

RESEARCH COUNCIL REDUNDANCY POLICY FRAMEWORK

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Management Guidance

This document provides additional guidance for managers, employees and HR in the handling of redundancies. It includes the Research Council's Redundancy Policy Framework, which is contractual. The additional guidance which is shaded is not intended to be legally binding and does not form part of the Redundancy Policy Framework.

Policy Statement

The Redundancy Policy Framework sets out the Research Council's approach for handling the redundancy of employees.

It is the Research Council's aim to ensure security of employment for all of its employees. Therefore, the Council seeks to deal with staff surpluses by means other than redundancy wherever possible; compulsory redundancy shall be a last resort. When it is necessary for posts to be lost, the intention is to achieve this through natural wastage or voluntary means, but situations may arise when compulsory redundancy is the only option available

The Redundancy Policy Framework has been agreed with the Trade Union Side and complies with statutory legislation..

This policy applies to all Research Council employees on permanent and, except on the normal expiry of their appointments (refer to the Research Council Guidance on the normal expiry of fixed term appointments), fixed term contracts. For the avoidance of doubt, it does not apply to visiting workers, students, those workers provided by a third party agency or BBSRC Limited Term Contracts.

For employees holding limited leave to remain and/or right to work limitations, implementation of this policy may be subject to Home Office immigration rules. Before making decisions or taking any action relating to this policy advice must be sought from your retained HR Team.

The UK Shared Business Services Ltd (SBS) provides HR Services across the Research Councils. However some employees are deployed at establishments/facilities/ships that do not access services from SBS. In these cases references to the SBS or System (Employee Self Service) will not apply and employees should refer to their Research Council HR team for assistance.

Whether a worker is deemed to be a worker or employee is not always clear under employment legislation. In cases where managers or employees have any doubt as to whether the Redundancy Policy Framework should apply, advice should be sought from the Research Council HR team.

1. Introduction

1.1 The Research Council must maintain a workforce of a capability and size to match work needs and any financial constraints. It is expected that effective forward planning coupled with

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appropriate employment policies will, in the main, provide sufficient opportunity to adjust numbers and skills to meet changing requirements. If a reduction in overall staff numbers becomes necessary, then the Council's objective will generally be to achieve it as far as practicable through normal staff turnover.

- 1.2 Where this is not possible, the Research Council may decide after consultation with the Trade Unions that it needs to implement formal pre-redundancy measures (as detailed in section 3).
- 1.3 Where in turn these actions do not achieve the required reductions, it may be necessary to implement formal redundancy measures (as detailed in section 4).
- 1.4 Where required, the Research Council will operate within any central government protocols that apply at the time.
- 1.5 The Research Council recognises the importance of effective communication and consultation with both employees and the Trade Unions in advance of and during any restructuring or redundancy exercise. The following procedure represents a framework within which redundancy exercises will be carried out. The details of how any specific exercise will be carried out, including the method of selection will be discussed with the TUS before any exercise takes place, with a view, if possible, to reaching agreement within this framework.

Where it is necessary to undertake a formal redundancy exercise the Research Council wishes this to be carried out in a way that is understood by employees and that minimises the period of uncertainty for those affected. The over-riding objective of any exercise will be to ensure that the part of the organisation concerned is left in the best position to meet the challenges ahead of it.

2. Principles

- 2.1 Where redundancies are needed to achieve staffing reductions the following general principles will apply:
 - The total number of redundancies will be kept to a minimum.
 - As much information as possible on forward plans and the reasons for change will be made available to the Trade Unions.
 - Employees and their Trade Union representatives will be fully consulted on any proposals and how the Research Council plans to implement them, including:
 - changes required to achieve a workforce of the capability and size to match anticipated financial constraints and work needs
 - pre-redundancy measures
 - the reasons for redundancies
 - numbers, pay bands and area(s) of work included at each stage
 - proposed selection pool (if appropriate) and selection criteria
 - how the procedure will be implemented
 - timescales

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- arrangements to be adopted to ensure that the process is applied fairly (e.g. through Equality Impact Assessments).
- Voluntary redundancy will be used before compulsory redundancy.
- Selection for redundancy will be based on clear criteria that will be objectively and fairly applied and with due regard to equality and diversity considerations.
- Every effort will be made to redeploy or find suitable alternative work for employees selected for redundancy.
- Support and advice will be provided to employees selected for redundancy to help them find suitable work when their employment has come to an end.

