

Redundancy Policy

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Person Responsible	Deputy Principal Finance and Resources
Approval/ review bodies	SLT / JNC / Corporate Board
Frequency of Review*	36 months

** Policies will be reviewed more frequently if legal changes or good practice require*

Review History:		
Date of review	Reviewed by	Reason for review
June 2010	HR Manager	Re-write - current legislation
December 2010	HR Manager	Minor amendments including appeal process
January 2011	Compliance and Policy Manager	Change of committee name
September 2015	HR Manager	Scheduled review
October 2018	HR Manager	General review

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Related policies/documents:

Family Friendly Policy

1. Policy Statement

North Kent College ("the College") is committed to the highest level of job security for all its employees, recognising the important contribution this makes to the overall provision of the College's activities.

The College will consult with the recognised Trade Unions on the formulation of this policy.

The College recognises that it may be affected by educational, economic and practical factors which require a change in the way in which the College carries out its activities and/or a reduction in certain activities. Such factors will be kept under constant review and may result in posts becoming at risk of being deemed redundant.

The purpose of this policy is to ensure that, whenever reduction in employee numbers may become necessary:

- 1.1. the College communicates clearly with all affected employees and ensure that they are treated fairly;
- 1.2. the College tries to find ways of avoiding compulsory redundancies, such as voluntary redundancies;
- 1.3. the College consults with employees and, where appropriate, the recognised Trade Unions and/or employee representatives; and
- 1.4. any selection for compulsory redundancy is undertaken fairly, reasonably and without unlawful discrimination.

This policy follows the guidance and principles as set out by ACAS advisory booklet "Redundancy Handling" and the Joint Agreement on Guidance for the Avoidance and Handling of Redundancies in Further Education Colleges (July 2015) between the Association of Colleges ("AoC") and AMiE, ATL, GMB, UCU, Unison and Unite Trade Unions. The College currently recognises the following Trade Unions: UCU and Unison.

This policy does not form part of any employee's contract of employment and may be amended at any time.

2. Scope

This policy applies to all employees (including temporary, casual, sessional and fixed-term staff members). It does not apply to agency workers, consultants or self-employed contractors.

3. Responsibilities

It is the responsibility of the Deputy Principal Finance and Resources and the HR Manager to implement this policy.

4. Definition of Redundancy

A genuine redundancy situation generally arises in the following circumstances:

- 4.1 where the employer has ceased, or intends to cease, to carry on the business in the place where the employee was so employed;
- 4.2 where the requirements of the business for employees to carry out work of a particular kind have ceased or diminished or are expected to cease or diminish; or
- 4.3 where the requirements of the 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.

5. Steps to avoid compulsory redundancy

Where it becomes apparent that compulsory redundancies may be necessary, the College will try to avoid or reduce the number of compulsory redundancies. Depending on the number of staff affected, the College will consider a combination of the most appropriate actions, in discussion with the recognised trade unions and/or employee representatives where appropriate:

- 5.1 natural wastage/turnover;
- 5.2 the restriction or suspension of recruitment;
- 5.3 restriction or elimination of overtime;
- 5.4 freezing salaries;
- 5.5 review the use of external consultants, agency staff/suppliers and contractors in line with business requirements;
- 5.6 use temporary appointments to keep posts free for consideration of alternative employment;
- 5.7 offer and use fractional appointments, short-time working, flexible working arrangements and/or job share where practicable;
- 5.8 invite applications for voluntary redundancy including staff who are not under direct threat of redundancy but who can be replaced by a redeployment from within the redundancy pool (bearing in mind the possible need to retain existing skills). The College, however, does reserve the right to make the final decision on any application for voluntary redundancy;
- 5.9 develop training/retraining initiatives;
- 5.10 give prior consideration for other College vacancies, where staff at risk meet the essential criteria they will be given an interview and

considered for redeployment prior to any vacancies being advertised externally;

- 5.11 provide assistance for employees seeking external jobs including reasonable time off providing the staff member has two years or more service and the ability to reduce the notice period depending on College needs; and/or
- 5.12 give consideration to the size of the pool to be included for selection in order to achieve the largest possible number of candidates by voluntary means.

