

Royal Northern College of Music

Redundancy Policy

Policy & Procedure

Department: Human Resources

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1. Introduction and Purpose

It is the policy of the Royal Northern College of Music to ensure, as far as is reasonably possible, security of employment for all its employees. However, while it is the intention of the College to avoid compulsory termination of employment on the grounds of redundancy wherever reasonably practicable, it is recognised that circumstances may make that unavoidable from time to time.

The College aims to maintain and enhance the efficiency and sustainability of the institution to safeguard the current and future employment of all of the College's employees. This policy explains how we will manage potential redundancy situations and support staff who are directly impacted.

Redundancy exists in law where:

- i) An employer has ceased, or intends to cease, to carry on the business for the purposes of which the employee was employed by it, or has ceased, or intends to cease to carry on that business in the place where the employee was so employed, or
- ii) The requirements of that business for employees to carry out work of a particular kind, or for employees to carry out work of a particular kind where he or she was so employed, has ceased or diminished or is expected to cease or diminish.

2. Scope

This procedure will apply to all academic and professional services employees who are employed under a permanent or fixed term contract of employment.

3. When change is necessary

In certain circumstances it may be necessary for the College to consider implementing change or to restructure its services and/or activities. This will involve, for example, reviewing service and business requirements and assessing funding options and staffing levels to determine the scale of change needed and the impact on staff. Should the proposed change have an impact on the nature and/or number of roles, every effort will be made to minimise the need for redundancies

4. Measures to avoid redundancies

The College will make every effort to avoid the need to propose compulsory redundancies and, at the very least, to minimise the number required.

The College, in consultation where appropriate with its Joint Consultative Committee (JCC), will seek to minimise the effect of redundancies

The action it can take will depend on the nature and scale of the proposed change, for example whether the proposals impact all College employees or solely those within a specific School/Department, service or unit. Mitigating action may include some or all of the below:

- The elimination of uneconomical working practices wherever practicable, including the reduction of overtime.
- Limiting recruitment

- Natural wastage – including restrictions on recruitment in affected areas.
- A positive commitment to retraining where practicable.
- A thorough investigation into re-deployment possibilities.
- Consideration of any requests for early retirement and/or voluntary redundancy in directly or indirectly affected areas.
- An identification in forward planning of any possible future redundancy situations, with an action plan designed to minimise the effect of redundancy on permanent staff.
- Consideration of any requests for reduction in working commitment.

5. Consultative Arrangements

Consultation will take place in accordance with the Trade Union and Labour Relations (Consolidation) Act 1992 (Amendment) Order 2013 and the Trade Union Reform and Employment Rights Acts 1993 (TURERA)

The College will brief and engage its staff representatives through the Joint Consultative Committee (JCC) on the need for change at the earliest opportunity.

The consultation process will be undertaken with a view to reaching agreement on ways of:

- Avoiding the dismissals.
- Reducing the numbers of employees to be dismissed.
- Mitigating the consequences of the dismissals.

The College is committed to starting the consultation process as soon as is reasonably practicable and in any event no later than:

- At least 45 days before the first dismissal takes effect where it is proposed to make 100 or more redundancies, within a period of 90 days or less.
- At least 30 days before the first dismissal takes effect where it is proposed to make between 20 and 99 redundancies within a period of 90 days or less.
- In sufficient time to allow meaningful consultation to take place where it is proposed to make less than 20 redundancies.

The aim of the consultation will be to:

- avoid or reduce the number of redundancies proposed
- alleviate the effect of any redundancies
- consider JCC proposed alternatives to compulsory redundancy
- consider options for the redeployment of at-risk employees

For the purposes of the consultation process the College shall disclose in writing to the JCC Staff Representatives:

- The reasons for the redundancy proposal.
- The numbers and descriptions of employees whom it is proposed to dismiss as redundant.
- The total number of employees of any such description employed in the College.
- The proposed method of selecting the employees who may be selected for redundancy.
- The proposed method of carrying out the dismissals with due regard to this procedure, including the period over which the dismissals are to take effect.

- The proposed method of calculating redundancy severance payments, other than those required by statute, that the employer proposes to make.

