



University of  
St Andrews

## Redundancy policy

<b>Document type</b>	<b>Policy</b>
<b>Scope (applies to)</b>	All staff
<b>Applicability date</b>	06/06/2021
<b>Review / Expiry date</b>	30/03/2023
<b>Approved date</b>	02/11/2022
<b>Approver</b>	Deputy Director
<b>Document owner</b>	Human Resources Officer
<b>School / unit</b>	Human Resources
<b>Document status</b>	Published
<b>Information classification</b>	Public
<b>Equality impact assessment</b>	None
<b>Key terms</b>	Staff/Employee relations/Redundancy
<b>Purpose</b>	This document outlines the approach to be adopted in cases of potential redundancy situations.

<b>Version number</b>	<b>Purpose / changes</b>	<b>Document status</b>	<b>Author of changes, role and school / unit</b>	<b>Date</b>
1.4	Change to review date	Published.	Lisa Stewart HR	02/11/2022

## **Table of contents**

1.	Introduction	3
2.	Definition of redundancy	3
3.	Measures to avoid or minimise redundancy	3
4.	Restructuring and downsizing	3
5.	Individual employees	4
6.	Redundancy selection pools	4
7.	Consultation	5
8.	Appeals	5
9.	Redundancy payments	5
10.	Model statute	6
	Appendix A: Redundancy appeal procedure	7

## 1. Introduction

- 1.1 The University is committed to protecting the employment security of staff, as far as possible, by planning effectively to meet current and future staffing needs. There may, however, be occasions when financial pressures, changes in the demand for services, funding provision, or organisational, technological or academic developments impact on staffing requirements. In such cases, the University will seek to minimise the effect of compulsory redundancies by seeking voluntary options and redeployment opportunities as appropriate and by adopting a fair, consistent and sensitive approach.
- 1.2 This document outlines the approach to be adopted in cases of potential redundancy and should be read in conjunction with the University's [Redeployment Policy](#).

## 2. Definition

- 2.1 Redundancy is defined by the Employment Rights Act 1996 as a dismissal attributable wholly or mainly to:
- The fact that an employer has ceased, or intends to cease, to carry on the business for the purposes of which the employee was employed, or has ceased, or intends to cease, to carry on that business in the place where the employee was so employed; or
  - The fact that the requirements of that business for employees to carry out work of a particular kind in the place where they were so employed, have ceased or diminished or are expected to cease or diminish.

## 3. Measures to avoid or minimise redundancy

- 3.1 The University is committed to retaining employees wherever possible and will seek to minimise redundancies by appropriate planning however, where redundancies are proposed, consideration first will be given to the following:
- Natural wastage;
  - Restrictions on recruitment, if and where, appropriate;
  - Reduction or elimination of overtime;
  - Redeploying individuals to alternative posts;
  - Provision of reasonable training or re-training of individuals to alternative posts;
  - Seeking applicants for early retirement or voluntary redundancy.

## 4. Restructuring and downsizing

- 4.1 In the unlikely event that the University decides to restructure or downsize a department, group of employees, the appropriate [Trade Unions](#) will be informed and consulted, with a view to agreeing a procedure to deal with the situation.
- 4.2 In this type of situation, it is likely that [voluntary severance/early retirement](#) will be the preferred initial option but could incorporate the options listed in [section 3](#). Only if no agreed solution is found will the University move to compulsory redundancy.

