



**Swansea University**  
**Prifysgol Abertawe**

## **Ordinance 11.1 - Redundancy**

### **Part I - Application**

- I. The University recognises the contribution made by colleagues to the achievement of its aims and objectives. It also recognises the importance of security of employment for colleagues and the desirability of avoiding redundancy.
- II. As far as possible, the University is committed to protecting the employment of colleagues. However, there may be occasions when the University is subject to a range of internal and external factors, such as economic pressures, decreased student numbers/demand, expiry or changes to funding, academic, organisational or technological developments, which influence and may reduce its staffing requirements.
- III. This Ordinance does not affect any colleague's statutory rights.

### **Part II - General Principles**

- I. Compulsory Redundancy is covered by legislation and the University will ensure that any potential redundancies are managed in line with statutory requirements.
- II. The University shall ensure security and continuity of employment for as many colleagues as is reasonably practicable.
- III. Every reasonable effort will be made to avoid redundancies and minimise their impact where possible.
- IV. The University will make every effort to avoid compulsory redundancies and will ensure all other options are considered before redundancy, which is seen as a last resort. The University is committed to supporting colleagues at risk of potential redundancy in a fair, equitable, consistent and sensitive manner.
- V. Any selection for redundancy will be made using appropriate, fair and transparent criteria.
- VI. The University is committed to redeploying colleagues into other suitable alternative roles, rather than making them redundant, where this is possible.
- VII. Fixed Term and Permanent colleagues must be treated equally and the University will not treat fixed term colleagues less favourably than colleagues on permanent contracts doing the same or a similar job. In the case of Fixed Term colleagues with less than 24 months service, the Fixed Term Ordinance will apply.
- VIII. Equality of opportunity is reflected in all aspects of employment. Selection for redundancy should be free of bias and not discriminate on the grounds of any protected characteristic, in line with the Equality Act 2010.
- IX. The University shall adhere to ACAS guidelines and Code of Practice.

## **Part III – Scope**

- I. This Ordinance will apply to all colleagues on permanent contracts and all colleagues on fixed term contracts who have worked continually with the University for 24 months or more, including those on maternity, sickness and other types of leave and to those who are seconded to other organisations but retain their substantive employment with the University. This Ordinance will not apply to colleagues on Fixed Term Contracts with less than 24 months continuous service, as they will be subject to the Fixed Term Ordinance.
- II. The Redundancy Policy and Procedure will not apply to colleagues in Honorary or Emeritus positions, neither does it apply to 'workers'. A worker who is not an employee works under a contract whereby the individual "undertakes to do or perform personally any work or services for another party to the contract whose status is not ... that of a client or customer" (s.230(3) of the Employment Rights Act 1996).

## **Stages**

There are up to five stages to the University's redundancy procedure:

- Stage 1: Redundancy Review Panel
- Stage 2: Redundancy Notification and Consultation
- Stage 3: Outcome of Selection Process
- Stage 4: Formal Notice of Termination
- Stage 5: Appeal

## **Definition of Redundancy**

The Employment Rights Act 1996 section 139 states redundancy occurs if employees are dismissed due to one of the following reasons:

- the employer has ceased, or intends to cease, to carry on the business for the purposes of which the employee was so employed
- the employer has ceased, or intends to cease, to carry on the business in the place where the employee was so employed
- the requirements of the business for employees to carry out work of a particular kind has ceased or diminished or are expected to cease or diminish
- the requirements of the business for the employees to carry out work of a particular kind, in the place where they were so employed, has ceased or diminished or are expected to cease or diminish.