During the course of the consultation process any alternative proposals or suggestions put forward by the JCC will be considered very carefully by the College. Should these representations be rejected by the College, the reason(s) they have been rejected will be communicated in writing.

6. Individual Consultation

If the change proposals directly affect your role, we will consult with you on an individual basis. This may happen while collective consultation with JCC staff representatives is still taking place.

You will receive confirmation in writing that you are at risk of redundancy and the procedure that will follow. You will also be advised what support and options are available to you.

These meetings will normally be led by your immediate or more senior line manager and a member of HR may be there to provide procedural advice.

You will be notified of your right to be accompanied. In line with the ACAS code of practice, employees must choose their companion from one of the following:

- a work colleague
- a workplace trade union representative who's certified or trained in acting as a companion
- an official employed by a trade union

The College will make reasonable adjustments for disabled employees. This might mean allowing someone else to attend, for example a support worker or someone with knowledge of the disability and its effects.

The College may allow companions who do not fall into the above categories and employees should seek approval from the College beforehand.

7. External Notifications

The College acknowledges its obligation to inform the Secretary of State, by completion of a HR1 Form returned to the Redundancy Payments Service, of any proposed redundancy situation at least:

- 30 days before the first dismissal is to take effect where it is proposed to dismiss as redundant, 20 or more employees within a period of 90 days or less.
- 90 days before the first dismissal is to take effect where it is proposed to dismiss as redundant, 100 or more employees within a period of 90 days or less.

8. Selection Process and Criteria

Should a compulsory redundancy be necessary, the College must ensure that a balanced and appropriately skilled workforce is retained, thus safeguarding the employment of the staff that remain. The College will give full consideration to any representations put forward by members of its Joint Consultative Committee when setting the criteria for redundancy selection.

The College considers that 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 College will however ensure the selection criteria will be fair, consistent, objective and non-discriminatory. A guide to the nature of the criteria that may be considered is as follows:

- Volunteers for redundancy (subject to approval - see below).
- Employees who wish to take early retirement (subject to approval – see below).
- Employees selected using objective criteria based on any combination of an individual's:
 - Knowledge and Skills
 - Qualifications
 - Breadth and depth of experience
 - Length of Service
 - Work performance using Performance and Development Review (PDR) records produced under the College's approved PDR scheme
 - Disciplinary records

This is not an exhaustive list and certain criteria, and individual elements, may be given more weight than others.

Selection will normally be led by a senior manager from the area affected by the change with input from up to two other managers.

It is likely that some factors may be ranked higher than others dependent on the circumstances of the situation.

Assessment should wherever possible, involve managers who have worked with the employees affected and will include relevant documentation where it is available e.g. annual PDR and disciplinary records. The managers will be supported during the process by HR who will provide procedural advice.

Depending on the circumstances and number of staff placed at risk, selection may involve an interview process.

If you have been included in a selection pool you will be advised of the outcome at an individual consultation meeting.

The College cannot guarantee that all applications for voluntary redundancy/early retirement will be approved. If an application for voluntary redundancy/early retirement is not approved the College will provide written reasons as to why this is the case.

9. Suitable Alternative Employment

Once an individual has been selected for redundancy the College will endeavour to identify suitable alternative employment for that person with the College. The College will make efforts to identify suitable alternative employment at the earliest opportunity and if potential alternative employment is identified you will be given full details in writing.

If you are offered alternative employment, you will have a four-week trial period during which you and your new manager will assess the suitability of the role as an alternative to redundancy.

The start and end dates will be confirmed to you in writing when you are offered the alternative role. Your trial period may be extended by mutual agreement

between you and your new manager in certain circumstances only, for example, if you need additional time for training.

Your new manager will meet with you regularly throughout the trial period to ensure you are settling in to the new role and that appropriate training and support is in place. You should let your new manager know of any difficulties you are having in the new role so they can address and resolve these, if possible, before the four-week trial period comes to an end.

