



REDUNDANCY POLICY AND PROCEDURE

POLICY

1. Policy statement

- 1.1 The College is committed to ensuring that, if redundancies were to become necessary, they would be kept to a minimum wherever possible. The College will seek to avoid making posts compulsorily redundant and our priority would be to find alternatives to redundancy through consultation with the Joint Union Management Consultative Group (JUMCoG) and at other relevant meetings.
- 1.2 The College will plan in advance to anticipate matters that affect its mission so that the need for redundancy of posts and staff is, if possible, avoided. It will be part of the normal College planning process to ensure the long-term viability and success of the College.
- 1.3 This policy and accompanying procedures have been produced to provide a definitive framework that promotes good practice and to ensure that the College complies with all relevant legislation. It is also designed to ensure that the College is ready to respond to any potential or actual redundancy situation in a manner that is fair, consistent, objective and in accordance with our Equality and Diversity Policy.
- 1.4 All BHASVIC employees have the right to be informed when these procedures are invoked unless this causes a breach in confidentiality.
- 1.5 Professional advice and support should be sought and will be provided at all stages of the redundancy process by the Personnel Manager.

2. Scope of policy

- 2.1 This policy applies to all staff employed on a permanent contract of employment at the College or on a fixed term or temporary contract of employment with the College prior to the planned end date of that contract.
- 2.2 If employment ends on the expiry of a fixed term contract, the employee will not normally be entitled to statutory redundancy pay.

3. Monitoring and review of policy and procedures

- 3.1 The Personnel Manager will advise on all redundancy matters and, where necessary, will intervene to ensure that the policy and procedures are upheld.
- 3.2 This policy and procedures will be reviewed every 3 years.
- 3.3 Where necessary, the policy and procedures will be reviewed more frequently to ensure compliance with legislation.

Related documents

- Equality and Diversity Policy
- Trade Union and Labour Relations (Consolidation) Act 1992
- Employment Rights Act 1996
- The Employment Act 2002
- Data Protection Act 1998
- The Collective Redundancies (Amendment) Regulations 2006
- JUMCoG Constitution

REDUNDANCY PROCEDURE

Where a reduction in the number of employees is being considered:

1. The Principal will circulate relevant information to employees directly affected by the changes and to relevant recognised trade unions, proposing a meeting for further discussions to take place. The Principal may wish to reassure staff that the College will endeavour to achieve any necessary reductions by voluntary rather than compulsory redundancy, wherever it is consistent with the needs of the College, and express a willingness to discuss informally, on a totally without commitment basis, an individual employee's position with respect to voluntary redundancy arrangements.
2. At the meeting, the information should be presented again and comments/questions invited. If, as a result of the meeting and individual discussions with employees who have expressed an interest in voluntary redundancy, the Corporation's target staffing level cannot be achieved then it may be necessary to consider introducing compulsory redundancy arrangements. The Corporation will need then to agree its criteria for selecting employees for redundancy.
3. Employers have a statutory duty to consult relevant recognised trade unions in good time once redundancies are proposed. In addition, they should also consult individual employees who may be concerned. This duty applies even when only one employee is to be made redundant and even when the employees to be made redundant are volunteers, or would not be entitled to redundancy payments, irrespective of whether or not they are members of one of the recognised trade unions. Consultation should take place in good time. Current legislation requires that consultation must in any event begin at least 30 days before the first dismissal takes effect if between 20 and 99 employees are to be made redundant at one establishment over a period of 90 days or less. Where fewer than 20 employees are to be made redundant, it is recommended that the consultation period should be of at least 28 days. Individual periods of notice due to employees to be made redundant may run concurrently with their statutory minimum consultation periods, although it is good practice, in terms of allowing for meaningful consultation, to undertake consultations before redundancy notices are issued.
4. Under the Trade Union and Labour Relations (Consolidation) Act 1992, such consultation should include consultation about ways of:
 - (a) avoiding dismissals;
 - (b) reducing the number of employees to be dismissed; and
 - (c) mitigating the consequences of the dismissalsand should be undertaken with a view to reaching agreement with the trade unions.
5. As part of that consultation, under section 188 of the Trade Union and Labour Relations (Consolidation) Act 1992 employers have a statutory duty to disclose in writing the following information:
 - (i) the reasons for the proposals;
 - (ii) the numbers and descriptions of posts it is proposed to dismiss as redundant;
 - (iii) the total number of employees holding such posts at the College;

- (iv) the proposed method of selecting the employees who may be dismissed;
 - (v) the proposed method of carrying out the dismissals, with due regard to any agreed procedure, including the period over which the dismissals are to take effect;
 - (vi) the proposed method of calculating the amount of any redundancy payments to be made (where such payments are in excess of the statutory minimum) to employees who may be dismissed.
6. All points made by the union representatives and employees concerned must be considered and reasons given in writing if any point is rejected. At this stage, suitable alternative employment for any employees concerned must also be considered.
 7. Employees under notice of redundancy will be given reasonable time off to seek alternative employment.
 8. The Principal should ensure that employees selected for redundancy are notified in writing and advised of the estimated level of settlement and notice period they will receive. Employees will also be informed of their right to appeal against the decision to an appropriate Committee of the Corporation. Appeals should be lodged in writing to the Corporation within 10 working days of the receipt of the letter informing the employee of the decision. The decision at appeal is final.

Fixed-Term Contracts

9. Where a fixed-term contract is due to come to an end for reason of redundancy, the same redundancy procedures will apply.

Guidance

10. In the event of an redundancy situation, the SFC Employers' Guide on Redundancy Issues (November 2006) will be followed by the Principal, supported by the Personnel Manager.

Document History: Approved by Corporation March 1999 Approved at Corporation July 2005 & July 2008
--