

# RESTRUCTURING PROCEDURE

## 1. About this procedure

- 1.1 The University has a responsibility to maintain and, wherever possible, enhance its efficiency, effectiveness and financial viability. The University seeks to achieve this by prudent forward planning, in order to meet its objects and to protect, as far as possible, the current and future employment of all categories of the University's staff.
- 1.2 It is the intention of this policy to encourage full engagement with UCU and the Staff Forum in the implementation of any changes, as set out in this policy. By implementing, in so far as they are appropriate, all the measures detailed in this policy, the University of Reading recognises that compulsory redundancies can potentially be avoided.
- 1.3 The University will from time to time review its staffing requirements in the light of its current and anticipated academic, professional and financial needs and to ensure that its available resources are applied appropriately. The University recognises that circumstances outside of its control may arise, including legislative, financial, educational or technological changes, which necessitate a process of organisational restructuring, which may include significant changes to the terms and conditions of employees. In certain circumstances restructuring may lead to a reduction in staffing levels.
- 1.4 The purpose of this policy is to ensure that, whenever reduction in employee numbers becomes necessary, the University will:
  - (a) communicate clearly with all affected employees and ensure that they are treated fairly;
  - (b) use its reasonable endeavours to seek ways of avoiding compulsory redundancies, where this is appropriate;
  - (c) engage and consult with employees and with recognised trade unions and/or employee representatives on the Staff Forum as appropriate; and
  - (d) ensure that all steps taken under this procedure by the University (including but not limited to selection for compulsory redundancy) will be carried out in accordance with the University's principles relating to equality and academic freedom, as enshrined in the Charter of Incorporation, and the principles of fairness, reasonableness and natural justice.
- 1.5 This policy applies to all employees. It does not apply to agency workers, consultants or self-employed contractors.
- 1.6 This policy has been implemented following consultation with the University and College Union and the University of Reading Staff Forum.
- 1.7 This procedure does not form part of any employee's contract of employment and it may be amended at any time. Amendments will be subject to consultation and negotiation with the University and College Union (UCU) and the University of Reading Staff Forum and the review and approval of the University's Council. Minor amendments or those necessitated by a change

in the law will not be subject to this process. This procedure, including any time limits, may be varied as appropriate and reasonable in any case.

- 1.8 This procedure will be subject to an initial formal review with the University and College Union and the University of Reading Staff Forum two years from the date of implementation. It will then be reviewed biennially following appropriate consultation and approved by the University's Council.
- 1.9 In this policy, reference to a member of the Academic Staff means a Lecturer, Associate Professor or Professor.

## **2. Disabilities**

- 2.1 The University is committed to complying with its obligations under the Equality Act 2010. If you are disabled within the meaning of the Equality Act 2010, reasonable adjustments will be considered and made as appropriate.
- 2.2 In appropriate cases, we may consider making adjustments to this procedure to accommodate disability and ill-health. Such adjustments may include extending time limits, permitting you additional support in meetings or arranging meetings away from the campus.
- 2.3 You are encouraged to contact your line manager or Human Resources to discuss or inform us of any medical condition you consider relevant. Such information will be treated sensitively and confidentially by those who need to know it.

## **3. Definition of redundancy**

- 3.1 For the purposes of this policy an employee is deemed to be dismissed by reason of redundancy if the dismissal is attributable wholly or mainly to the facts that:
  - (a) the University has ceased, or intends to cease, to carry on business for the purposes of which that employee was employed; or
  - (b) the University has ceased, or intends to cease to carry on that business in the place where the employee was so employed; or
  - (c) the requirements of the University for employees to carry out work of a particular kind, or for employees to carry out work of a particular kind in the place where the employee was so employed, have ceased or diminished or are expected to cease or diminish'.

## **4. Applicable Redundancy Process**

- 4.1 From time to time the University Executive Board may conclude that there is a potential need for redundancies, other restructuring or changes to terms and conditions of employment; this may be the result of a formal review of an activity or area, or following some other reasonable assessment of relevant information formally considered by the University Executive Board.
- 4.2 Where:
  - (a) 20 employees or more are at risk from redundancy; or
  - (b) a School is at risk of closure

- (c) the University Executive Board shall make a recommendation to the Council, upon which, in so far as it relates to the University's academic activity, the Senate shall have opportunity to comment. If it endorses the University Executive Board's recommendation, the Council shall establish a Consultation Group, which shall comprise:
- The Deputy Vice-Chancellor, a Pro-Vice-Chancellor or Head of Service (Chair)
  - A lay member of the Council
  - A member of the Academic Staff nominated by the Senate
  - The relevant Head of School or Head of Function
  - Another Head of School or other appropriate manager
  - The Director of Human Resources (or his or her nominee)

