shall refer the report received under paragraph 12 above to the Council to determine at a meeting (being satisfied that the steps referred to in the preceding paragraphs above have been undertaken):
 - whether the proposed redundancy or redundancies shall be effected; and
 - if so, to set up a Redundancy Committee whose function shall be solely to give effect to the Council's decision, to oversee the proposed selection process and to recommend to Council which (if any) staff should be dismissed for redundancy.
14. The Redundancy Committee shall be composed of:
 - three members of Council, not being persons employed by the University (one of whom shall be the Chair) drawn from a standing list pre-approved by Council; and
 - two members of academic staff drawn from a standing list pre-approved by the Senate.

Stage 3

15. The Redundancy Committee shall have discretion as to the conduct of its business but shall normally meet on at least two occasions.
16. The Redundancy Committee shall firstly:
 - consider and if thought fit approve the proposed selection mechanism and proposed procedures necessary to effect the proposal;

- consider whether proper consultation with staff and union representatives has taken place (or is taking place);
 - deal with any other matters prior to implementation of the selection mechanism, as appropriate.
17. The Redundancy Committee shall for these purposes receive any reports considered by Council and may call for further written or verbal information as necessary from the relevant manager, the HR Director or nominee, or union representatives of the affected staff but may not engage in consultation or negotiation with union representatives or staff.

Stage 4

18. Following approval from the Redundancy Committee, the relevant manager is authorised to take the following actions under this procedure in consultation with the HR Director or nominee.

Ordinance where a selection pool exists

19. The relevant manager will inform in writing those employees falling within the pool for selection:
- the pool for selection from which redundancies will be effected by the application of a selection mechanism;
 - the total number of staff employed in that group of affected staff;
 - the total number of staff to be dismissed from that group by reason of redundancy;
 - the selection mechanism to be used to determine which employees within the affected group are to be dismissed by reason of redundancy;
 - who will assess the staff within the affected group in accordance with the selection mechanism;
 - when the assessment of the affected staff in accordance with the mechanism will take place;
 - the arrangements for individual employees within the affected group to make written representations or provide any information to be taken into account before the selection mechanism is applied to him/her.
20. Following any written representations received, the relevant manager, in consultation with the HR Director or nominee, will then carry out the provisional selection of staff using the approved selection mechanism.

21. Each affected employee will be invited to attend a meeting with the relevant manager in order to make oral or written representations to the relevant manager regarding their potential selection.
22. This invitation should advise the employee that
 - they have been provisionally selected following application of the selection mechanism;
 - that the purpose of the meeting is to explain the application of the criteria and to allow the employee to make representations;
 - one outcome of the meeting is that their selection will be confirmed and that a recommendation will be made to the Redundancy Committee that their employment should be terminated as a result;
 - they have the right to be accompanied by a trade union representative or work colleague.
23. Where the employee attends a meeting, they may be accompanied by a trade union representative or work colleague. The representative or work colleague may speak on the employee's behalf but may not answer questions on the employee's behalf.
24. Taking account of all the information provided and the representations made, the relevant manager shall decide who shall be provisionally selected for dismissal on grounds of redundancy, subject to the approval of the Redundancy Committee and of Council.

Ordinance where a selection pool does not exist

25. The employee to whom this paragraph applies shall be notified in writing of the reasons for their proposed dismissal and shall be invited to a meeting at which they can make oral or written representations. For the avoidance of doubt, such representations may include representations as to alternatives to dismissal or representations that it would be appropriate to select for dismissal by reason of redundancy from a wider group of staff within a particular College or Department and/or staff of a particular description or category.
26. Taking account of all the information provided and representations made, the relevant manager shall decide whether the employee shall be provisionally selected for dismissal on grounds of redundancy, subject to the approval of the Redundancy Committee.

Stage 5

27. The Redundancy Committee shall then reconvene and receive a report from the relevant manager in order to determine:
 - whether the approved selection process has been properly applied;

- whether proper consultation with union representatives and affected staff has been carried out;
- whether to approve or reject provisional decisions by the relevant manager as to the members of staff to be dismissed for redundancy;
- to recommend, if thought fit, that Council authorise the Vice Chancellor or Registrar to issue notices of dismissal to those staff.

28. Council shall either approve any selection recommendation made by the Redundancy Committee or shall remit it for further consideration to the Redundancy Committee. Following approval by Council, the Vice Chancellor shall issue notices of dismissal to staff whose selection for redundancy has been confirmed.

Stage 6

29. If the member of staff wishes to appeal against the notice of dismissal issued under paragraph 28 above, he or she may do so in writing to the Registrar's office setting out in full the grounds for appeal. Appeals shall be lodged and conducted in accordance with the University's rules and ordinances for appeals.

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