At the end of the trial period, you and your new manager will formally agree if the trial period has been successful and the role is indeed suitable. If you both agree, your employment will continue and you will no longer be considered to be at risk of redundancy. If you decide the role is not suitable, you will need to have a good reason for turning it down. If you do have a good reason your employment will come to an end at the end of the trial period. If you have two years' service by this date, you will receive a redundancy payment which will be based on your pay in your old role.

If we don't think you have a strong enough reason for turning it down, you could be deemed to be resigning at the end of the trial period and you may not be entitled to any redundancy pay.

If your new manager decides the role is not suitable, they will explain why. They will also explore what, if any, alternatives are available. If there are none, your employment will come to an end at the end of the trial period. If you have two years' service by this date, you will be eligible for a redundancy payment, which will be based on your pay in your old role.

To facilitate the redeployment of a member of staff to suitable alternative employment the College is prepared to provide training or some other form of staff development where reasonable. This however will be balanced against the cost and timescale involved in getting the individual to a satisfactory standard.

10. Redundancy Payments

If you have at least two years' continuous service with the College you will be eligible for a statutory redundancy payment.

This payment is based on your age, length of continuous service and your weekly pay. Length of service is capped at 20 years and weekly pay is capped at an amount set by the government each year, so this may be lower than your actual weekly salary. You can find details about redundancy payments on the gov.uk webpages.

11. Notification to redundant employees

Once employees have been selected for redundancy they will be notified in writing that that is the case. The letter will also include details of the date on which the redundancy will take effect and the payment that the employee will receive on termination.

12. Appeals Procedure

You have the right to appeal the termination of your employment if you believe it is unfair. If you wish to appeal you must do so within 5 working days of receiving your letter giving you notice.

This letter should be addressed to the Head of Human Resources (HHR). You must explain the reasons for your appeal and provide any new information, if it is relevant.

Reasons to appeal may be:

- your role is not redundant
- you were wrongly included in a selection pool
- you were unfairly selected
- this policy and procedure were not followed correctly or fairly.

If you do not provide any grounds of appeal we will contact you to obtain the information.

12.1 Appeal Panel

HHR will then schedule a formal meeting for the employee to make representations against their selection to the Appeal panel, consisting of 3 senior managers. This will be normally be convened within 10 working days of receipt of the intention to appeal.

The Chair of the Appeal Panel will have had no involvement in the original decision regarding the changes to your role and your selection for redundancy and will normally be from a different School or Professional Services Department to you. There will be up to two other panel members at the hearing who will have had no involvement in your redundancy case.

A representative from HR may attend the hearing to advise the panel on process and there will be a note taker

You will receive written confirmation of the appeal hearing which will contain the following information:

- confirm the arrangements for the hearing
- advise you of the names of the chair of the appeal panel and other managers who will form the appeal panel.
- advise you that you may be accompanied by a colleague (as outlined in section 6)
- ask if you need any reasonable adjustments to enable you to participate in the meeting.

12.2 Appeal Hearing

At the hearing you will be asked to present your case to the panel, explaining the reasons for your appeal and clarifying any new information you have. The panel may ask you questions or seek clarification on certain issues.

After the discussion the Chair will adjourn the hearing so that the panel can consider all they have heard. You will normally be called back to the hearing after the adjournment to be told the outcome. If the panel needs more time to consider your appeal you will be told when you will hear the outcome.

12.3 Outcome of Appeal Hearing

The possible outcomes of your appeal hearing are:

- your appeal is turned down and the decision to end your employment on the grounds of redundancy will be confirmed or
- your appeal is supported and you will be reinstated to your role or to an alternative role with equivalent terms and conditions, depending on the particular circumstances.

If you are reinstated it will be with effect from the date your employment ended and you will retain your previous continuity of service date.

The Chair of the Appeal Panel will confirm the outcome of the hearing in writing within one calendar week.

The decision of the Appeal Panel is final.

13. Assistance to potentially redundant employees

The College is committed to providing any support or assistance as appropriate to employees who find themselves facing redundancy. This support or assistance could include:

- Reasonable time off, with pay, to seek alternative employment, to attend job interviews and other job-seeking related activities during working hours.
- Reasonable access to a telephone and stationery to assist in looking for alternative employment.
- Arranging counselling and advice on financial and benefit matters.