Any measures taken to avoid or reduce the number of compulsory redundancies must not adversely affect the College or its activities.

6. Suitable Alternative Employment

Throughout any redundancy process, the College will make all reasonable attempts to find suitable alternative employment for potentially redundant employees.

Throughout the redundancy process, any vacancies will be visible and available to be reviewed by all employees via the College's intranet site. If suitable alternative employment is available, the employee will be offered this post in writing by the College, highlighting how the new employment differs from the old.

“Suitable” means being substantially equivalent to the previous terms of employment of that particular employee. The whole job must be considered; no one single factor is decisive. Factors which may be taken into account include skills/tasks to be performed, grade and/or salary applicable to new and old posts, hours of work, time and cost of travelling, working conditions.

Where suitable alternative employment is offered to an employee there are a number of possible outcomes, we have listed some of the “usual” outcomes below. Please note this is not an exhaustive list:

- 6.1 the employee refuses the suitable alternative role. If this refusal is considered to be unreasonable then the employee will be treated as dismissed by the College but will not be entitled to redundancy pay. The reasonableness of the refusal will take into consideration the terms of the suitable alternative role, the duration and the personal circumstances of the employee (this list is not exhaustive); or
- 6.2 the employee accepts the suitable alternative work. The employee will then be entitled to a trial period of up to four weeks to ascertain if the post is suitable.

Where the employee or the College considers that the role is suitable and remains in employment beyond the four-week trial period, there will be no redundancy. However, if the role is considered unsuitable and employment is

terminated within the four-week trial period, the employee will be entitled to redundancy payments, as set out at paragraph 13, below.

Support arrangements including the use of the College employee assistance programmes will be encouraged.

7. Protection Arrangements

Protection arrangements may be applied to any permanent employee who, as a result of organisational change, receives a reduction of their salary.

The identification of suitable alternative employment will be considered in each case with reference to available posts appropriate to the skills and experience of the employee concerned. The payment of protection does not in itself mean that a post is suitable alternative employment.

The maximum salary protection allowance will be £3,500 per annum (pro rata in cases of part-time working). The salary protection:

- 7.1 is not normally pensionable;
- 7.2 applies for a maximum of twenty-four months. The period of protection will be reviewed in line with the number of staff affected, the relevant costs and the requirements of the business;
- 7.3 will be frozen and will not be subject to either incremental or cost of living rises; and
- 7.4 applies to basic salary only; any other allowances, enhancements or benefits relating to the employee's previous post or working patterns are excluded from protection, as they will not transfer into the new role.

8. Consultation

When it is not possible to avoid making compulsory redundancies, we will advise all affected employees and, where appropriate, recognised trade unions and/or employee representatives that compulsory redundancies cannot be avoided.

9. Collective consultation

Where the College plans 20 or more redundancies within a ninety-day period at a single establishment, there will be a minimum period of consultation as detailed below depending on the number of proposed redundancies (known as "collective consultation"):

- 9.1 30-day consultation where the College is proposing to dismiss as redundant between 20 to 99 employees; or

- 9.2 45-day consultation where the College is proposing to dismiss as redundancy 100 or more employees.

In collective consultation situations, the College:

- 9.3 will comply with its statutory duty to notify the Secretary of State; and
- 9.4 has a legal duty to consult with recognised trade unions or employee representatives with a view to reaching agreement.

10. Individual consultation

Where the College is proposing to dismiss less than twenty employees, there is no statutory minimum period for consultation. However, in the interests of good employee relationships, the College will consult at the earliest opportunity.

In all redundancy situations, the College will consult individually with those employees who are at risk of redundancy. This will involve a meeting with a HR representative and/or a member of the senior leadership team and/or Head of Department.

