

# BIRMINGHAM CITY UNIVERSITY ACADEMIES TRUST

## PROCEDURE FOR HANDLING REDUNDANCIES



### 1. Introduction

- 1.1 This document sets out the procedure that the Trust will follow when faced with a potential redundancy situation. This procedure will apply to all staff where there is a redundancy situation for 20 or more staff. In the case of fixed term contracts or redundancies of less than 20 staff, please refer to Procedures for dealing with matters that could lead to dismissal of staff for reasons other than matters of Discipline, which will be applied in such circumstances.

### 2. Definitions

- 2.1 Redundancy is a fair reason for dismissal. Redundancy may occur where the Trust:

- Ceases, or intends to cease, to carry out the business in which the employee is involved. This could include, in the context of the Trust, the closure of a course;
- Ceases, or intends to cease, to carry on the business in the place where the employee is employed. This could include the relocation of a faculty or department;
- Ceases, or intends to cease, to require employees to carry out work of a particular kind. In the context of the Trust this could include events such as a loss of funding, the end of a fixed term contract or a reorganisation of support services;
- Has, or expects, a diminished demand for work of a particular kind to be carried out. This situation could occur as a result of financial pressures such as lack of funding, reduction in student numbers or the introduction of new technology

These examples do not represent an exclusive list.

### 2.2 Redundancy Situation

The term “redundancy situation” is a description of the circumstances where the Trust believes that there is a business reason for reducing the size of the work force.

### 2.3 Notification

## **BIRMINGHAM CITY UNIVERSITY ACADEMIES TRUST**



### **PROCEDURE FOR HANDLING REDUNDANCIES**

Notification is the earliest point in time when the Trust foresees that there is a potential redundancy situation and is required to inform both those employees likely to be affected and Department for Business, Enterprise and Regulatory Reform.

#### **2.4 Information the Trust will Provide**

When there is a redundancy situation, employees and their representatives are entitled to receive information about the redundancy. The information they are entitled to receive includes:

- The reason for the redundancy;
- The number and description of employees the trust proposes to dismiss as redundant;
- The total number of staff of such a description employed by the trust;
- The proposed method of selection for redundancy;
- The proposed method of calculating the amount of the redundancy payment to be made to staff who may be dismissed.

#### **2.5 Consultation**

The Trust will engage in consultation with staff about the redundancy. The consultation will also normally take place with employee representatives. The topics covered during consultation will include:

- The need for the redundancies;
- The means to be employed in avoiding redundancy;
- The means to be employed to reduce the number of staff to be dismissed;
- The means to be employed in mitigating the consequences of dismissal.

#### **2.6 Employee Representatives**

## **BIRMINGHAM CITY UNIVERSITY ACADEMIES TRUST**



### **PROCEDURE FOR HANDLING REDUNDANCIES**

An employee representative may be a person elected from amongst the group affected by the redundancy situation, or a trade union representative selected by a group of employees including the affected group.

#### **2.7 The "Pool"**

The "pool" is the group of staff who are defined by the Trust as at risk of being declared redundant. A pool could be the whole Trust or a small group of staff or an individual member of staff. The pool is decided by the Trust. Information about the number and description of employees in the pool the Trust proposes to dismiss as redundant will be made available at the time the pool is defined. However, the pool can be increased or reduced according to the needs of the situation and during the course of consultations.

#### **2.8 Selection Criteria**

When it is necessary to make staff redundant a selection process needs to take place. The means of deciding which staff from the pool are selected for compulsory redundancy must be objective and fair. All staff in the pool are considered for selection against the same set of criteria. The determination of the selection criteria is the responsibility of the Director of Human Resources.

#### **2.9 Individual Skills and Activity Audit**

A skills and activity audit may be carried out in order to establish an up-to-date record of the competencies of staff in the pool. The audit is carried out before any selection process is undertaken. The information gathered during the audit forms part of the basis of any decision to select or re-deploy staff.

#### **2.10 Volunteers**

Staff may be invited to volunteer for redundancy. Colleagues putting themselves forward as volunteers for redundancy will be accepted or rejected at the absolute discretion of the Trust.

#### **2.11 Redeployment**

As an alternative to redundancy, staff may be redeployed to alternative duties that are within their capabilities. In cases where staff transfer to a post in the same or a similar occupational group, salary protection may be considered. In circumstances where salary is

## **BIRMINGHAM CITY UNIVERSITY ACADEMIES TRUST**



### **PROCEDURE FOR HANDLING REDUNDANCIES**

reduced, 'stepping down' provisions of the pension scheme can be used to protect pension.

