

# **Redundancy Procedure**

## Version Control History

<b>Version Number</b>	<b>Date of Change</b>	<b>Summary of Revisions Made</b>
1.0	October 2009	Redundancy Policy – approved by JNC
2.0	May 2019	Approved by Board of Management, subject to changes being made. Final approval given May 2019
2.1	April 2023	Updated job titles and other updates to ensure statutory compliance. Rebranded to new branding. Footer Updated to reflect new template
2.2	April 2024	Changed reference from the College to UHI Perth Updating of weblinks and reference to counselling service - from Rowan Counselling to Optima Health Updating of job titles and roles where required Removal of definition section Removal of reference to settlement agreements Addition of reasonable adjustment section
2.3	November 2024	Updating of job titles and roles where required Removal of reference to staff consultation forum Removal of sections on redeployment and training, suitable alternative roles, trial periods, pay protection and addition of referral to separate redeployment procedure Updating of support links Removal of linked policies and legislation

# Redundancy Procedure

## 1 Purpose

This procedure can be invoked as part of an organisation change procedure or when a fixed-term contract or fixed funding ends.

UHI Perth is committed to protecting job security for staff, as far as practically possible. On occasions where that is not possible UHI Perth will follow the steps detailed in this procedure by way of attempting to avoid redundancy. In cases where a redundancy cannot be avoided, UHI Perth will undertake the steps described in relation to support, redundancy payments and notice periods to minimise the impact such a situation can have on staff affected.

## 2 Scope

This procedure provides a structured approach to managing a redundancy situation in a transparent way.

## 3 Responsibilities

The Director of HR and Organisational Development (HROD) is responsible for the content and legal compliance of the procedure.

Line managers and HR staff are responsible for the proper application of this procedure.

The Risk and Project Officer is responsible for quality control and will arrange for completed procedures and EQIAs to be posted on the web.

## 4 Reasonable Adjustments

At all points of the procedure if staff need reasonable adjustments need to be made then where possible and appropriate these will be accommodated eg accessibility of information, alternative timescales, adjustments within a job description.

## 5 Definition of Redundancy

A redundancy situation arises when:

- The employer has ceased, or intends to cease, to carry on the business for the purposes of which the employee was so employed.
- or
- The employer has ceased, or intends to cease, to carry on the business in the place where the employee was so employed.

or

- 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.

or

- 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.

## 6 Types of Redundancy

UHI Perth recognises that a redundancy situation can arise from various scenarios, the below outlines what these scenarios are and how UHI Perth will address these.

### Organisational Change

The Organisational Change Procedure outlines the process for managing organisational change projects. If staff are identified as "at risk" of redundancy this procedure should be enacted.

### Expiry of Fixed Term Contracts

As of 06 April 2013, the expiry of fixed term contracts at the predetermined end date are excluded from collective consultation. However, should the contract end earlier than planned, collective consultation will apply. In addition, individual consultation will apply to both scheduled and early termination of fixed-term contracts.

### Expiry of Fixed Funding

For a member of staff employed on a permanent contract that is funded by fixed funding, which comes to an end, individual and collective consultation will apply.

## 7 Consultation

UHI Perth will notify both affected staff and the unions at the earliest possible opportunity of the reasons for the proposed redundancy and any proposals for avoiding this redundancy.

UHI Perth is committed to undertaking meaningful consultation and defines this as:

- Commencing consultation with union representatives and affected staff when proposals are still at a formative stage.
- Providing detailed information which allows for the staff and unions to ask questions and respond with solutions.
- Providing project timelines that allow adequate time for staff and unions to meet and discuss options and receive responses to queries.
- Genuine consideration of all staff and union alternative suggestions and if these are not adopted the rationale for this will be provided.

- Attendance at the JNC by the appropriate member of management/Senior Leadership Team (SLT) to ensure consultation takes place at a sufficiently detailed level.

## **Collective Consultation**

Collective consultation will consider ways in which any potential redundancies could be avoided, reduced or the effects minimised and takes place with the recognised trade unions.

The trade unions will be notified, in advance of informing staff, in writing of the potential redundancy and this notification will include the following:

- The reasons for the change proposal.
- The numbers and descriptions of members of staff who may be "at risk" of redundancy.
- The total number of employees of that description employed at UHI Perth.
- The proposed method of selecting any members of staff who may be "at risk" of redundancy.
- The proposed method of carrying out any dismissals with due regard to agreed procedure, including the period over which dismissals are to take effect.
- Confirmation of the method of calculation of redundancy payments for members of staff who may be dismissed.
- The length of the consultation period, determined by the number of employees affected by the organisational change proposal, at least 30 days when the proposal affects 20 to 99 staff and 45 days when the proposal affects more than 100 staff.

The change proposal will be placed on the agenda of the next JNC, and further documentation and/or updates will be provided to the appropriate union(s) throughout the collective consultation period. If the next JNC is not timely an extra-ordinary meeting will be convened to discuss the potential redundancy situation.