3. Formal Pre-Redundancy Measures

3.1 Where it is clear that there are likely to be staff surpluses that cannot be resolved through normal staff turnover alone, present and future work programmes will be reviewed in consultation with the Trade Unions. If necessary, the use of appropriate formal, pre-redundancy measures drawn from those set out below will be fully explored. The Trade Unions will be consulted in advance about the measures to be adopted and will be kept informed of progress. The measures are not listed in priority order and their individual implementation will depend upon the circumstances prevailing at the time:

- Review the use of temporary staff such as agency staff, contractors, and casual workers.
- Placing restrictions on recruitment, promotion, overtime and other staffing arrangements (including considering the scope for flexible working e.g. part-time working, job sharing etc).
- Redeployment into alternative posts where suitable opportunities can be identified, retraining being provided where appropriate, along with the opportunity of a trial period in the new post. Facilitating the transfer of employees to suitable vacancies in other Government Departments by promoting the Civil Service Jobs Portal.
- Opportunities for re-skilling, when a change of skill requirements has been identified.
- Opportunities for employees to voluntarily move to a lower banded role.
- Consideration of voluntary exit. VE (which may be operated prior to, in addition to or independent of any other redundancy exercise) can be offered in the interests of workforce efficiency and where the Research Council wishes to reduce staff numbers to support organisational changes, address promotion blockages and where there is limited efficiency. Individuals may be approached; there is no compulsion on them to accept an offer of VE and any employee who refuses an offer of VE will not be treated any differently during any subsequent formal redundancy measures.

A voluntary exit offer can be made to an individual or individuals, without a wider call being made.

4. Formal Redundancy Measures

If the formal pre-redundancy measures do not achieve the necessary staffing reductions, a formal redundancy situation will exist and the following process will be followed. The pre-redundancy measures will continue in operation to the maximum extent consistent with the formal redundancy situation.

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4.1 Voluntary Redundancy

4.1.1 Once it has been established that a potential redundancy situation exists and following consultation with the Trade Unions there may be a call for volunteers for redundancy. If so, the following points will apply:

- There will be no compulsion on employees to apply for Voluntary Redundancy.
- Where employees do volunteer and have their application declined but are subsequently made compulsorily redundant as part of the same scheme they will retain their entitlement to voluntary terms.
- It will be essential for the organisation to retain employees with the skills needed to meet future needs and therefore there is no guarantee that applications for Voluntary Redundancy will be accepted.
- Any arrangements will take account of the Research Council's commitment to equality and diversity.
- Where it is possible to make an offer of voluntary redundancy an estimate of redundancy compensation terms will be provided to inform an employee's final decision whether to accept. Employees may withdraw their application at any point up to the time they confirm acceptance of a formal offer.
- Leaving dates for volunteers for redundancy will be by mutual agreement or notice of up to three months. There is no entitlement to pay in lieu of notice for staff who volunteer or wish to leave earlier.
- Outstanding accrued holiday entitlement should normally be taken prior to the last day of service.
- Agreement to redundancy terms will be in line with the Civil Service Compensation Scheme applicable at that time.

4.1.2 The call for volunteers will include the following information (which will have been consulted on in advance with the Trade Unions):

- the reasons for redundancies
- the numbers of volunteers being sought
- the proposed volunteer pool (pay bands and area(s) of work) and criteria for acceptance
- timescales for volunteering and acceptance.

4.2 Compulsory Redundancy

If pre-redundancy measures and voluntary redundancy measures do not achieve, or do not offer reasonable prospects of achieving the required reduction in numbers, it may become necessary to declare a state of compulsory redundancy. This will only be after full and proper consultation with the Trade Unions (see paragraph 2). The Research Council will give employees and the Trade Unions the longest possible notice of a declaration of compulsory redundancy that is practicable in the circumstances.

Formal compulsory redundancy measures will be implemented as detailed below.

