

# REDUNDANCY POLICY

<b>Audience:</b>	STAFF
<b>Requirement:</b>	Optional
<b>Policy Owner:</b>	Chief People Officer
<b>Review Delegation:</b>	Corporation
<b>Review Cycle:</b>	Every 2 years
<b>Last Review:</b>	September 2023
<b>Due for Review:</b>	September 2025

# **SOUTH HAMPSHIRE COLLEGE GROUP (SHCG)**

## **REDUNDANCY POLICY**

### **1.0 Statement of Principles**

- 1.1. This policy sets out South Hampshire College Group's (SHCG) agreed approach to redundancy.
- 1.2. SHCG's intention is that job security will be maintained wherever practicable and every effort will be made to avoid compulsory redundancies.
- 1.3. It must however be recognised that circumstances may arise which result in the group seeking to affect a reduction in staffing levels brought about by short or long term financial constraints, operational needs or other business reasons such as reorganisation, or restructuring.
- 1.4. In these circumstances the group recognises its statutory obligations with regard to redundancy and will act in accordance with good practice as set out by Advisory, Conciliation and Arbitration Service (ACAS) and the Association of Colleges (AoC).
- 1.5. Basic principles to be followed in all situations
  - There must be a genuine redundancy situation
  - The employer will consult in a timely and meaningful fashion with any affected employee and their representatives
  - All reasonable steps will be taken to avoid or minimise redundancies
  - Selection for redundancy will be on a fair basis, with a completed Equality Impact Assessment (Appendix 1) which will be shared with Union Representatives before, during and at the end of the process. This document will review in particular, the selection process to be adopted and measure the impact on staff from protected groups - age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion and belief, sex, or sexual orientation.
- 1.6. These principles will form the basis of the approach to redundancy situations.

### **2.0 Scope**

- 2.1. This policy applies to all staff employed by SHCG. This includes staff who transferred to SHCG via Transfer of Undertakings (Protection of Employment) Regulations (TUPE) on 1 August 2023.

### **3.0 Avoiding Redundancies**

- 3.1. While it is committed to the principle of maintaining job security, there may be circumstances affecting the College Group which could have implications for staff. Early consultation regarding such circumstances provides an opportunity to share the problem and explore the options with a view to avoiding the need to consider redundancies.
- 3.2. In attempting to avoid compulsory redundancies, consideration will be given to the appropriateness of some of the following measures on each occasion that a potential redundancy situation arises:
- Reduction of staff levels by natural turnover
  - Reduction of temporary or agency staff in areas where redundancies have been identified
  - Seeking volunteers for redundancy within the affected area and where appropriate, in other areas where those affected might have suitable transferable skills
  - Potential redeployment to other parts of the organisation, including to a different site in the College Group Restricting or freezing of external recruitment
  - Considering voluntary requests for part-time and flexible working in affected areas
  - Considering voluntary requests for job sharing
  - Seeking alternative funding, e.g. where funding for a particular project has expired
  - Seeking applications for voluntary redundancy from staff in posts that could mitigate the need to enforce redundancies
  - Ensuring that where redeployment is an option, this is fully supported with appropriate training and trial periods to enable staff to move to suitable alternative roles as an alternative to redundancy

#### **4.0 Consultation**

- 4.1. The Group is committed to a process of consultation with relevant trade unions and potential affected employees and during this process will engage in consultation at an early stage as possible. This might include informal consultation in the first instance.
- 4.2. If the Group has considered the appropriateness of the measures (listed at 3.2 above) and there is still a requirement for a reduction in the workforce, the appropriate Consultation procedure will apply as below:
- 4.3. Likelihood of fewer than 20 employees to be made redundant over a 90-day period  
If the College Group has to consider redundancy for fewer than 20 employees over a 90-day period, the College Group will ensure that these employees and their chosen representative will receive full details pertaining to the reasons for the redundancy position and information on potential for job redeployment.

Employees affected in this group will receive a minimum of 10 working days' consultation, but the Group accepts that the more employees affected (eg. over 10), the more time may be needed to ensure the consultation period provides sufficient time for a full and thorough consultation period with the employees affected.

4.4. Likelihood of 20 or more employees to be made redundant over a 90-day period.

Where there are to be 20 or more employees likely to be made redundant then the College Group has a statutory duty to inform and consult the workforce about proposed redundancies.