This letter will mark the start of the consultation period.

## **Individual Consultation**

If a member of staff is identified as "at risk" of redundancy" UHI Perth will enter into individual consultation with the affected staff member(s). All staff will be offered the opportunity to be accompanied at these meetings and HR will also be in attendance. For staff who are absent, arrangements will be made to ensure a consultation meeting is conducted.

The purpose of this meeting is to provide the reason for the post being "at risk" of redundancy and to discuss ways of avoiding the redundancy. UHI Perth will also request that staff provide a CV at this point to ensure that it is aware of all skills and

expertise in advance of searching for redeployment opportunities. Several individual consultation meetings may take place during the consultation process.

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## **8 Avoiding or Minimising Redundancy**

UHI Perth will work with staff and trade union representatives to try and avoid or minimise the number of redundancies. UHI Perth will give considerations to any measures suggested by staff or union representatives. The following measures will be considered in all cases of potential redundancy and may be utilised in isolation or in combination to avoid a redundancy. This list is not exhaustive and UHI Perth is open to alternative suggestions.

- Full or Partial Recruitment Freeze (this could involve ceasing the advertisement of posts).
- Reduce the number of bank staff used to utilise those "at risk" of redundancy
- Reduction or elimination of overtime where possible
- Reduction in working hours
- Part-time working
- Term-time working
- Job shares
- Reduction of staff levels by natural wastage
- Redeployment to other roles in UHI Perth
- Ending employment of external contractors
- Voluntary early retirement
- Voluntary severance/redundancy
- Sabbatical or secondment

## **9 Redeployment**

For details about redeployment, training, suitable alternative roles, trial periods and salary protection etc please see separate redeployment procedure.

## **10 Redundancy Pay and Notice**

All employees who are to receive redundancy payments will be given a written notification of the formula by which their redundancy pay has been calculated. Redundancy payments apply to all staff with 2 years reckonable service or more.

### **Notice**

Where selection has been confirmed notice of termination will be in accordance with contractual and legal entitlements. In certain circumstances, where it is deemed appropriate by UHI Perth it may be agreed to provide payment in lieu of notice.

## **Statutory Payment**

The calculation for redundancy payments will be based on the statutory redundancy payment scheme, and will therefore comprise elements of:

- Length of service
- Age
- Weekly pay

## **Enhanced Payment**

There is no contractual right to any additional redundancy payment in addition to the Statutory Entitlement. However, UHI Perth may, at their sole discretion, decide to offer such additional payments. The total of any payment, which may be made will comply with Her Majesty's Revenue and Customs' ("HMRC") rules around payment of income tax and NI.

## **11 Right of Appeal**

Any appeal against a decision of selection for redundancy must be submitted within 10 working days of the date of the outcome letter. This appeal should state the grounds of the appeal and should be submitted to the person named in the redundancy outcome letter. An appeal panel will be appointed with appropriate membership depending on who made the redundancy decision, noting that the person making the decision will not be on the appeal panel.

The relevant Manager/member of SLT will be in attendance to present their case and respond to the appeal. HR will be in attendance to ensure procedural accuracy.

The decision of the appeal panel is final and there is no further right of appeal.

## **12 Support**

UHI Perth understands that any member of staff "at risk" of redundancy will find this a difficult process and as such offers a variety of support mechanisms for staff.

### **Counselling Service**

UHI Perth offers a confidential counselling service through its Employee Assistance Programme and is a safe space to discuss and seek help with any aspect of life. However, under these specific circumstances it can provide techniques to help with reducing stress or an opportunity to talk with someone completely independent. UHI Perth supports staff with 6 counselling sessions in the first instance.

Details of how this service can be contacted can be found on PerthHub and is available from HR.

Members of staff can also access counselling services through Recourse, Supporting Education professionals:

<https://www.educationsupport.org.uk/get-help/help-for-you/helpline> 24 hours a day, 7 days a week, telephone counselling service. They can be contacted on 08000 562 561.

NHS 24 offers a free telephone service for guided self-help and CBT called Living Life. This is open Mon-Fri 1pm to 9pm and can be contacted on 0800 328 9655. Further details can be found at: <https://www.nhs24.scot/how-we-can-help/living-life/>

## **Occupational Health**

Occupational Health can also provide pro-active interventions with management if required under these circumstances, acting in the best interests of both employees and UHI Perth. To access this please speak to your line manager and/or HR.

## **Other Support**

For staff who have been provided with notice of redundancy UHI Perth will undertake the following:

- Allow for paid time off to seek alternative employment, attend interviews and training/CPD, via the normal approval lines.
- Outplacement support, this offers staff the opportunity to have personal support to determine what next steps to take and have expert input into achieving those goals.
- Time to spend with union representative for support and to access help with CV writing.