4.3 Where:

- (a) between 10 and 19 members of the Academic Staff are potentially at risk from redundancy; or
- (b) an academic Department, recognised Intra-School grouping or formally established Centre is at risk of closure, resulting in members of the Academic Staff within that academic Department, recognised Intra-School Grouping or formally established Centre being potentially at risk from redundancy
- (c) the University Executive Board shall submit a recommendation to a nominated lay member of the Council for scrutiny, following which the University Executive Board shall establish a Consultation Group, which shall comprise:
- The Deputy Vice-Chancellor, a Pro-Vice-Chancellor or Head of Service (Chair)
  - The relevant Head of School or Head of Function
  - Another Head of School or other appropriate manager
  - The Director of Human Resources (or his or her nominee)

4.4 Where:

- (a) fewer than 10 members of the Academic Staff (except where 4.3(b) applies) ; or
- (b) between 10 and 19 members of staff who are not members of the Academic Staff
- (c) are potentially at risk from redundancy, the University Executive Board shall establish a Consultation Group, which shall comprise:
- The Deputy Vice-Chancellor, a Pro-Vice-Chancellor or Head of Service (Chair)
  - The relevant Head of School or Head of Function
  - Another Head of School or other appropriate manager
  - The Director of Human Resources (or his or her nominee)

4.5 Where fewer than 10 members of staff who are not members of the Academic Staff are potentially at risk from redundancy, the University Executive Board shall appoint a relevant and appropriate person (the Responsible Person) to oversee the restructure and consultation process. The Responsible Person shall be a Pro-Vice-Chancellor, a Head of Service, a Dean, a Head of School or a Head of Function, and he or she will act with support from Human Resources. Other appropriate managers may be co-opted to assist with this procedure as appropriate.

4.6 Where paragraph 4.4 or 4.5 of this policy applies an application may be made in writing to a nominated lay member of the University's Council that (i) the redundancy process is subject to additional scrutiny by a lay member of the Council; or (ii) a lay member of the Council shall be appointed to the relevant Consultation Group or other group with oversight of the redundancy process. Such an application may be made by the University (acting by a member of the University Executive Board, the Chair of the relevant Consultation Group or the Responsible

Person), the Branch President of the University and College Union (or his or her nominee) or the employee representative Co-Chair of the University of Reading Staff Forum (or his or her nominee). The application must be made at the earliest opportunity and in any event within 10 working days of the commencement of consultation in accordance of paragraph 6.8 of this policy. The nominated lay member of the Council will consider the application, seek such additional views as he or she considers necessary and reach a conclusion concerning what further involvement, if any, a lay member of the Council will have in the formal redundancy process. The decision of the nominated lay member of the Council is final.

## **5. Avoiding compulsory redundancies**

- 5.1 Where the University is proposing to make redundancies it will consider all reasonable and appropriate steps to avoid the need for compulsory redundancies. Examples of such steps include but are not limited to:
- (a) Reviewing the use of agency staff, self-employed contractors and consultants.
  - (b) Restricting recruitment in affected categories of employee and in those areas into which affected employees might be redeployed.
  - (c) Reducing overtime in affected departments to that needed to meet contractual commitments or provide essential services.
  - (d) Considering the introduction of job-sharing or other flexible working arrangements, where these are practicable.
  - (e) Considering opportunities for secondments or unpaid sabbaticals, where these are practicable.
  - (f) Identifying suitable alternative work that might be offered to potentially redundant employees.
  - (g) Inviting applications for early retirement and/or voluntary redundancy, where this is appropriate.
- In all cases the acceptance of a volunteer for redundancy will be at the University's discretion and it reserves the right not to offer voluntary redundancy terms or to refuse an application where it is not in the interests of the University to do so.
- 5.2 Any measures adopted must not adversely affect the University and its ability to meet its objectives, including obligations to students.
- 5.3 A Redundancy Avoidance Group, comprising three representatives of the UCU Reading Branch and three representatives of University management, will meet in a timely fashion to exchange information as and when required. The Redundancy Avoidance Group meets in good faith to exchange information regarding matters that may result in redundancies for employees represented by UCU and the processes by which such employees may be made redundant or redeployed. Information provided to UCU at or for the Redundancy Avoidance Group may be disseminated to University employees in a reasonable manner, except where the University reasonably notifies UCU that the information is provided in confidence.

## **6. Collective Consultation**

- 6.1 Where the University is required to undertake collective consultation, it will consult with UCU in respect of employees at grades 6 and above and with the University of Reading Staff Forum in respect of employees at grades 1 to 5.
- 6.2 The University will undertake collective consultation in circumstances covered by paragraph 4.2 and 4.3 above (except that where paragraph 4.3 applies the time limits set out in paragraph 6.5 shall not apply).