***Where TULR(C)A1992 obligations have been triggered, the College commits to separate, regular collective consultation meetings with recognised union representatives. This consultation phase should take place at least a week before individual consultation commences.***

4.5 The minimum period for consultation is prescribed by S188 of the 'Trade Union and Labour Relations (Consolidation) Act 1992', which requires that consultation with recognised trade unions (or employee representatives) must begin in good time and no later than:

- 30 days before the first dismissal takes effect where 20-99 redundancies are proposed; and
- 45 days before the first dismissal takes effect where 100 or more redundancies are proposed.

4.6 During consultation the below information will be provided:

- The rationale for the redundancy situation and the proposal of approach;
- The number and description of employees whom it is proposed to dismiss as redundant;
- The site or sites where the employees are based
- The total number of employees of that description employed at each site;
- The proposed method of selecting the employees who may be dismissed;
- 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; and
- That all redundancy calculations will be statutory entitlement only
- Equity impact assessments
- If relevant to the post holder, details of the Modification Order will be shared

4.7 All initial discussions with employees or representatives are delivered on the basis of proposed redundancies, making it clear that a firm decision will not be made until after the consultation exercise has been completed.

4.8 Individual meetings with employees provisionally selected for redundancy will also take place, these meetings will be opportunity for the individual to:

- Be provided with details of the proposed change/s and asked to consider these and to provide feedback on possible alternatives.
- Discuss how the group can mitigate the potential redundancy by such means as transferable skills and redeployment options, including the potential for retraining.
- Understand (if needed) the requirement to provide information about their skills, knowledge, experience and relevant personal circumstances to support redeployment to alternative employment be notified as to the criteria adopted to determine the selection for redundancy.
- Be provisionally informed of any entitlement to severance pay (and/or statutory redundancy payment)
- To submit, explain and share counter proposals
- Receive information and details about redeployment opportunities across the group

4.9 These consultation meetings will allow staff and managers to further investigate alternative solutions. It will also cover any redeployment and training opportunities, career counselling and support for obtaining other employment. Staff affected will also be advised of all current vacancies across the College Group and will, where essential criteria are met, be assured of an interview for relevant vacant posts. Staff will also be asked to provide up to date CVs to the Human Resources team for a skills review, which with their permission will be circulated to heads of section across the Group to ascertain whether any suitable work might be available.

4.10 As this is a formal process all Employees will have the right to be accompanied by either a union representative or colleague throughout the process.

## **5.0 Identification of Selection Pool and Selection Criteria**

5.1. If, having taken into account the measures to avoid or minimise redundancy, redundancy remains the only available option to the Group, the proposed criteria for selecting employees for redundancy will be discussed with the recognised trade union representatives and employees as part of the consultation process.

5.2. If there is a requirement to reduce the numbers of postholders carrying out similar roles, the group of employees from which redundancies are to be made will be identified and put in a 'selection pool.'

5.3. In situations where specific unique posts are no longer required, the affected employee/s will be met with on an individual basis and the reasons behind their redundancy will be fully explained. The employee is entitled to be accompanied by a trade union representative or a colleague. Opportunities for redeployment to suitable alternative positions will be considered at this time.

- 5.4. Where however one or more similar posts are potentially redundant and this work is carried out by a group of people with similar skills, the Group will use a selection process and staff will be invited to apply for the available posts. In this way all staff will get an equal opportunity to retain their employment. Selection will be ring-fenced to the affected department/function except in exceptional circumstances or where it is under a College Group wide reorganisation. In the case of there being a selection process, those employees at risk of redundancy will have the opportunity to make representations about the selection process in their one to ones. Employees will be fully consulted about the selection method chosen and feedback about their preference will be taken into consideration. For those individuals not successful in securing ring-fenced roles, suitable alternative positions will be considered, however, the Group reserves the right to not appoint an individual where there is no clear alignment of skills, competencies or alignment.
- 5.5. Criteria used on the selection grid form, or for measuring performance during the process will be:
- Objective and reasonable
  - Applied fairly and consistently
  - Not discriminatory against any of the protected characteristics (age, disability, gender re-assignment, marriage & civil partnership, pregnancy & maternity, race, religion or belief, sex or sexual orientation)
- 5.6. Criteria on the selection grid form may include but are not limited to:
- Live disciplinary records
  - Relevant skills, qualifications and experience measured against the competencies
  - Performance at the interview (if applicable)
  - Performance of other suitability assessments if applicable (eg written exercise, presentation)
  - Attendance records (discounting any relevant protected characteristics)
  - Consideration of neurodiversity issues will be in place to ensure individuals have an equitable opportunity to present their skills and aptitudes for positions.
- 5.7. It is preferable to determine selection criteria appropriate to a particular situation rather than specify criteria to be applied in each and every situation, the ACAS guidance will be used as a base measure with clear scoring process. In this way, the Group can identify an objective selection process that will help to ensure the retention of a balanced workforce appropriate to the needs of the Group at the time in question and in future years.

