



UTC PLYMOUTH

UTC Redundancy Policy

1 INTRODUCTION

Governors and the Principal are responsible for deciding the number and most efficient use of staff. Effective planning of the workforce can help to determine existing and future staffing needs, which, in turn, can lead to the avoidance of short term solutions, which may be inconsistent with longer term needs. However even with effective planning it is likely, at some stage, a review of the range and number of staff employed will be required.

In situations where there may be the need to reduce staff numbers, good employment relations requires the establishment of a formal redundancy procedure, which is known and understood by all staff and their representatives. Failure to follow an appropriate and reasonable procedure can lead to claims of unfair dismissal even if there are potentially good grounds for redundancy.

Any redundancy procedure must seek to provide a fair approach and to avoid or minimise compulsory redundancies. It must endeavour to reduce both the likelihood of conflict and the possibility of misunderstanding and help to ensure fair treatment.

2 WHAT IS THE LEGAL FRAMEWORK?

The Employment Rights Act 1996 defines redundancy as:

“The fact that the employer has ceased or intends to cease to carry on the business for which the employee was employed or has ceased, or intends to cease, to carry on the business in the place where the employee was employed.”

Or

“The fact that the requirement of the business for an employee to carry out work of a particular kind, or for an employee to carry out work of a particular kind in the place where he was so employed, have ceased or diminished or are expected to cease or to diminish.”

In the college situation this could be interpreted as:

The fact that the college, for budget reasons, has to reduce its staffing establishment.

Or

The fact that staffing at a college needs to be reorganised to respond to organisational or curricular changes.

Under the Trade Union Reform and Employment Rights Act 1993 (TURERA) the definition of redundancy for consultation purposes is widened to include “any dismissals for reasons not related to the individual”, e.g. terminating a contract and re-engaging on different terms would now be the subject of consultation under the recognised redundancy procedure.

In all cases where redundancies are being considered, there is a legal requirement to consult employees and any recognised trade unions. Clear guidance on redundancy criteria and procedure are set out below.

3 REDUNDANCY PAY

Any payments made are in line with statutory requirements. This also includes any additional pension payments due in line with the Local Government Pension Scheme if applicable, to qualifying members.

4 COLLEGE REDUNDANCY AND SELECTION

General Principles

- 4.1 This document has been adopted by the Governing Body, being the relevant body, as the redundancy procedure and selection criteria for the UTC Plymouth.
- 4.2 The Principal and the Governing Body will seek to avoid redundancies wherever possible. Prior to reaching a decision on the need to consider potential redundancies, The Principal and Governors will satisfy themselves that they have acted reasonably and that all other options have been considered.
- 4.3 Redundancies may be considered where the College’s budget share cannot sustain the actual costs of personnel presently employed, or where the skills of personnel presently employed do not match the college’s future requirements.
- 4.4 The Principal will after consultations with employees and with local representatives of recognised trade unions, as appropriate, agree the criteria to be used when selecting staff for redundancy
- 4.5 It is possible that if only one post holder, or a small selection of staff are identified as potential redundancies, individual consultation will be held.
- 4.6 After full consultation it is determined that redundancy is necessary, The redundancy process will be conducted within a timeframe which takes into account affected employee’s conditions of service, contractual and statutory obligations, and the need to give individual staff as much notice as possible.
- 4.7 The Governors’ Appeal Panel will hear any appeal from individual members of staff who are identified as being made redundant but wish to appeal the decision. The Chairperson of the Panel must arrange for a record to be kept of the proceedings of

that meeting. The record of the appeal panel meeting along with other relevant documentation taken into consideration must be kept for future reference.

5 PRIOR CONSIDERATION

5.1 Prior to looking at reducing staffing levels where the college's budget does not meet actual salary costs, the Principal and Governing Body will firstly give consideration to:

Transferring any available funds from other budget headings.

Utilising funds from the previous year's budget to meet any temporary shortfall.

Long term pupil and budget expectations.

Generation of cash into the budget from other sources.

Agreeing a licensed deficit budget with the EFA/Sponsors

Restriction on recruitment.

Retraining of staff or transfer to suitable alternative work within the college.

Natural wastage, e.g. resignations and retirements.

Volunteers for part-time working arrangements.

6 CONSULTATION

6.1 Consultation will begin as soon as possible after the potential need for redundancies has been identified. The consultation will include the provision of information on:

the need for consideration of redundancy.

the proposed procedure and criteria by which decisions will be reached.

Number of roles affected

Under the Trade Union Reform and Employment Rights Act 1993 (TURERA) the definition of redundancy for consultation purposes is widened to include "any dismissals for reasons not related to the individual", e.g. terminating a contract and re-engaging on different terms would now be the subject of consultation under the recognised redundancy procedure.

The legal requirement is to consult with recognised trade unions, with a view to reaching agreement but failure to achieve agreement will not prevent the Principal and Governing Body from deciding that redundancies are necessary.

6.2 A meeting will be arranged with local recognised trade union representatives, the Principal and HR Director (Shared Service) to discuss the situation and to consult on the options available, including any possible ways of avoiding redundancy.

6.3 When consulting the Principal will produce all relevant information to staff and recognised trade unions to demonstrate why the decision has been made and the reasons why, if applicable particular roles have been identified.

6.4 Except when dealing with individual roles, requests for voluntary redundancies will be considered first.

Where there are two or more volunteers for one redundancy it will be necessary to look at appropriate selection criteria listed at

- (i) Where, within the staffing structure, it is necessary to distinguish between individual members of staff beyond the above criteria, the Principal in conjunction with the trade unions will determine its specific selection criteria:

Examples may include

Qualifications and specialist skills relevant to the current and known future needs of the college

Current and known future curriculum needs of the college

Current and known future management and organisational needs of the college

Maintaining current statutory requirements placed on the college

Previous experience of value to the current and known future needs of the college

Contribution to the current needs of the whole college

Once the selection criteria have been identified, a relevant scoring system will need to be adopted if necessary.

- 6.5 Written confirmation, including the reasons for selection for redundancy, will be provided to the employee within 5 working days of any decision.
- 6.6 For various different reasons it may be advisable that any employees placed at risk of redundancy be placed on garden leave pending any appeal or leaving date. This will be agreed on an individual basis as and when necessary and in conjunction with the employees trade union representative.

8 APPEAL

- 8.1 Any nominee wishing to exercise the right of appeal must notify the Clerk to Governors in writing within five working days of receipt of the letter confirming their decision. Arrangements will be made for an appeal hearing to be held as soon as possible after receipt of a letter of appeal. It is recommended that the appeal panel consists of 3 Governors.
 - 8.2 The appeal is an opportunity for the member of staff to challenge the decision made. For the Governors their remit is to look at all the circumstances and ensure the decision to select the member of staff was reasonable.
-
- 9.6 Employees under notice of redundancy, who qualify for a statutory redundancy payment, have a statutory entitlement to reasonable time off with pay to look for another job or to arrange training.

UTC PLYMOUTH POLICIES

VERSION CONTROL SHEET

POLICY NAME: Redundancy Policy

Policy Prepared by: Julie Rae

Document date	Filename	Mtg submitted	Summary of changes required
June 2019			Policy reviewed