- 6.3 Where collective consultation is required, the University will consult with UCU in respect of employees at Grade 6 and above and with the University of Reading Staff Forum in respect of employees at Grades 1 to 5 inclusive.
- 6.4 Collective consultation will be undertaken with a view to reaching an agreement on whether it is possible to:
- (a) Avoid dismissals;
  - (b) Reduce the number of dismissals; or
  - (c) Mitigate the consequences of dismissals.
- 6.5 The University will consult for a minimum of 30 days (where fewer than 90 employees are affected) or 45 days (where 90 or more employees are affected) before any dismissal will take effect.
- 6.6 The collective consultation period will commence when the University provides UCU and/or the University of Reading Staff Forum with information about:
- (a) The reason for the redundancies;
  - (b) The number and description of affected employees;
  - (c) The proposed method of selection and selection process;
  - (d) The proposed timescales; and
  - (e) Any proposals in relation to redundancy payments and other ways to assist affected employees, such as alternative employment.
- 6.7 Consultation shall take the form of meetings in such number and with such members of the Consultation Group as appropriate from time to time, as well as exchange of correspondence.
- 6.8 In circumstances covered by paragraphs 4.4 and 4.5 above, the University will enter into discussions with UCU and/or the Staff Forum as appropriate (having regard to whether employees at grades 1 to 5 or at grade 6 and above are affected) on ways to avoid any potential compulsory redundancies, including the process to be followed, but will not collectively consult in such circumstances as otherwise described by this section.

## **7. Making compulsory redundancies**

- 7.1 Before proceeding with the following steps the Consultation Group or, if there is not one, the responsible manager, will prepare a consultation paper.
- 7.2 All affected employees will be advised that compulsory redundancies cannot be avoided.
- 7.3 Where collective consultation is required (as detailed above) the University will consult UCU and/or the Staff Forum on the procedure to be followed and the selection pools and criteria (if applicable) that will be applied.
- 7.4 The criteria used to select those employees who will potentially be made redundant will be objective, transparent and fair and based on the skills required to meet the University's existing and anticipated needs, in accordance with section 7.
- 7.5 Employees who have been provisionally selected for redundancy will be consulted with individually.

- 7.6 Employees selected for redundancy will be given notice of termination of employment in accordance with their contracts and written confirmation of the payments that they will receive. Employees will be given the opportunity to appeal against the decision to make them redundant.
- 7.7 The University will look for alternative employment for redundant employees, in accordance with section 8.
- 7.8 Where the University is unable to offer alternative employment it will provide reasonable guidance and assistance to employees to look for work with other employers. Employees under notice of redundancy are be entitled to take a reasonable amount of paid time off work to look for alternative employment or to arrange training for future employment.

## **8. Redundancy selection**

- 8.1 Where redundancies cannot be avoided, any affected employees who are not in a unique position, will be placed in an appropriate pool for selection.
- 8.2 The University will use fair and objective criteria for redundancy selection.
- 8.3 The particular criteria used will vary to suit the specific circumstances and the requirements of the University at the time the redundancies are being considered.
- 8.4 The University will follow a selection process involving fair and transparent assessment against clear criteria. Where appropriate the University may decide to use competitive interviewing for determining who should be appointed to non-redundant positions (whether existing or new roles). This process may be used instead of, or in addition to, redundancy selection criteria.
- 8.5 Once the selection process is complete, employees will be informed in writing whether or not they have been selected for redundancy and invited to participate in formal individual consultation meetings.

## **9. Alternative Employment**

- 9.1 Where an employee has been identified as being at risk of redundancy, either following a selection process or because they are in a unique position, the University will consider whether that person can be redeployed to an alternative role employment within the University. The University will consider and seek to identify potential alternative roles at the earliest opportunity.
- 9.2 The redeployment process will be facilitated by the Human Resources Department, which will maintain the job seekers' register. At risk employees will be invited to submit details (normally a CV and personal statement), which will be held as part of the register, and will be notified as and when potential vacancies arise that may be suitable for them. A formal application and interview will be required and there is no guarantee of automatic redeployment. Employees registered for redeployment will be encouraged to view the job vacancies page on the University website and may submit an application for any other vacancy that they may consider suitable, noting their position as an risk employee on the application form.
- 9.3 Where an alternative role is identified, which the employee accepts, there will normally be a minimum trial period of four weeks in the alternative post to assess suitability. This period can

be extended by mutual agreement to cover a realistic time-scale for any necessary retraining. Employees who decide that the alternative post is not suitable on reasonable grounds will retain their right to a redundancy payment. However employees who unreasonably refuse an offer of suitable alternative employment either prior to or during the trial period may lose their right to statutory redundancy pay. If the individual proves unsuitable for the alternative role on reasonable grounds, attempts to find further alternative employment will be made, where practicable.

