

Guidelines for Dealing with Redundancy and Redeployment

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1.0 General Principles

- 1.1 This document identifies the guiding principles and approach to be adopted by the University when faced with possible redundancies.
- 1.2 Insofar as national funding of Higher Education allows, the University will, as a general principle, seek to minimise redundancies by careful recruitment practices, staff development and forward planning.
- 1.3 The University acknowledges the impact that the threat of redundancy has on employees. It will seek to ensure fairness and objectivity throughout the process of selecting members of the workforce for redundancy, and make reasonable efforts where possible to find alternative employment.
- 1.4 The University will involve the Trade Unions at an early stage in consultation, and will warn and consult with affected employees in a timely fashion.
- 1.5 There is no statutory entitlement for employees to be accompanied at meetings under a redundancy procedure. However, the University recognises that this is helpful and, wherever possible, will facilitate requests from employees to be accompanied by a Trade Union representative or colleague at a meeting connected to the redundancy process.
- 1.6 Formal meetings can take place virtually or in person, depending upon the employee's work location profile, the nature of the case and the preferences of those involved.
- 1.7 Employees with fixed term contracts have the right not to be treated less favourably than comparable permanent employees on the basis of their fixed-term status, unless the different treatment can be objectively justified.
- 1.8 Nothing within these guidelines shall be construed as over-riding or excluding any provision of Statute 8 concerning the dismissal of an employee who is covered by Statute 8 by reason of redundancy or for good cause.
- 1.9 The University will ensure that good equal opportunities practice in relation to current legislation is adhered to in the practices arising from these Guidelines.
- 1.10 It should be remembered that it is the post that is becoming redundant, not the person and therefore there should be no automatic selection for redundancy of the post-holder without considering the "redundancy pool".
- 1.11 Employees absent due to Maternity, Adoption and Shared Parental leave (and for a period of time after this leave) are entitled to a redundancy protection period, during which an employee is entitled to special considerations:
- 1.12 **Pregnancy and Maternity:** Should a redundancy situation occur in posts where employees are either pregnant, on maternity leave and for 18 months after taking the relevant leave, before those employees are made redundant, the University will offer them suitable alternative employment where it exists in priority to anyone else who is provisionally selected for redundancy.

- 1.13 **Adoption:** Should a redundancy situation occur in posts where employees are on Adoption Leave and for 18 months after the child's placement for adoption or the date, they entered Great Britain (in the case of overseas adoptions), before those employees are made redundant, the University will offer them suitable alternative employment where it exists in priority to anyone else who is provisionally selected for redundancy.
- 1.14 **Shared Parental Leave:** Where an employee has taken period of six consecutive weeks' Shared Parental Leave, they are entitled to a redundancy protection period. This protection means that should a redundancy situation occur, before making employees, who are on Shared Parental Leave and for 18 months after taking the relevant leave are made redundant, the University will offer them suitable alternative employment where it exists in priority to anyone else who is provisionally selected for redundancy.
- This protection period applies to employees' who have taken a period of six consecutive weeks' Shared Parental Leave. However, if employees have taken Maternity or Adoption Leave prior to taking Shared Parental Leave they are entitled to the protected period for that original Maternity or Adoption Leave, not a further extended period for subsequent Shared Parental Leave.
- 1.15 Employees may need to apply for available suitable alternative employment on a restricted competitive basis where there are two or more employees where protection period applies.
- 1.16 An employee on a period of Maternity, Adoption or Shared Parental leave will also be included in any consultation process.
- 1.17 In accordance with section 152(1) and section 153 of the Trade Union and Labour Relations (Consolidation) Act 1992, an employee may not be selected for redundancy where the main reason or, if more than one, the principle reason is on grounds of union membership or activities.
- 1.18 The University will seek to avoid compulsory redundancies wherever it is possible to do so. These will only be implemented when other avenues have been exhausted.

2.0 Overview of these Guidelines

- 2.1 These guidelines explain the main principles concerning redundancy. They are divided into a number of sections, each of which deal with a specific aspect of the redundancy process.
- Section 3 clarifies when these guidelines apply.
 - Section 4 explains what is meant by 'redundancy'.
 - Section 5 explains how to provisionally select appropriate employees when faced with a proposed redundancy of one or more posts.
 - Section 6 explains the need to consult with provisionally selected employees and, where appropriate, Trade Union representatives.
 - Sections 7 and 8 focus on a particular aspect of consultation, that of consideration of alternative employment; they cover looking for alternative employment and offering alternative employment respectively.
 - Section 9 covers redundancy payments, in cases where it has not been possible to find permanent alternative employment.

- Section 10 provides employees with the right to appeal if they feel they have been unfairly selected for redundancy or if they believe they have been incorrectly or unfairly treated during the redundancy process.
- Section 11 sets out the assistance the University will give to employees provisionally selected for redundancy and section 12 deals with revisions of the guidelines.