## Stage 1

### Redundancy Review Panel

- I. The Vice Chancellor or Provost or agreed member of the University Senior Leadership Team, supported by the HR Director or agreed member of the HR Senior Leadership Team and the Finance Director or agreed member of the Finance Senior Leadership Team, will meet monthly to consider the recommendations from the relevant Pro-Vice-Chancellor /Director regarding two separate agenda items:
  - a. any situation where Fixed Term Contracts with more than 24 months service which may be coming to an end and no further funding has been identified
  - b. any situation where there is a potential risk of redundancy due to the reasons stipulated in the Employment Rights Act 1996 (see above)
- II. In circumstances where a member of the Panel may be impacted by potential redundancy, then the Panel will be agreed with the support of Council.
- III. The recommendations will be set out in the Business Case which will be completed by the line manager and approved by the relevant Pro-Vice-Chancellor Head of School/ Head of Operations/Director.
- IV. The Business Case will set out:
  - a. Any potential risk of redundancy, including Fixed Term Contracts with more than 24 months service which may be coming to an end and no further funding has been identified. In the case of Fixed Term colleagues with less than 24 months service, the Fixed Term Ordinance will apply.
  - b. The Faculty/School/ Directorate affected by the restructuring proposal
  - c. a description of the proposed restructuring and the rationale for that proposal;
  - d. other options which have been considered;
  - e. the current and proposed new structures;
  - f. the total number of potential redundancies;
  - g. the reason for the proposed redundancies;
  - h. the categories or descriptions of staff at risk of dismissal for redundancy and the number of dismissals proposed in each category;
  - i. the total numbers of staff employed of each such category or description;
  - j. the proposed timescale over which it is proposed that redundancies may take place;
  - k. the proposed pool for selection and the proposed process 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);
  - l. the impact on students.
  - m. an equality impact assessment
- V. The Panel must ensure that every reasonable effort to avoid potential redundancies, including all possible alternative approaches have been considered.
- VI. The Panel will review the recommendation and either approve or decline this.
- VII. Voluntary redundancy may be considered where there is a pool, which will normally be based on statutory redundancy terms, as set out below.
- VIII. The Panel shall decide whether or not it is appropriate to invite applications for voluntary redundancy and if so, on what basis these would be accepted. The

- panel will fully consider the circumstances/business case in doing so.
- IX. The Panel will also agree how they will proceed if voluntary redundancy is not appropriate or if there are insufficient agreed voluntary redundancies, i.e. if selection for redundancy is required.
  - X. The Panel will agree and set out the next steps.

The Business Plan will need to consider:

### **Selection Pool**

- I. In some cases, 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.
- II. In other cases, there may be a pool of colleagues from which they will be selected for redundancy (the selection pool). In identifying whether there is a pool for selection, consideration will be given to the following:
  - a. Colleagues who undertake the same / a similar type of work
  - b. Colleagues who work in a particular department / project
  - c. Colleagues who work at a relevant location, where appropriate
  - d. Colleagues whose work has ceased / reduced, or is expected to do so.

### **Selection Process and Criteria**

Selection will be based on objective criteria, which may include any of the following:

- I. Skills, competencies, experience and qualifications
- II. Performance records
- III. Competitive application and interview process
- IV. Disciplinary records

An employee will not be selected because of their:

- I. Age
- II. Disability
- III. Gender reassignment
- IV. Marriage or civil partnership status
- V. Pregnancy or maternity leave
- VI. Religion or belief
- VII. Gender
- VIII. Sexual orientation
- IX. Family related leave – for example parental, paternity or adoption leave
- X. Role as an employee or trade union representative
- XI. Membership of a trade union
- XII. Part-time or fixed-term employee status
- XIII. Pay and working hours, including the Working Time Regulations, annual leave and the National Minimum Wage

Candidates will be scored objectively against the selection criteria, and this must be documented.

## **Stage 2**

### **Redundancy Notification**

- I. There is a statutory requirement for the government to help employees facing redundancy. In order to do this, advance notification of potential redundancies is required from employers. Failure to comply with the statutory notification requirements may result in prosecution and a fine.
- II. The Redundancy Payments Service (RPS) collects the information and distributes it to the appropriate government departments and agencies who offer job brokering services and/or training services. The information is confidential and may be used only for the purpose of assisting those facing redundancy.
- III. Notification must be given to RPS in line with agreed timeframes depending on the number of potential redundancies:
  - a. For between 20 and 99 potential redundancies - 30 days before the first redundancy
  - b. For 100 or more potential redundancies - 45 days before the first redundancy

### **Consultation**

- I. Where there is a possibility that staff may be made redundant, consultation must take place between the University and appropriate staff representatives at the earliest opportunity, as required by section 188 of the Trade Union and Labour Relations (Consolidation) Act 1992.
- II. The aim of the Trade Union consultation shall be:
  - a. to avoid dismissal if possible, for example, by redeployment,
  - b. to reduce the number of staff to be dismissed if redundancy is unavoidable, and

- c. to mitigate the consequences of any dismissals.
- III. Collective consultation should be completed before any notices are issued and before individual consultation starts.
- IV. Throughout the process efforts shall be made to find suitable alternative employment.