#### **2.12 Trial Period**

Staff selected for redundancy may be offered other work as an alternative to redundancy. All staff offered a transfer to another post will be offered a trial period in the new post. The trial period will last for three months from the date of the initial transfer. The trial period will enable staff who have transferred to a new post, and the new manager, to determine whether the transfer is acceptable to all concerned. If the transfer is acceptable, the terms of the transfer will be confirmed in writing. If a transfer to another position proves unacceptable, the redundancy will become effective on the original terms.

#### **2.13 Redundancy Payments**

A redundancy payment is a compensation payment made by an employer to employees who are dismissed because of redundancy. The trust determines the basis for the redundancy payment calculation on each occasion there is a redundancy. The minimum payments are those known as statutory redundancy payments. The Trust will guarantee statutory redundancy pay. This means that where a member of staff's weekly pay is less than the statutory maximum, their redundancy pay will be calculated using their actual weekly pay. However, where a normal week's pay is more than the statutory redundancy pay maximum, the current maximum statutory rate per week will be used. At the absolute discretion of the Trust, to be reviewed on each occasion there is a redundancy, the Trust may pay enhanced redundancy pay at a maximum of actual salary level of the employee concerned where this salary exceeds the redundancy pay maximum. This arrangement applies to all staff and supersedes all prior arrangements and practices.

### **3. Procedure**

- 3.1 The decision to declare a redundancy situation will be taken by the Trust Board.
- 3.2 The Director of Human Resources is responsible for ensuring that all staff affected, the relevant Government Department, and the appropriate trade union or employee representatives are all informed and that these parties receive the information to which they are entitled.
- 3.3 The Director of Human Resources will commence consultations with staff and, where

## **BIRMINGHAM CITY UNIVERSITY ACADEMIES TRUST**



### **PROCEDURE FOR HANDLING REDUNDANCIES**

appropriate, employee representatives by writing to them and explaining the scope of and the background to the redundancy situation. The Director of Human Resources is responsible for ensuring that individual consultations take place.

- 3.4 Consultations will take place throughout any protected period of up to 90 days. The duration of the consultation period will be determined by the number of redundancies declared. The object of the consultations is to reach an agreement. However, where agreement is not possible prior to the expiry of the protected period, compulsory redundancy notices may be issued.
- 3.5 In some circumstances, volunteers for redundancy may be accepted. Volunteers will be asked to come forward within a time limit and, usually, before the end of consultations. However, in the event that there are too few voluntary redundancies that are acceptable to the Trust, the compulsory phase will commence. Any incentives to encourage volunteers will cease to be available after the close of a voluntary redundancy period.
- 3.6 The application of the selection criteria will be carried out by a panel. The Panel will comprise:
- The Academy Principal (as appropriate);
  - A member of staff from Human Resources designated by the Director of Human Resources for the purpose; and
  - A member of senior staff.

The Panel's proceedings will be minuted. Any decision to remove staff from the pool will be minuted at this stage. The minutes, though confidential, will be available to the Chair of the Trust Board in the event of any appeal. Staff selected for redundancy will have access to extracts from the minutes concerning the discussion of their case. The Panel will only consider the information available at the time of the meeting. The Panel will seek to conclude the selection process at one meeting. Information, properly requested from a member of staff in the pool, that is not available to the panel will not be considered.

Amongst other duties, the member of staff from Human Resources will produce a score sheet for each member of staff in the pool and a table of the scores of all those staff in the pool. The table will be made available to all staff in the pool. The detailed score sheets will be made available to the individuals to whom they relate.

## **BIRMINGHAM CITY UNIVERSITY ACADEMIES TRUST**

### **PROCEDURE FOR HANDLING REDUNDANCIES**



- 3.7 Staff selected for redundancy will be those with the lowest scores once the selection criteria have been applied. These individuals will receive written confirmation of their scores. However, they will first be invited to a meeting with the Principal or Relevant Manager and Senior Member of the Human Resources Dept., where the decision will be explained.
- 3.8 The Trust will supply each redundant member of staff with written confirmation of the decision to declare them redundant following the meeting described in 3.7 above. The written notification will confirm the reason for dismissal, the amount of redundancy pay, the date when employment will end, and the means by which the member of staff concerned may appeal against the decision.
- 3.9 Where a member of staff is declared redundant, he or she will receive notice in accordance with their contract of employment. In all cases this notice will not exceed 3 months. However, by agreement and at the absolute discretion of the Trust, reviewed on each occasion when there is a redundancy, payment may be made in lieu of notice. This supersedes all prior arrangements and practices.

**1<sup>st</sup> July 2013**