3.0 Application of these Guidelines

- 3.1 These guidelines apply where redundancy has been identified as the reason for dismissal (see section 4 below), irrespective whether an individual is classed as a campus worker, hybrid worker or home worker.
- 3.2 The University frequently employs people for short periods to cover such eventualities as sickness, maternity leave or specific temporary workflow problems; it is not intended that those employed under these, or other similar conditions be covered by these guidelines. Individuals employed for these specific short term reasons will be notified in advance when they take on such work that the ending of their contract will not be considered as a redundancy.

However, employees taken on in this way who are then offered continued employment will possibly be covered by these guidelines and clarification will be provided by the HR Services and notified to the individual.

- 3.3 These guidelines are not intended to apply to any situation where, as a result of any restructuring or re-organisation, there is no overall reduction in head count and where the posts within the new structure are very similar to the old. In this situation, namely, where employees are, in essence, undertaking the same role in their new post as in their old, employees will be expected to undertake the new role and no redundancy situation will arise, although the relevant Trade Union and affected employees will be consulted throughout the process

4.0 The meaning of Redundancy

4.1 Redundancy arises when employees are dismissed because:

- 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 have 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, have ceased or diminished or are expected to cease or diminish.

4.2 In cases where a fixed term contract is due to expire, the [University's Code of Practice on Fixed Term Employees](#) must be followed. Where it has been identified through the process set out in the University's Code of Practice on Fixed Term Employees that it is not possible to extend the fixed term contract, *usually* the reason for not extending the contract will fall under the definition of redundancy (see 4.1). The HR Services will confirm the reason the contract is not extended and, where it is because of redundancy these redundancy guidelines must be followed.

5.0 Selection

5.1 As is explained in section 3.3, these guidelines are not intended to apply to a situation where, as a result of a restructuring or re-organisation, there is no overall reduction in head count and where the posts within the new structure are very similar to the old. However, where restructuring or re-organisation **does** result in an overall reduction in head count, or where the posts available after restructure or re-organisation are likely to be different to those currently held by

the affected employees (thereby triggering redundancy), steps will be taken to identify those employees who may be potentially selected for redundancy.

- 5.2 Where it appears that redundancies cannot be avoided it may be necessary to establish the “pool” from which selections for redundancy are to be made. Provisional selection for redundancy will be determined by considering appropriate selection criteria (see below, in the remainder of this section 5). There will be no need for selection criteria where there are no other employees who carry out the same, or similar work, or whose skills are interchangeable. It should be remembered that it is the post that is becoming redundant, not the person and therefore there should be no automatic selection for redundancy of the post-holder without considering the “redundancy pool”.
- 5.3 It is not intended to have only one agreed set of selection criteria. For any circumstance in which there is more than one person within a selection pool, the appropriate Human Resources Business Partner (HRBP) will liaise with the appropriate manager/s to establish the specific details of each case. The Dean of Faculty or Head of School or Director of Division/Service, together with the line manager and HRBP (or their nominated representatives), will then decide upon the appropriate criteria in the interest of the business of the University. Following this, the HRBP will consult with the relevant campus Trade Unions with a view to reaching agreement on the criteria, or criterion, to be used. Such consultation will be with a view to reaching agreement.
- 5.4 The following are examples of objective criteria that may be used as selection criteria for redundancy. Care will also be taken that the criteria are not directly or indirectly discriminatory on grounds of age, gender, race, disability, religion or belief, sexual orientation, gender reassignment, marriage or civil partnership, pregnancy or maternity leave, fixed-term status or part-time work and, while the list below is not definitive and may be subject to change, criteria are likely to include one or more of the following:
- Relevant qualifications
 - Knowledge/skills
 - Experience
 - The needs of the service
 - Adaptability/flexibility
 - Standards of work performance and aptitude for work*
 - Attendance/disciplinary record*

*These will only be used as criteria for selection where an objective process exists which can be applied to all those affected.

- 5.5 The University will determine selection criteria prior to assessment of individuals against these criteria. Where a situation involves individuals across Schools, Faculties and/or Divisions, the Human Resources Business Partnering team (HRBP team) will ensure consistency of application of criteria.

5.6 Any employee provisionally selected for redundancy will be notified of the criteria which have been used for redundancy assessment. These employees will be notified of their assessments against these criteria and will be able to challenge these assessments against these criteria already adopted (which may subsequently result in changes) before a final decision is taken.

6.0 Consultation

6.1 The University acknowledges that in potential redundancy situations good communications and early consultation is important. Consultation will take place in line with current employment legislation and regardless of legal deadlines will occur at the earliest possible opportunity. In any case where an employee is identified as at risk of redundancy, as defined in 4.1 above, the employee will be contacted individually and advised:

- why and how they are at risk of redundancy,
- of any appropriate vacancies or re-deployment opportunities, and
- of any practical support available to them.

