

Redundancy: Policy and Procedure

ELT / SLT responsibility:	Director of Human Resources, Organisation Development & Marketing		
Applies to:	<ul style="list-style-type: none"> • All RNN Group Employees • National Fluid Power Centre Employees • RES Employees 		
Approved by:	• Equality Impact Assessment	Approval date:	19/12/23
Approved by:	• Joint Consultative and Negotiating Committee	Approval date:	7/12/23
Approved by:	• Executive Leadership Team	Approval date:	6/6/24
Approved by:	• RNN Group Board	Approval date:	N/A
Related documents:	<ul style="list-style-type: none"> • Recruitment Guidelines • Appeals Policy • Leave of Absence Policy 		
Implementation date:	1 st July 2024	Review date:	July 2027
DOCUMENT CONTROL			
Date	Version	Action	Summary of changes
1 st July 2024	1.0	Policy first implemented	Alignment of policies from previous College Groups. Replaces Rotherham College, Dearne Valley College and North Notts College policies.

SECTION	CONTENTS	PAGE
1	Scope and Purpose	2
2	General Principles	2
3	Avoiding Redundancies	2
4	When Redundancy cannot be avoided	2
5	Obligation to notify Secretary of State for Business/Insolvency Service	3
6	Formal Consultation with recognised Trade Unions (Collective redundancy rules)	3
7	Initial Notice	3
8	Consultation Meetings	3-4
9	Equality & Diversity Considerations	4
10	Voluntary Redundancies / Early Retirements	4
11	Selection Method	4
12	Process for Selection	4-5
13	Fixed Term Employees	5
14	Redundancy Pay	5
15	Right to time off to seek other employment / training and suitable alternative employment offered	5
16	Appeal Stage	5

1 Scope and purpose

- 1.1 This policy and procedure shall apply to all RNN Group (hereinafter referred to as the 'Group') employees including "designated senior post holders" as defined in the Corporation's Articles of Governance and those newly appointed in their probationary period, however the Group reserves the right to depart from this policy for probationers.
- 1.2 The policy and procedure will be applied in accordance with relevant UK legislation, specifically the Employment Rights Act 1996.
- 1.3 The policy and procedure aims to set out clear guidelines and procedures to be followed by the Group when it needs to reduce costs, adapt to changes or reduce its workforce due to changes in business requirements, economic conditions, or other factors.
- 1.4 To enable redundancies to be dealt with fairly, consistently and reasonably while avoiding compulsory redundancies amongst its employees wherever possible.
- 1.5 This policy and procedure does not form part of the employee's contract of employment and so the right is reserved to depart from it where appropriate.

2 General Principles

- 2.1 Redundancy may arise when financial pressures determine a change in structure which impacts on staffing requirements in the following situations (this list is not exhaustive):
 - The closure of the business;
 - The closure or change of a place of work where an employee is employed;
 - A diminishing requirement for a person to carry out work of a particular kind – this would cover both economic downturns and business restructurings or re-organisations;
 - Change in the types or numbers of roles needed to do certain work; and
 - Change in Funding Provision.
- 2.2 In the unfortunate event where redundancy has to be considered, the Group will act sensitively and with a view to minimising distress and anxiety inevitably caused in a potential redundancy situation.

3 Avoiding Redundancies

- 3.1 The Group will endeavour to avoid compulsory redundancies wherever possible. Measures to be considered may include the following where they are appropriate in the particular circumstances:
 - Seeking volunteers for early retirement and/or voluntary redundancy;
 - Reasonable retraining and, if possible, redeployment to other parts of the Group;
 - Reduction or elimination of overtime working;
 - Restrictions on recruitment;
 - Reduction of agency staffing; and
 - Considering voluntary conversion to part-time working.

4 When Redundancy cannot be avoided

- 4.1 Although the Group will attempt to avoid redundancies wherever possible, the needs of the business may from time to time require a reduction in the overall number of staff employed or organisational changes that result in some employees being made redundant. Where this is necessary, we will aim to ensure that:
 - The total number of redundancies made is kept to a minimum;
 - Employees and, where appropriate, their representatives are fully consulted on any proposals and their implementation;
 - Selection for redundancy is based on clear criteria that will be fairly applied;
 - Every effort is made to redeploy / internally find alternative work for employees selected for redundancy; and
 - Reasonable support and advice is provided to employees selected for redundancy to help them find suitable work before their employment has come to an end.