4.2.1 Method of Selection

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- 4.2.1.1 The exact approach to be used for compulsory redundancy selection will be determined using the factors most relevant to the particular redundancy situation (e.g. the approach may differ where an Establishment faces closure as opposed to the rundown or closure of a particular facility or function at an Establishment). It is likely to require the identification of a pool of posts from which the selection is to be made based on groupings by Band, function, specialism/skill or location, or a combination of such factors, coupled with as clear an understanding as possible of the future staffing needs.
- 4.2.1.2 Where the job to be lost is regarded as unique (i.e. a role that is not generally interchangeable with other roles), there will be no requirement to adopt a pool for selection for redundancy. The selection arrangements determined may be Establishment-specific, although there may be reasons justifying their extension across two or more sites.
- 4.2.1.3 In order to ensure the retention of a balanced staffing profile appropriate to its future needs, the Research Council must be able to retain those employees with relevant work skills or those employees most able to acquire them. Account will therefore be taken of the Council's/Establishment's future objectives, strategy etc. Management will define the appropriate scientific, technical, professional or other redundancy selection criteria, which relate to the area of work in question and which are relevant to the Council/Establishment's future work programme.
- 4.2.1.4 The Trade Unions will be consulted about the proposals and selection criteria and their application before details are provided to staff and the selection process begins. Discussions will be held with employees in posts which could be considered under threat of redundancy; they will be told why their job is affected by redundancy and why they are at risk of selection for redundancy.
- 4.2.1.5 Management will be responsible for identifying which employees should be retained and which should be declared redundant. They will ensure that the selection process is made known to all affected employees and is applied in an objective, non-discriminatory and consistent manner. Decisions will be made by a panel of at least three people and not be made solely on the opinion of individual line managers, and must be supported by documentary evidence.
- 4.2.1.6 Consideration will be given to allowing an employee not at risk of redundancy to leave on voluntary redundancy where this allows the redeployment of an 'at risk' employee.
- 4.2.1.7 Once employees have been provisionally selected for redundancy they will be invited to a meeting at which the reasons for their selection will be explained. They will then be given time to express their views. Employees may be accompanied by a Trade Union representative or work colleague at this meeting.
- 4.2.1.8 Formal notice of redundancy will not be issued to any employee before they and/or the Trade Unions have had the opportunity to submit comments and these have been considered to see if they provide reason for the selection decision to be reviewed. If formal notice is issued management will, in discussion with the employee, continue to seek a suitable alternative post during the notice period.
- 4.2.1.9 On receipt of a redundancy notice employees who feel that they have been unfairly selected for redundancy will have a right of appeal (see paragraph 6).

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All employees on long term absence, sabbaticals, career breaks, secondments as well as pregnant employees, employees on maternity leave and employees who are adopting a child or on adoption leave are subject to the same redundancy selection and consultation processes as other employees. If an employee is on long term absence, maternity or adoption leave, care must be taken to ensure they are kept informed about the redundancies, receive the same formal communications as other employees and have the same opportunity for individual consultation.

4.2.2 Redeployment to another Research Council Establishment

4.2.2.1 In deciding whether to make an employee redundant, account will be taken of the availability of alternative posts which can be described as 'suitable alternative employment' at any site which is within reasonable daily travelling distance from the employee's home. If an employee is transferred in these circumstances, excess fares will be reimbursed for a period of three years.

4.2.2.2 An employee facing redundancy who wishes to be considered for a post involving a move of home, may apply for a transfer if a suitable post exists at another establishment which is outside reasonable daily travelling distance. If the application is successful relocation expenses will be paid.

4.2.2.3 Employees will be encouraged to register on the Civil Service Jobs Portal in order to be able to apply for vacancies in other Government Departments.

4.2.3 Suitable Alternative Employments and Trial Periods

4.2.3.1 Employees will be given every consideration for suitable alternative employment at any stage in the redundancy process prior to them leaving the Research Council.

4.2.3.2 Where an employee under notice of redundancy is found suitable alternative work within the Research Council, they will be entitled to a trial period without jeopardising their redundancy pay. The trial period will be for a minimum of 4 weeks but, by agreement, may be extended by up to a further 8 weeks where a further period of retraining is necessary. The arrangements for the extension will be agreed and set down in writing. If at the end of the trial period both the employee and management agree that the job change has been successful, the notice of redundancy will be lifted and the employee will forfeit their right to a redundancy payment (contractual and/or statutory).

4.2.3.3 Should an employee on maternity leave be 'at risk' of redundancy and a suitable alternative role is identified, the role must first be offered to that employee, even if other employees are as suitable for the post. This will also be applied to those employees on adoptive and shared parental leave.

In the event of a trial period not succeeding and the employee is subsequently made redundant, the redundancy terms that were applicable at the commencement of the trial period will be honoured.

4.2.4 Voluntary Downgrading

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4.2.4.1 The Council will consider requests from employees for voluntary transfer to a role at a lower band, as an alternative to compulsory redundancy, provided that a suitable vacancy already exists. When an employee has been downgraded in line with this provision, current pay will be retained on a mark-time basis.

4.2.4.2 Employees are advised to contact their pension scheme administrator for information on any pension rules which mitigate the effect of downgrading on the employee's pension.