## **5. Individual employees**

- 5.1 There will be occasions when the jobs of individual employees may have to be made redundant, e.g. the position can no longer be financially supported; research/work in a particular area diminishes or ceases or where an individual position is no longer needed.
- 5.2 The University recognises that most of its redundancy situations arise from the expiry of fixed term and externally funded positions.
- 5.3 Any situations that fall into these circumstances will be identified by Human Resources in conjunction with the appropriate manager/Principal Investigator/Head of School or Unit and consultation begun as early as possible, normally 5 months in advance of any proposed dismissal.
- 5.4 Human Resources will liaise with the individual's line manager and Head of School/Unit to determine whether there are any alternative positions available for the individual within the School/Unit to avoid the redundancy. When considering this, the University's [Redeployment Policy](#) should be referred to.
- 5.5 A formal consultation meeting with the individual will be arranged and the situation discussed with them. An individual who is at risk of redundancy has the right to be accompanied by a Trade Union representative or a work colleague during this process. The meeting will be conducted by the line manager or Head of School/Unit and a Human Resources Business Partner (HRBP) if necessary.
- 5.6 During this meeting, items covered will include, the reason for the proposed redundancy, suggestions to avoid redundancy, redeployment opportunities and redundancy pay. Individuals will have every opportunity to discuss openly, ideas they may have to avoid or mitigate the redundancy situation.
- 5.7 The individual will be informed in writing of the outcome of this meeting and this will include the right to appeal.
- 5.8 Even if a decision has been made that the individual is to be made redundant on the basis of information available at the time, the opportunity for consultation and communication between the School/Unit, Human Resources, Trade Unions if/where appropriate and the individual will remain open until the final date of employment as jobs and funding may become available at any point during this period. Further formal consultation meetings can be arranged if required and may be necessary if alternative jobs and funding opportunities are being explored.

## **6. Redundancy selection pools**

- 6.1 The University recognises that in certain circumstances, it may be necessary for a redundancy selection pool to be identified and selection criteria to be applied to determine which individual(s) should be selected for redundancy. This may occur when several individuals have the same skills or do the same job in the same School/Unit. This could mean, for example, that five people are in a pool and at risk of redundancy when potentially only one individual is to be made redundant.
- 6.2 If such circumstances occur, fair and transparent selection criteria will be communicated to the relevant Trade Union, Human Resources and the School/Unit and used to determine

which individual/s should be made redundant. Selection criteria should be as objective and applied in an independent way.

6.3 Throughout this process, individuals at risk of redundancy will be fully consulted via meetings and in writing and have the right of accompaniment. When someone is eventually identified as the person that will potentially be made redundant, the process detailed in [section 5](#) will be followed.

## 7. Consultation

7.1 The University will adhere to legal requirements for consultation. Currently the guidelines for consultation are as follows. Consultation will begin:

- at least 90 days before the first dismissal is planned to take effect, where it is proposed to dismiss as redundant 100 or more staff within a period of 90 days or less;
- at least 30 days before the first dismissal is planned to take effect, where it is proposed to dismiss as redundant between 20 and 99 staff within a period of 90 days or less;
- as soon as reasonably practical before the first dismissal is planned to take effect, where it is proposed to dismiss as redundant fewer than 20 staff.

7.2 The University will consult with the appropriate Trade Union(s) but members of staff will also always be consulted individually in any redundancy process.

7.3 The purpose of consultation is to seek ways of avoiding redundancy, reducing the numbers of dismissals or mitigating the effects of the redundancies proposed.

7.4 Consultation will normally cover the following areas:

- The reasons for the proposed redundancies;
- The numbers of employees the University proposes to dismiss as redundant;
- If relevant, the definition of, and the numbers within, the pool from which those to be dismissed are to be drawn;
- Details of the selection criteria;
- The period of time over which the dismissals are proposed to take effect;
- The method of calculating the amount of redundancy payments.

## 8. Appeals

8.1 Any individual who has received confirmation that they are to be made redundant has the right to appeal this decision. Any appeal should be made in writing to the Director of Human Resources within 10 working days of receiving written confirmation of the redundancy.

8.2 The Appeal will be dealt with under the appeal procedure outlined in [Appendix A](#).

## 9. Redundancy payments

9.1 All compulsory redundancies will be made at the statutory redundancy rate. For information on how this is calculated, please contact the [Salaries Office](#).

9.2 The University, at its discretion, may offer enhanced redundancy terms and payments. In particular, negotiated mutually agreed voluntary severance/early retirement packages will normally be paid at an enhanced rate.

## 10. Model statute

10.1 Academic staff covered by the model statute who are at risk of redundancy will be dealt with in accordance with the procedures laid down in the version of the statute which is in place at that time.