During individual consultation meetings employees at risk of redundancy may be accompanied by a Trade Union representative or a colleague.

11. Content of consultation

Consultation will usually cover the following, but will vary depending upon the circumstances of each redundancy situation and individual employees' circumstances:

- 11.1 the reasons for the proposals;
- 11.2 the numbers and descriptions of posts proposed to be declared as redundant;
- 11.3 the total number of employees of any such description employed;
- 11.4 the proposed method of selecting employees for redundancy;
- 11.5 the proposed methods of carrying out the dismissals;
- 11.6 the period over which the dismissals are to take effect;
- 11.7 the proposed method of calculating any redundancy payment;
- 11.8 the proposed method of avoiding dismissals;
- 11.9 the proposed method of reducing the number of employees to be dismissed; and
- 11.10 the proposed method of mitigating the effects of any redundancy.

12. Selection criteria

Where it becomes apparent that compulsory redundancies will be required, the College may choose to implement selection criteria to determine who is to be made redundant. The selection criteria will be transparent, capable of objective measurement and non-discriminatory.

The College will seek to agree the selection criteria with the recognised trade unions and/or representatives of those affected by the proposals. Where agreement cannot be reached, the College reserves the right to make the decision of what selection criteria will be applicable.

The selection criteria will be based on the skills required to meet the College's existing and anticipated needs. The College has outlined below some of the criteria it is likely to consider. However, this list is not exhaustive and each redundancy situation will be considered on its own facts and devised with regard to the particular situation:

- 12.1 skills/ability/efficiency/flexibility/team working;
- 12.2 experience and qualifications;
- 12.3 attendance (including the employee's Bradford factor score);
- 12.4 conduct, disciplinary record (taking into account the reasons for poor conduct); including any letters of concern held on file;
- 12.5 standard of work performance and quality of work;
- 12.6 suitability to perform the tasks that will be required;
- 12.7 customer focus; and
- 12.8 cost.

13. Redundancy payments and notice pay/periods

Where selection for redundancy is confirmed, employees who have the relevant qualifying period of employment (currently two years) will be entitled to a statutory redundancy payment. The College may, at its discretion, use a different calculation to calculate redundancy payments. This will be considered on a case by case basis.

Notice of termination of employment will be provided in writing. The employee's contractual or statutory period of notice (whichever is the greater) will apply. The notice of termination of employment will specify whether the employee is required to work their notice, go on gardening leave or whether they will be paid in lieu (at the discretion of the College).

Employees under notice of redundancy may be entitled to take a reasonable amount of paid time off work to look for alternative employment or to arrange training for future employment.

The College will give due consideration to the relevant provisions in the College pensions schemes (Teachers' Pension Scheme or Local Government Pension Scheme operated by Kent County Council) concerning early retirement and or redundancy. However, such considerations will only be applicable to staff who are contributing to the pension scheme prior to the 'at risk' announcement.

14. Appeal

Any employee dismissed and dissatisfied with the decision arising from the operation of this policy may appeal in writing, setting out the grounds of this appeal within five days of its notification, to the HR Manager.

Following receipt of the appeal application, HR will write to the employee informing them of the date, time and place of the appeal hearing, which will be held without unreasonable delay, and will be heard by the Principal (or designate). The employee will be allowed to be accompanied by their Trade Union Representative or a colleague at the appeal hearing.

Once the appeal has been heard, the College will send a written decision within a reasonable period of the hearing. The decision of the College on appeal shall be final. The College may decide to refuse the appeal or uphold all or part of the appeal.

Where the decision is to uphold the appeal and part, or all of the redundancy payment has been made, the employee will be required to return the payment.

15. Redundancy and Maternity

If an employee's job is affected by a redundancy situation occurring during their maternity, adoption or shared parental leave, the College shall write to inform them of any proposals and shall invite the employee to a meeting before any final decision is reached as to redundancies.

Employees on maternity, adoption or shared parental leave shall be given first refusal on any suitable alternative vacancies that are appropriate to their skills.