

Consultation on Avoidance of Redundancy

February 2017

Refreshed December 2021

Approving authority:	UE
Consultation via:	PSLB, CJNCC
Approval date:	February 2017
Effective date:	February 17 refreshed Dec 21
Review period:	Five years from date of approval
Responsible Executive:	Director Of HRD
Responsible Office:	Human Resources

P
O
L
I
C
Y

HERIOT-WATT UNIVERSITY
(CONSULTATION ON AVOIDANCE OF REDUNDANCY POLICY)

CONTENT

Section		Page
1	Introduction	3
2	Purpose	3
3	Aims and Principles	3
4	Scope	3
5	Consultation Process	4
6	Legal Obligations	5
7	Statutes and Ordinances	5
8	Review	5
9	Further help and advice	6
10	Policy Version and History	6

**P
O
L
I
C
Y**

1.	INTRODUCTION
	<p>The University recognises the importance of security of employment for its staff and the desirability of avoidance of redundancy. The University and the Trade Union(s) jointly commit to avoiding redundancies wherever possible using the procedures set out in this document. The University is committed to managing the redundancy process with care and sensitivity to the impact on all staff.</p>
2.	PURPOSE
	<p>This document outlines the underpinning principles and the processes for carrying out collective consultation regarding the avoidance of redundancy.</p> <p>This Policy is one of a suite of policies on Managing Organisational Change at UK Campuses and should be read in conjunction with the following policies</p> <ul style="list-style-type: none"> • Voluntary Redundancy Policy and Procedures • Redundancy Selection Policy and Procedures • Redeployment Policy and Procedure • Severance Payments Policy
3.	Aims and Principles
	<p>The aim is to identify consultation processes that:</p> <ul style="list-style-type: none"> • develop provisions with the aim of improving job security for University staff who may find themselves at risk of redundancy. • are constructive and function in a manner that is consistent with partnership working between the University and its recognised unions. • ensure that any legal requirements are met regarding collective consultation on redundancy. • are robust, are adopted throughout the University and can be developed in light of experience. • take account of the University's Strategic Objectives and its funding.
4.	SCOPE
	<p>This Policy and supporting procedures apply to all UK-based University employees and are designed to ensure that the University's approach to managing change is fair and consistent.</p> <p>Employees not based in the UK will normally have a separate policy and process due to differing local Labour laws. This will be explicit in the appropriate contract terms and conditions.</p> <p>This policy does not form part of employees' contracts and may be amended from time to time.</p> <p>Collective consultation will be between the University and the four recognised unions (UCU, EIS, Unison and Unite).</p>

P
O
L
I
C
Y

5.	Consultation Process
	<p>Consultation will take place at collective and individual levels.</p> <p>5.1 Collective consultation is intended to fully meet the University's legal requirements to seek to consult the recognised unions about ways of avoiding dismissals due to redundancy, reducing the numbers to be dismissed and mitigating the consequences. Collective consultation will be undertaken with a view to reaching agreement with the union representatives where possible.</p> <p>5.2 Individual consultation is intended to fully meet the University's legal requirements to seek to avoid an individual redundancy and, where individuals are dismissed, to meet the relevant statutory requirements.</p> <p>5.3 University-level Collective Consultation will take place through the Combined Joint Negotiation and Consultation Committee (CJNCC)</p> <p>CJNCC's remit is to:</p> <ul style="list-style-type: none"> • Develop and review policies and provisions with a view to avoiding and/or reducing the number of redundancies within the University and, where redundancies cannot be avoided, to mitigate the consequences of redundancies. • Review and discuss overview information on potential redundancies in the period ahead: comprising the reasons for potential redundancies, numbers and descriptions of employees affected, total number of employees in each category and any University proposals for handling the potential redundancies including selection and compensation arrangements • Ensure that Equality/Privacy Impact Assessments are carried out • Review and discuss emerging change proposals at the earliest opportunity, particularly where headcount reduction may be a factor. • Identify any areas of concern and advise on necessary action • Refer for local collective consultation, if agreed to be appropriate • Ensure that arrangements are in place for communicating the policies and provisions for the avoidance of redundancies to managers and staff, as appropriate. <p>The University and the recognised unions are committed to sharing information as openly as possible in CJNCC in order to build trust and understanding and enable partnership working and, where appropriate, CJNCC will be informed of the financial situation underlying consideration of potential redundancies. However, it is recognised that, in the course of such working, information may be provided by the University or the Trades Unions that is sensitive or confidential and which, if disclosed outwith CJNCC could be detrimental to legitimate interests, reputation etc. In such cases the confidential nature of the information will be made clear in advance and all CJNCC members will be asked to accept an obligation of non-disclosure of that information to any other parties.</p> <p>CJNCC will meet as frequently as it determines to be appropriate to address its remit, taking account of the level and frequency of potential redundancies in the University. CJNCC may also set up working groups to take forward specific pieces of work on its behalf.</p>

	<p>5.4 Collective consultation should take place at a local level, where that is the most effective form of consultation. It is anticipated that this would arise where a particular organisational change is planned within a School/Directorate which may result in redundancies and where specific consultation is appropriate. The need for local collective consultation may be identified by CJNCC or by the relevant School/Directorate and, in either case, would be taken forward between the relevant local area and the union(s) concerned. Any such local consultations would be in the context of the University-wide policies developed by CJNCC and the parties involved could bring matters for consultation at CJNCC if University-wide issues arose from a local redundancy situation. Where local collective consultation takes place, it will be reported to CJNCC, along with any significant outcomes and/or issues, for information.</p> <p>5.5 Individual Consultation will take place locally, normally between the individual and his/her line manager. Detailed discussion of the individual circumstances and options for avoidance or mitigation of the impact of redundancy for individuals will take place through individual consultation.</p> <p>Individuals will have the right to be accompanied during formal individual consultation meetings, and trade union representatives may be involved.</p> <p>The individual consultation and management process may be informed by guidance, policy or provisions determined by Collective Consultation.</p>
6.	Legal Obligations
	<p>The recognised unions and the University accept the implementation of these consultation arrangements and any policies agreed as a result of CJNCC's work, provided these arrangements are maintained and adhered to by the University, as satisfying any obligations the University may have under the Trade Unions and Labour Relations (Consolidation) Act 1992.</p>
7.	Statutes and Ordinances
	<p>In considering the local application of this agreement, parties will note existing institutional Statutes and Ordinances, where they are applicable.</p>
8.	Review
	<p>Records and information obtained under this Policy and the related Procedures will be kept held and reported on in line with the Data Protection Act 2018 and the University's Records Retention Policy and in line with the Staff Privacy Notice</p> <p>General statistics are maintained and reported for equal opportunities monitoring, Athena SWAN and other accrediting bodies, Freedom of Information requests and key performance indicator purposes.</p>

P
O
L
I
C
Y

	Further reference			
	Policies <ul style="list-style-type: none"> • Management of Organisational Change Overarching Policy • Redeployment Policy and Procedure • Severance Payments Policy • Voluntary Redundancy Policy and Procedures • Redundancy Selection Procedures <p>https://www.hw.ac.uk/services/human-resources/human-resources-policies.htm under Change Management</p>			
9.	FURTHER HELP AND ADVICE			
	Please contact HR helpdesk for queries regarding this Policy and linked Procedures			
10.	POLICY VERSION AND HISTORY			
	Version No	Date of Approval	Approving Authority	Brief Description of Amendment
	V.1	February 2017 refreshed Dec 2021	UE	Reviewed to ensure fitness for purpose and update links

P
O
L
I
C
Y