<b>Version number</b>	<b>Purpose / changes</b>	<b>Document status</b>	<b>Author of changes, role and school / unit</b>	<b>Date</b>
1.0	Migration of policy to the Governance Zone.	Published	Lisa Stewart Human Resources	01/07/2019
1.1	Broken links	Published	Lisa Stewart HR	23/09/2020
1.2	Change to review date only.	Published	Lisa Stewart HR	07/06/2021
1.3	Change to review date	Published.	Lisa Stewart HR	20/12/2021
1.3	Change to review date	Published.	Lisa Stewart HR	02/11/2022

## **Appendix A: Redundancy appeal procedure**

### **Scope**

This procedure covers all redundancy reasons other than for fixed term/open ended redundancies.

### **Submitting an appeal**

- The employee will have the right to appeal a dismissal by reason of redundancy by writing to the Director of Human Resources within 10 working days of being in receipt of the decision to dismiss.
- The appeal should state clearly the grounds on which the employee wishes to appeal.
- Appeals will normally be held within 20 working days of the appeal being lodged. The employee will be given written notice of the time and date of the appeal hearing, the right to accompaniment, and the names of the individuals who will make up the Appeal Panel at least 5 working days in advance of the hearing taking place.
- The employee has the right to be accompanied by a Trade Union representative or by another employee of the University only. In the case of a member of the Principal's Office, the accompanying person may be a member of the University Court.

### **Witnesses**

- In redundancy appeals, witnesses may be called by the employee. If this is the case, their names must be made available to Human Resources no later than 2 working days prior to the hearing. It is wholly the responsibility of the employee concerned to make initial contact with any individuals they may wish to call as a witness, obtain their agreement, inform them of the date, time and venue of the hearing and, if necessary, to source witness statements. Assistance from Human Resources will be provided on request, particularly in arranging release from duties to attend the hearing.
- The Chair/Panel may call witnesses and the employee will normally be advised of the names of these witnesses within 2 working days of the hearing. The Chair has discretion to allow submission of witness statements in the absence of the physical presence of the witnesses or to allow remote audio-visual means for hearing and questioning witnesses.

### **Composition of the Appeal Panel**

- For all staff with the exception of the Principal's Office, the Appeal Panel will normally consist of:
  - An external non-executive member of the University Court who will Chair the panel;
  - A member of the Principal's Office;
  - A senior academic in the case of an academic being made redundant;
  - A member of Human Resources (in attendance).
- For members of the Principal's Office, the Appeal Panel will normally consist of:
  - The Senior Governor of the University Court who will Chair the panel;
  - An external non-executive member of the University Court;
  - A member of Human Resources (in attendance).

- None of the above panel members should have had any substantial previous involvement or have any substantial conflict of interest in the case.
- The panel, the employee and the management representative/s will be provided with all relevant written material to enable full consideration of the case at least 5 working days in advance of the hearing taking place.

### **Attendance at the hearing**

- The employee should take all reasonable steps to attend the hearing on the date/time stated in the written notification. However, the hearing will be rescheduled to another time convenient for the employee and the University if the employee's accompanying person is not available at the chosen time and the employee proposes a reasonable alternative that is within 5 working days of the original date (this time limit may be extended only by mutual agreement). If the date/time of the hearing is unsuitable to the employee for another reason, they should contact an [HR Business Partner](#) who will consider whether the hearing can be rescheduled to a mutually convenient time.
- The Appeal Panel will hear evidence from both parties, i.e. the employee and the management representative/s. Both parties will be given the opportunity to present their case and call witnesses.
- The Chair may at their discretion will adjourn a hearing and reconvene at a later date if additional evidence needs to be obtained or if additional time is required for the hearing or if other circumstances justify such an adjournment.
- At the appeal hearing, the reasoning for the original decision to dismiss by way of redundancy will usually be presented first, normally by the management representative who made the final decision. This will be followed by the appeal submission from the employee. Both sides are entitled to call witnesses and will be given the opportunity to raise points about the information provided by witnesses. Direct questions may put to witnesses at the discretion of the Chair. The Appeal Panel may also call and question witnesses. After all the submissions have been made and the questioning has been completed, both sides will be asked to summarise the main points of the case. The panel will then withdraw to consider its decision.
- The Appeal Panel has the authority to:
  - Uphold the appeal
  - Reject the appeal

### **Decision and written notification**

- On hearing the evidence, the Appeal Panel will adjourn to consider its decision. The decision will be confirmed to the employee in writing within 7 working days of the conclusion of the hearing. The decision of the Appeal Panel will be final and will mark the end of the University's procedures.