4.2.4.3 Where a suitable vacancy subsequently becomes available at the employee's previous higher band, full consideration will be given, in consultation with the employee, to the scope for them to move into the post, depending on their suitability. The new salary in the higher band will be calculated as their previous rate in the higher band plus any revalorisation increases awarded since their downgrading.

4.2.5 Notice

4.2.5.1 The minimum written notice of compulsory redundancy will be three months or as stated in the contract. Contractual notice will commence the day after the notice of compulsory redundancy is issued.

4.2.5.2 Employees are normally expected to work the full notice period. However, an employee who has been notified of compulsory redundancy may ask to leave at any time during the notice period. Wherever possible such requests will be granted, although consideration will be given to work needs. Employees permitted to leave early will be deemed to be redundant. However, their redundancy compensation will be reassessed to reflect the reduced length of service. Employees will not then be entitled to receive pay for the balance of the notice period.

4.2.5.3 Outstanding accrued holiday entitlement should normally be taken during the notice period as this will only be paid in exceptional circumstances.

4.2.5.4 During the notice period, (with line manager agreement) employees will be provided with reasonable paid time off to attend job interviews.

4.3 Compensation for redundancy

4.3.1 All employees with 2 years' service who are made compulsorily redundant or who leave on voluntary redundancy will be eligible for compensation payments, as defined under the rules of the Civil Service Compensation Scheme (or the UKAEA scheme as appropriate).

4.3.2 To enable employees affected to make fully informed decisions, they must be given access to the employee calculator, provided by Joint Superannuation Services (JSS), and be provided with an estimate of redundancy with their formal redundancy notice.

4.3.3 Those to be made redundant should be reminded that if, at some future date, they are re-employed to an establishment/organisation under the same pension scheme or elsewhere in the public sector, certain compensation payments made at the time of dismissal may be affected; in particular they may be obliged to repay some or all of any compensation payments. Any enquiries on this should be addressed to JSS or the relevant pension scheme provider.

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4.3.4 Information on the terms available to employees who are members of the Research Council Pension Scheme (RCPS) can be found on the JSS website. Special but comparable arrangements exist for employees who have opted out of the RCPS. Where a voluntary or compulsory redundancy exercise is declared the JSS will normally provide bulk estimates, so that employees will not need to ask individually for a quotation. Employees in the UKAEA or another scheme will, however, need to request a quotation via their Research Council HR team.

5. Assistance to Staff

5.1 Retraining

5.1.1 Where vacancies exist in the Research Council or in other public sector bodies, for which surplus staff would be suitable subject to a limited amount of retraining, the Council will consider funding this as an alternative to redundancy.

5.2 Support for Employees

5.2.1 During formal redundancy measures, the Research Council will consider making available the services of outplacement consultants. This may comprise advice and support on:

- Job hunting and applications
- Interviews skills
- Starting a business
- Investing a lump sum/living on reduced income
- Stress management
- State benefits

5.2.3 The Research Council may offer a full Employee Assistance Programme (Employee Care) or other welfare support to its employees.

6. Appeals Procedure

6.1 If an employee believes that their selection for redundancy is unfair, they may submit an appeal in writing stating the reasons for challenging the decision. The employee will notify their intention to appeal within 5 working days of receiving formal notice of redundancy. Within 10 working days of receiving notice the employee will submit a written statement of why they believe their selection for redundancy was in contravention of the redundancy selection procedure. The employee may seek the advice and help of their Trade Union in framing the appeal.

6.2 Appeals will be considered by a member of senior management (at least Director level) who has not previously been directly involved in the redundancy selection process. The senior manager may be from outside the organisation. The Trade Unions will be notified of the nominated senior manager.

6.3 The appellant may request a personal hearing to explain their case, at which they will have the right to be accompanied by a work colleague or TU representative. An HR representative will be present at the hearing. After considering all the evidence presented, the senior manager

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considering the appeal will advise the appellant in writing of their decision within 5 working days of the appeal hearing.

7. Queries

- 7.1 Any questions relating to the interpretation of this procedure should be addressed to the Research Council HR team.
- 7.2 Employees in the RCPS should contact JSS with any queries regarding redundancy compensation. Employees in the UKAEA or another scheme will need to contact their Research Council HR team.

8. Review of Policy

- 8.1 This policy will be regularly reviewed to incorporate any legislation changes. The TU may request that a policy is reviewed.

9. Amendment history

Version	Date	Comments/Changes
V2.0 (UKRI)	1 June 2018	Additional paragraph added to Policy Statement confirming Policy may be subject to Home Office Immigration Rules

FLOWCHART OUTLINING KEY STAGES IN RC REDUNDANCY PROCESS