One important aspect of consultation with the employee involves consideration of alternative employment. This issue is considered separately in sections 7 and 8 below.

Additional consultation with appropriate employee representatives may be necessary and is explained in the remainder of this section 6 below.

6.2 Where consultation with Trade Union representatives is required by existing employment legislation, the existing relevant TU Consult staff representatives, or their nominated deputies, will constitute appropriate employee representation for the purpose of redundancy consultation

6.3 In cases of restructuring or re-organisation, information will be provided to the relevant campus Trade Unions as soon as is practicable. This will include information concerning the proposed changes and which posts may disappear or be significantly affected.

6.4 No final decision as to whether an employee is to be made redundant will happen until consultation has taken place.

7.0 Searching for alternative employment

7.1 As part of the consultation process set out in section 6 above, the University will consider whether there is any alternative employment which would be appropriate for any employee provisionally selected for redundancy.

7.2 The HRBP will consider the medium for placement of the advertisement for any vacancy taking into account all relevant factors, including specific operational needs. Consideration will first be given to limiting advertisement to redeployees

only. However, where it is necessary to comply with immigration or other legislation, terms of funding or other relevant factors, the University will consider simultaneously advertising the vacancy internally and externally.

- 7.3 In the event of internal restructures which result in a reduction of posts, either overall or within one or more of the grades affected by restructuring, the university may, following consultation with the relevant trade union representatives, 'ring-fence' posts to enable only those affected by the restructuring to apply.
- 7.4 All employees who have been provisionally selected for redundancy may choose to be entered on to the University's [Redeployment Register](#) (see [appended letter](#) regarding the Redeployment Register).
- 7.5 Any employee at risk of redundancy and on the Redeployment Register may approach the HRBP team for advice on CV construction, completion of the application form and interview guidance.
- 7.6 Employees at risk of redundancy are entitled to remain on the Redeployment Register until the date of termination of their contract or until they obtain suitable alternative employment, whichever is the sooner.

8.0 Offer of alternative employment

8.1 Where either:

- a suitable alternative post within the University's employment is located by the University, or
- a job is found by an employee due to their membership of the Redeployment Register

and the job is offered to and accepted by an employee who has been provisionally selected for redundancy, then (subject to section 8.2 below) if the provisions of the new contract differ from the original contract, the employee will be entitled to a four-week trial period in the new post. If retraining is needed the trial period can be extended beyond four weeks by written agreement between the employee and the line manager (after consultation with the HRBP), up to a maximum of three months.

8.2 Where suitable alternative employment has been identified, either by the University identifying a position or by the employee's initiation via the Redeployment Register, in order for continuity of employment to be preserved the alternative employment must be offered before the old contract of employment expires and must start immediately after the old job ends or within a period of four weeks from that time. If the provisions of this section 8.2 are complied with then, subject to 8.3 below, the employee will not be entitled to a Statutory Redundancy Payment.

- 8.3 If the employee wishes to end the new contract within the four-week trial period as they do not consider it to be suitable alternative employment, or the University wishes to end the new contract within the four-week period for a reason connected with the new job, the employee will be considered to have been made redundant from the date their original job ended. In this situation a Statutory Redundancy Payment would still be made if the employee otherwise qualifies for such a payment.
- 8.4 During the trial period regular review meetings should take place between the line manager and employee and written notes of these meetings must be kept. If, at the end of the four-week trial period or, in the case of retraining, the agreed *extended* period, the employee is still in the alternative job, they will be deemed to have accepted the post. In this situation employment with the University continues and therefore no redundancy payment is made.
- 8.5 The University will seek to maximise opportunities for re-deployment but employees cannot be retained on a supernumerary basis beyond the final date notified at the outset. Therefore, where redeployment to a suitable alternative role is not possible, and other measures to avoid compulsory redundancies have been exhausted, the employee will be made redundant on the date originally notified.

9.0 Redundancy Payment

- 9.1 If consultation has been exhausted and no alternative employment is available and, where the employee is entitled to such a payment, the University will pay to the employee a Statutory Redundancy Payment. For entitlement to a Statutory Redundancy Payments, under the Employment Rights Act 1996, redundancy is deemed to have arisen when employees are dismissed as defined in section 4 above.
- 9.2 To qualify for a Statutory Redundancy Payment:
- an employee must have a minimum of two years' continuous service at the date of dismissal;
 - the employee must have been dismissed, rather than resigned, for a reason defined as redundancy; and
 - there must have been no suitable alternative employment available, or suitable alternative employment was not considered suitable following a trial period.
- 9.3 Where an employee is eligible for a Statutory Redundancy Payment, the University's standard practice is to make a payment of Statutory Redundancy Pay in line with the statutory minimum at the current prevailing rate, based on the employee's weekly earnings at the time of redundancy. Any benefit paid in addition to a Statutory Redundancy Payment is entirely discretionary and does not form part of any employee's employment contract.