## **6.0 Confirmation of Redundancy**

- 6.1. If, after individual consultation and the application of the selection criteria (details at section 5), the College Group still proposes to select the employee for redundancy, the Group will confirm their responses to consultation in writing to the employee.

## **7.0 Severance terms and payments**

- 7.1. The College Group in respect of both voluntary and statutory redundancy, will pay the statutory minimum using calculations as set out by the appropriate government department according to age and length of continuous service.
- 7.2. In line with contractual terms and at the Group's discretion payments may be made in lieu of notice. The employee will be informed of the consequences of payment in lieu of notice and will be advised to seek independent legal advice to make an informed decision.
- 7.3. Outstanding annual leave entitlement will also be paid.
- 7.4. In the case of voluntary redundancy staff will be required to sign a legally binding settlement agreement which will confirm that their employment has been terminated on the grounds of redundancy, which must also be signed by an independent solicitor. Legal fees will be paid by the Group up to a value of £350 plus VAT for this purpose.
- 7.5. Staff may request details of their redundancy and pension entitlements from the HR / People and Culture Team as soon as the consultation process commences. Details of relevant service etc can be clarified at this stage.

## **8.0 Notice periods**

Notice periods for redundancy will be as set out in the individual post holder's contract of employment. The post holder will either work their notice period or be paid in lieu of notice to be negotiated on a case-by-case basis. In exceptional circumstances where either the employer or employee find it unsuitable for the individual to remain in the workplace once notice is given, a period of 'garden leave' may be agreed.

## **9.0 Redeployment**

Staff who have been issued with notice of redundancy will remain eligible for redeployment to suitable alternative vacancies throughout their notice period. Where an employee is potentially redundant, any suitable vacancy which arises during the consultation, implementation and notice periods would be ring-fenced for their application.

- 9.1. If there is a vacant suitable alternative post and an employee can claim to already undertake at least 75% of the duties included in the new post, then they may claim 'natural successor' to this post. Final decisions about any claim to 'natural successor' will ultimately be decided by the Manager. Normally, potential 'natural successors' would be declared by SHCG during the consultation process.
- 9.2. Full consideration would be given to any applicant in this position – including any potential re-training and applicable timescale to enable the member of staff to undertake the new role.
- 9.3. The employee's Manager working closely with the HR / People and Culture Department, will be responsible for over-seeing the potential re-deployment of an employee who is potentially redundant from a role within their department.
- 9.4. Any employee who accepts an alternative form of employment, will be given a minimum 4-week trial to enable both the employee and the manager to assess their suitability of the role including their skills and abilities in relation to the role. If the trial period is unsuccessful, the employee will still be eligible for their full redundancy pay. This pay will be calculated based on the terms and conditions of their substantive role, and not those of the role being trialled. Pay during the statutory 4-week trial period will be at the employee's substantive rate of pay.
- 9.5. If an employee is offered a suitable alternative post and then refuses to accept this, they would forfeit their redundancy pay.

#### **10.0 Time off during notice period to assist with job seeking**

Employees who are under notice of termination of employment on the grounds of redundancy have a statutory right to reasonable time off with pay during working hours to look for work or make arrangements for training for new employment. Such time off must be agreed in advance with the relevant Manager.

#### **11.0 Right of appeal**

All employees have a right to appeal against their selection for redundancy and their dismissal. This appeal should be put in writing to the HR / People and Culture Team within 5 working days of the notification of their redundancy, issued under section 5. The appeal will be held within 10 working days of receipt of this written request and will be held by a panel of one Senior Post Holder (not previously involved in the process), the Chief People Officer and one other member of ELT. The decision of this panel will be final.



## **12.0 Future work for the College Group following redundancy**

Where an employee has been made redundant, either compulsorily or voluntarily, they will not be eligible to apply for employment with the College Group for three months. Redundant employees will also be precluded from working for the College Group via an agency, umbrella company, third party or self-employment for a period of six months.

## **13.0 Employee Wellbeing**

South Hampshire College Group endeavours to manage this process in as supportive a way as possible, with the understanding that this can be impactful for affected employees. All employees will be provided with wellbeing guidance and support during the process.