5 Obligation to notify the Secretary of State for Business/Insolvency Service

- 5.1 The Insolvency Service must be notified in writing of the proposed redundancies where the number involved exceeds 20. The HR1 document will be completed by the Executive Director of Human Resources, Organisational Development and Marketing. The deadline for notifying Redundancy Payments Service depends on the number of proposed redundancies; 20 to 99 employees at least 30 days before the first redundancy or 100 plus employees at least 45 days before the first redundancy

6 Formal Consultation with recognised Trade Unions (Collective redundancy rules)

- 6.1 If an employer proposes to make 20 or more people redundant, section 188 of the Trade Union and Labour Relations (Consolidation) Act 1992 requires a minimum period of meaningful collective consultation with trade unions and workplace representatives before the first of the dismissals takes effect. Consultation will commence at least 30 days prior where 20 to 99 employees are at risk and at least 45 days prior if 100 plus employees are at risk of dismissal via redundancy. Where redundancies are less than 20 people, unions will still be consulted with, however timescales for consultation may be shorter.
- 6.2 Where the Group proposes to dismiss employees as redundant, for the purposes of collective consultation the Group will provide recognised trade union representatives with the following information:
- The reasons for the proposed redundancies;
 - The number and description of employees whom it is proposed to dismiss as redundant;
 - The total number of employees of that description employed at the institution (the pool for selection);
 - The proposed selection criteria;
 - The proposed method of carrying out the redundancy dismissals with due regard to any agreed procedure, including the period over which they will take effect; and
 - The proposed method of calculating the amount of redundancy payments.

7 Initial Notice

- 7.1 The Group will inform both trade unions and affected employees that redundancies are possible as soon as redundancies are identified as a possibility.
- 7.1 This notice will include explaining:
- The risk of redundancy and the reason why it may be necessary;
 - How many redundancies the Group is considering (the pool of employees); and
 - What happens next, including how everyone will be consulted.
- 7.2 For those at risk of redundancy, this should be confirmed in writing following initial notice.

8 Consultation meetings

- 8.1 Consultations will be carried out with individual employees as appropriate. Employees will be offered the opportunity to be accompanied by a trade union representative or work colleague.
- 8.2 Reasonable adjustments will be made, where appropriate, to enable any person with a protected characteristic to fully participate in the consultation process.
- 8.3 Consultation meetings are there to allow discussion about:
- The changes that are needed, what is planned, and why;
 - Ways to avoid or make fewer redundancies;
 - The skills and experience needed for the future;
 - The criteria for selecting employees for redundancy;
 - Any concerns employees may have; and
 - How the Group can support and arrange time off for affected employees, for example to update their CVs and get training.

- 8.4 Serious consideration will be given to the views expressed by its employees and the trade unions, but the decision regarding redundancies must ultimately rest with the Group.

9 Equality & Diversity Considerations

- 9.1 The Group will carry out an equality impact assessment before formal consultation begins, to ensure that people with a protected characteristic are not disadvantaged in the selection process by reason of that protected characteristic. This will be shared with trade union representatives and staff upon request, where considered appropriate.

10 Voluntary Redundancies/ Early Retirements

- 10.1 Wherever possible, the opportunity will be given for employees to volunteer for early retirement or redundancy, in order to minimise the need for compulsory redundancies. However in the case of early retirement, individuals should seek advice from an Independent Financial Advisor and/or pension provider prior to the request.
- 10.2 Volunteers will normally be from the defined pool, though it may on occasion be possible to consider volunteers from outside the pool if transfers are feasible.
- 10.3 It is for the Executive Leadership Team to decide whether particular volunteers can be accepted, taking into account all aspects of the Group's needs.