10.0 The right of appeal against dismissal on grounds of redundancy

10.1 Employees who are made redundant will have the right of appeal if they feel they have been unfairly selected or if they believe they have been incorrectly or unfairly treated during the redundancy process. Employees wishing to appeal should provide full details of the complaint to the Director of People & Culture as soon as reasonably possible and ideally no later than the date of termination in order that the complaint may be considered without delay.

11.0 Assistance to Employees facing Redundancy

11.1 The University will make every reasonable effort to help identify suitable alternative employment as an alternative to redundancy.

11.2 Reasonable paid time off to look for work will be given if the employee is under notice of dismissal for redundancy subject to prior approval of the Director of People & Culture or their representatives.

11.3 While under notice of redundancy, an employee, under certain circumstances and in accordance with employment legislation, may leave and still receive a Statutory Redundancy Payment.

11.4 The People & Culture Division will provide as much support and assistance as possible to those affected.

12.0 Revision of Guidelines

12.1 Changes to these Guidelines will be made in accordance with Government Legislation and amendments to the Statutes and Related Ordinances.

Fixed Term Contract End Consultation Process
Option 2 letter (replacing FTC-C)

People & Culture Division
University of East Anglia
Norwich Research Park
Norwich NR4 7TJ
United Kingdom

Dear []

Following the consultation meeting held with your [PI or line manager], I am writing to let you know that funding for the continuation of your employment in your present role is being actively explored and I hope to be able to write to you shortly to confirm the details of an extension.

However it is important to make you aware at this stage that your [PI or line manager] has not been able to identify any similar employment in your immediate working area into which you can be moved, which means that if we are unable to secure the anticipated funding, or to identify alternative employment by the end of your fixed term contract, you will be made redundant.

While we anticipate that funding will be available, I would like to invite you to join the Redeployment Register so that you can be made aware of vacancies that may provide suitable alternative employment within the University. The purpose of the Redeployment Register is to ensure that those on it are guaranteed an interview for any advertised post within the University in which they are interested, provided they meet the minimum essential person specification.

Entry onto the Redeployment Register is triggered by completion and return of the attached form to the HR Services. It serves as confirmation that you are on the Redeployment Register and enables the relevant HRBP team member to review the details provided in relation to vacancies that arise.

Information on [current vacancies](#) can be accessed on the People & Culture Portal pages. You are also able to register on the UEA's [web recruitment site](#) to enable you to receive notifications of vacancies as they occur.

If you do see a vacancy in which you are interested please contact the HR Services by email to hr.supportcentre@uea.ac.uk prior to or immediately after submitting your application. An application will need to be completed in the usual way and, while we cannot guarantee that you will be appointed to any such vacancy, if you meet the essential criteria of the person specification for the post, we will contact the recruiting manager to ensure that you are invited for interview if you meet the essential

criteria for the post. However, to ensure this you must contact the HR Services before the closing date to let them know you are submitting an application.

Advice on CV construction, completion of the application form or interview guidance is available and, if you have not attended an interview for some time you may find this useful. If you wish to take up this assistance, please contact me.

I will be in touch to update you on the progress of the discussions. Please do not hesitate to contact me if you have any questions.

Yours sincerely

enc: [Redeployment Register Sheet](#)

cc PI or line manager, HoS as appropriate

REGISTRATION FORM FOR REDEPLOYMENT REGISTER

STRICTLY CONFIDENTIAL

EMPLOYEE DETAILS	
Employee Last Name: _____	Employee First Name(s): _____
Employee Number: _____ <small>* Available via MyView</small>	Current Post Title: _____
Division/Faculty: _____	Department/School: _____
Contract end date (where applicable): ____ / ____ / ____	
Contact number(s) and email address:	
Summary of relevant Educational Qualifications:	
Summary of skills and/or abilities and/or work experience:	
Name of current line manager: _____	

- Please return this form to the [HR Services](#) where your details will be entered on the Redeployment Register.
- The information provided on this form will not be provided to a third party outside the People & Culture Division without your knowledge and consent.
- Once your employment has ended or you have been successful in finding further long-term employment you will be removed from the register and this form will be archived in your personnel file.

Signature: <small>*Written/e-signature needed</small>	Printed Name: _____	Dated: ____ / ____ / ____
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The University needs to collect and process staff personal data in order to function effectively as an organisation. Personal data will be collected and processed in accordance with the requirements of the General Data Protection Regulation (GDPR) 2018. Further information on what to expect when the University collects and uses your personal information can be found in our privacy notice.

<https://www.uea.ac.uk/about/university-information/statutory-and-legal/data-protection>