- 9.4 Where an alternative role is identified and accepted by the employee and the alternative grade is at a lower grade to the role from which he or she is redundant, the University will protect the employee's pay for a period of three months, except that such pay protection will be limited to two grades above the grade of the alternative role. After the end of that period the employee will normally transfer to the top of the normal range for that role (excluding contribution points).

## 10. Voluntary Redundancy

- 10.1 Redundancy payments are calculated in accordance with a statutory formula, based on the age, salary and length of continuous service of the individual concerned.
- 10.2 In seeking to avoid the need for compulsory redundancies, the University, during any formal consultation process may seek volunteers for redundancy from 'at risk' employees and offer an enhanced voluntary redundancy payment.
- 10.3 All voluntary severance arrangements are entirely at the discretion of the University. If an individual is in receipt of a severance payment, details of how that was calculated will be included with the formal notice of the termination of employment.

## 11. Appeals

- 11.1 If you feel that your selection for redundancy is wrong or unjust you should appeal in writing, stating your full grounds of appeal, to the Director of Human Resources within 10 working days of the date on which you were informed of the reasons for the decision.
- 11.2 The date on which dismissal takes effect will not be delayed pending the outcome of the appeal. However, if your appeal is successful you will be reinstated with no loss of continuity or pay.
- 11.3 You will be given written notice of the date, time and place of the appeal hearing. This will normally be at least 10 working days after you receive the written notice.
- 11.4 The appeal hearing will be a review of the fairness of the original decision in the light of the procedure that was followed and any new information that may have come to light.
- 11.5 The appeal hearing will be chaired by an appropriate manager who has not been previously involved in the redundancy in accordance with the following table:

### APPEAL AGAINST REDUNDANCY

Staff in grades 1-5

Manager of the person who took decision to

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	dismiss <u>and</u> an HR representative
<b>Professional and managerial staff in grades 6-9</b>	Head of Service or Pro-Vice-Chancellor <u>and</u> another appropriate manager <u>plus</u> support from HR
<b>Academic Staff in grades 6-9</b>	A Nominated Panel Member <u>and</u> the Vice-Chancellor, Deputy Vice-Chancellor or a Pro-Vice-Chancellor <u>plus</u> support from HR

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- 11.6 A Nominated Panel member shall be selected from a list of persons reviewed and agreed with the University and College Union each year (which shall include lay members of the University's Council and other individuals with relevant experience of human resources, management and/or higher education).
- 11.7 The University may adjourn the appeal hearing if the person hearing the appeal Officer considers he or she needs to carry out any further investigations in the light of any new information. You will be given a reasonable opportunity to consider any new information obtained before the hearing is reconvened.
- 11.8 You will be informed in writing of the final appeal decision as soon as possible, usually within 10 working days of the appeal hearing. There will be no further right of appeal.

## **12. Confidentiality**

- 12.1 It is the University's aim is to deal with matters relating to redundancies and restructurings sensitively and with due respect for the privacy of any individuals involved. All parties must treat as confidential any information communicated to them in connection with a matter which is subject to this restructuring procedure, subject to the need to seek appropriate advice and guidance.
- 12.2 It is not the University's normal procedure for meetings or hearings to be tape recorded by either party unless there are exceptional reasons why this should be considered. However, from time to time there may be a request to tape record a hearing. The decision to do so will be taken by the person chairing the meeting in consultation with HR and in advance of the meeting. A recording may be made only where all parties agree to the use of tape recording. Minutes will be prepared of formal meetings and a copy of those minutes will be provided to the employee attending the meeting.

## **13. Practical support**

- 13.1 Through the process of consultation and subsequent notice periods, employees can receive guidance and counselling on a variety of issues from a number of sources, for example:
- (a) The Human Resources Department will offer reasonable assistance with the drafting of CV's, completing job applications and preparing for interviews, where requested.
  - (b) Employees facing redundancy will, be given priority access to the People Development programme of events and, where practicable, given priority access to any relevant courses or events.
  - (c) People Development may facilitate, as far as reasonably practicable reasonable requests for events designed to assist those employees facing redundancy.
  - (d) Mindful of the difficulties encountered by employees facing redundancy they will be advised of the assistance available via the Employee Assistance Service.
  - (e) In accordance with statutory rights the employees affected will be allowed reasonable time-off to seek alternative employment.
  - (f) Those employees nearing retirement age or taking voluntary early retirement will be provided with appropriate advice and information on pension matters.
  - (g) The University will be receptive to, within reason and mindful of available resources, requests for further assistance from individual employees or their representatives.