11 Selection Methods

- 11.1 Once consultation has taken place, if insufficient suitable volunteers are found, a selection process will take place using objective criteria. Every effort will be made to construct a fair and robust set of selection criteria following appropriate consultations.
- 11.2 It is essential to maintain a balanced, skilled and experienced workforce after the redundancies have taken place. The process for selection will be designed to achieve this, and may therefore vary to cope with the particular situation being faced.
- 11.3 Details of the criteria and/or method of selection and timescales will be sent to the appropriate trade unions as part of the formal consultation process. This information will also be distributed to employees in the area(s) where redundancies are to be made before the selection process takes place. Please note that the Group can only provide information of the selection method(s) that the Group intends to use and not specific details of the assessment, for example, the Group are unable to provide the interview questions prior to assessment except in circumstances of required and agreed reasonable adjustment.

12 Process For Selection

- 12.1 If a skills matrix is being used, the employee will complete this beforehand, then this will be scored by an appropriately selected panel. The employee may be invited to attend a meeting as part of this. If so, the employee will be offered the opportunity to be accompanied by a trade union representative or workplace representative. The purpose of the meeting is to explain the basis for the employee's selection and enable the employee to respond. The employee may ask questions about the selection criteria and the manner in which they have been applied and make representations as to why they should not be selected for redundancy. The Group will take into consideration any representations made by the employee before making a decision.
- 12.2 If an interview assessment is deemed the most appropriate method of assessment then the outcome will be given within a reasonable timescale following the interview.
- 12.3 Following selection / interview, the employee will be invited to attend a meeting with an appropriate Manager/Senior Manager to be given the outcome and feedback. The employee has the right to be accompanied again by a trade union representative or work colleague. The decision will be confirmed in writing as soon as possible after the meeting / interviews.

12.4 Employees whose selection for redundancy is confirmed will be served the appropriate contractual notice to terminate their employment if no other suitable alternative employment is available.

13 Fixed Term Employees

13.1 The approach outlined above will not normally apply in the case of employees on fixed-term contracts. It will not usually be practicable to seek volunteers from this group of employees and there will be no need to apply selection criteria. In this case the fixed term will expire without being renewed.

14 Redundancy Pay

14.1 Employees with at least 2 years continuous service will qualify for a statutory redundancy payment. Continuous service with an 'associated employer' under the Redundancy Payments (Continuity of Employment in Local Government) (Modification) Order 1999 will be counted for redundancy pay purposes.

14.2 How many weeks' statutory redundancy pay someone is entitled to depends on both of the following:

- The employee's age;
- How long they've worked for the Group (up to 20 years).

14.3 Redundancy pay will be calculated in accordance with contractual terms and conditions using the governments redundancy calculator and independently checked.

15 Right to time off to seek other employment / training and suitable alternative employment offered

15.1 If suitable internal vacancies are available, employees at risk of redundancy will be considered for them. Vacancies may be 'ring fenced' to certain categories/groups of employees. Individuals will have the right to a 4 week trial period in a new post, without loss of redundancy package if the post is found to be unsuitable.

15.2 Employees under notice of redundancy will be given reasonable time off to seek alternative employment elsewhere or time off for training for alternative employment, subject to approval by the relevant Manager. This right applies once redundancy notices have been served and not during the initial consultative process.

16 Enhanced redundancy protection for new parents

16.1 From 6th April 2024, Enhanced redundancy protection covers to those on maternity/shared parental/adoption leave: to be offered *suitable alternative job vacancies* if provisionally selected for redundancy (even if they are not the best candidate).

16.2 In cases of pregnancy this applies from the point they tell their employer they are pregnant.

16.3 In cases of Maternity, adoption and shared parental leave returners, this applies after they have returned to work for an "additional protected period" (calculated from first day of the expected week of childbirth/ day the child is placed for adoption for a period of 18 months).

17 Appeal Stage

17.1 Employees who are dismissed by reason of redundancy have a right of appeal against their dismissal. Any such appeal must be submitted in writing, setting out the full grounds for the appeal (see Appeals Policy for further guidance), and sent to the Executive Director of Human Resources, Organisational Development and Marketing within 8 working days of receipt of the decision.

17.2 The Appeal Policy will then be followed.