### **Collective Consultation**

- I. The Trade Union and Labour Relations (Consolidation) Act 1992 states a collective redundancy situation arises where the University proposes to make between 20 - 99 colleagues redundant over a period of 90 days or less.
- II. In such cases, there must be a minimum period of at least 30 days collective consultation before the first dismissal.
- III. For 100 or more proposed redundancies over a period of 90 days or fewer, the legislation states there must be a minimum period of at least 45 days collective consultation before the first dismissal.
- IV. In order for meaningful consultation to take place, Swansea University will provide the Unions with the following information:
  - a. the reason for the redundancy dismissals
  - b. the number of proposed redundancies and their job types
  - c. the total number of employees affected
  - d. the proposed methods of selection
  - e. the procedure to be followed in dealing with the redundancies
  - f. the method of calculating redundancy payment.

### **Individual Consultation**

- I. Consultation shall also take place between the University and colleagues who may be affected.
- II. At this meeting, the colleague will be entitled to be accompanied by a Union Representative or a work colleague.
- III. The purpose of this meeting is to discuss:
  - the reason for potential redundancies
  - the number of proposed redundancies and their job types
  - the total number of employees affected
  - confirm whether the colleague is not impacted, is impacted but not at risk, or is at risk
  - if the colleague is at risk, confirmation whether there is a unique role or a selection pool
  - the proposed methods of selection and the timeframes (if appropriate)
  - if the colleague is not at risk but is impacted, confirmation of how they may be impacted
  - the right to redundancy payment and method of calculation (if appropriate)
  - signpost additional support available, including staff counselling
  - discuss all possible alternative positions or options
  - information regarding reasonable time off for training or job searches
  - answer any questions the colleague may have
  - confirm the next steps
- IV. An accurate record of this consultation meeting must be made by the Line

Manager, signed by the colleague and returned to the HR Business Partner.

### Stage 3

#### Outcome of Selection Process

- I. Within 7 working days of the selection process being completed, the Line Manager will write to the 'at risk' colleague to set up a face to face meeting to confirm the outcome of the selection process.
- II. The colleague will be entitled to be accompanied by a Union Representative or a work colleague.
- III. At this meeting, they will also provide the colleague with the written outcome.
- IV. Every reasonable effort will be made to avoid redundancies and therefore colleagues will be considered for suitable alternative roles where appropriate,
- V. Any colleague on maternity leave will be given preference for suitable alternative roles over other colleagues, in line with legal requirements.

### Stage 4

#### Formal Notice of Termination

- I. Where the outcome is that employment will terminate, this notice of termination letter provided by the line manager will contain details of the colleague's right to appeal.
- II. Formal notice of termination must be given in line with the colleague's terms and conditions of appointment:

Grade	Contractual Notice
Professional Services Staff 1 – 6	1 month The length of notice to which employees are entitled increases by one additional week for each completed year of service up to a maximum of twelve weeks notice for twelve or more years' service.
Staff Grade 7 – 10a (excluding Academic)	3 months
Academic (Grades 7 -10a) and Professorial Staff	A full term's notice

- III. Any employee who is under notice of dismissal by redundancy has the right to take reasonable paid time off during working hours to look for new employment or make arrangements for training for future employment. This should be requested through the normal departmental routes and every effort should be made to grant this, in line with ACAS guidelines.
- IV. Attempts will continue throughout the whole redundancy process to find alternatives to compulsory redundancy.

## **Redundancy Payment**

- I. Redundancy pay is calculated according to statutory guidelines.

## **Extension to Notice period**

- I. In limited circumstances, during a notice period, funding may be identified (in consultation with the appropriate Academic/ professional Services Leader, Head of Operations, Finance Business Partner and HR Business Partner), which enables the Faculty / Directorate to extend the notice period.
- II. If the extension is 6 months or less then notice is deemed to be served when the extension is issued in writing, this does not need to be considered again by the Panel.
- III. Any reissuing of successive short-term extensions will be monitored to ensure fair and equitable treatment of colleagues.

## **Stage 5**

### **Appeal**

- I. A colleague has the right to appeal the outcome made within this procedure, in line with the University's Appeals Ordinance.