

Reorganisation and Redundancy Policy

UPR HR29 version 01.1

Policies superseded by this document

This is the first UPR with this title which updates and replaces the previous HR Policy called “Reorganisation, redeployment and Redundancy Policy” which had been last updated in February 2020.

Summary of significant changes to the previous version

This UPR covers organisational restructure and redundancy and has been separated from redeployment, which is now UPR HR28. The scope, planning and consultation stages of the process have made clearer. Additional guidance for filling new posts created in a reorganisation has been provided. Redundancy termination and appeals procedure clarified.

Glossary

A glossary of approved University terminology can be found in [UPR GV08](#).

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1 Scope and Purpose

- 1.1 The Reorganisation & Redundancy Policy will be used by Senior Management, Heads of SBUs or nominated managers where there is a need to reorganise or restructure areas within the University. The reasons may be to improve the efficiency and effectiveness of the service; an anticipated reduction or expansion in service required; changes in method of delivery; a change in legislation/policy; or other operational reasons.
- 1.2 The Reorganisation & Redundancy Policy must be followed where a proposed reorganisation or restructure is likely to result in redundancies. Where a reorganisation or restructure affects a very small number of staff (less than 5) then the formal consultation process may be amended, with agreement from affected staff, and, where applicable, by the recognised Trade Unions, in the interests of practicality.

Where a proposed reorganisation or restructure is not expected to result in redundancies, but where staff will be redeployed, slotted into available posts or ringfenced for available jobs, managers are expected to follow the relevant sections of this policy.

- 1.3 Further documents:
- Management Guidance: Checklist for Restructuring and Staffing Reviews;
 - Management Guidance Individual Redundancy Consultation
 - Redundancy Individual Consultation Record
 - Redeployment Pro-forma

2 Basic Principles

- 2.1 This policy is consistent with the University of Hertfordshire's equality and diversity policies.
- 2.2 It is a principle of this policy, agreed with the Recognised Trade Unions and endorsed by the Board of Governors, to consider all ways of maintaining employment for its staff and providing a stable working environment.
- 2.3 The University recognises the contribution of all its employees to fulfilling its mission. It is committed to protecting the employment security of staff as far as possible by planning for current and future staffing needs including consideration of academic and professional terms and conditions of employment.
- 2.4 However, it is acknowledged that significant changes in demand for services, financial pressures, fluctuating funding provision and other external and internal influences may have an impact on staffing requirements. Accordingly, therefore, organisational restructuring may be necessary which may lead to changes in employment levels which may necessitate redundancies.

2.5 The University is committed to retaining employees wherever possible. It will consider any possible means of doing so, and in particular will consider the following ways of avoiding compulsory redundancy:

- Natural Turnover
- Restriction on recruitment and filling vacancies on a temporary basis
- Review overtime and other working arrangements
- Reducing or eliminating the use of agency staff
- Redeployment and retraining (see Redeployment Policy)
- Voluntary redundancy
- Requests for early retirement
- Phased retirement
- Dismissal of casual employees within the staff group at risk
- Any other suggestions made by the Recognised Trade Unions or employees

2.6 Volunteers for redundancy may be considered from those within the staff group at risk, or elsewhere, if this would reduce the need for compulsory redundancy. Selection for voluntary redundancy will be made by the University in consultation with the Recognised Trade Unions.

2.7 Compulsory Redundancy

2.7.1 Following consideration of all reasonable measures and due process to avoid compulsory redundancy, that may remain the only effective means of reducing staffing to the required level.

2.7.2 In this event, the Employment Committee of the Board of Governors will be informed of the proposed redundancies. The Employment Committee will be provided with any formal written response from the Recognised Trade Unions along with the outcome of consultations between the University and the Unions.

2.7.3 Following consultation with the Recognised Trade Unions (see clause 3.1) selection criteria will be finalised that are objective, transparent and non-discriminatory.

3 Consultation

3.1 Collective Consultation

3.1.1 When the University needs to consider restructuring and/or reducing staffing levels it will consult the Recognised Trade Union(s) as soon as possible, complying with legislation and the ACAS Codes of Practice. The Consultation document will be sent to the RTU(s) at least 3 days prior to the meeting.

3.1.2 The University will outline the reasons for the proposed changes and timescales for consultation which will allow the Recognised Trade Unions time to consider proposals, seek views and make representations.

3.1.3 When redundancy is a possible outcome, the University will provide information and consult with the Recognised Trade Unions and the staff group at risk on the following proposals:

- The reason for possible redundancies
- The number, description, and location of staff at risk
- The pool of staff from whom they will be drawn
- The total number of staff of any such description employed at the University
- Details of any possible suitable alternative employment (see the Redeployment Policy)
- Details of proposed criteria for selection
- Details of proposed method of selection
- The proposed method of carrying out any dismissals including the period over which dismissals take effect.
- The formula for determining redundancy pay

3.1.4 These consultations will consider what can be done to avoid compulsory redundancy, minimise any reduction in staffing levels and mitigate the consequences of any dismissals. All parties will seek to reach agreement on the nature and method of the staffing changes required. Once finalised, these arrangements will be communicated to staff at risk of redundancy normally by means of a collective meeting, wherever practicable. Individuals will then be consulted individually, advised of their own situation and informed of how any assessment is to be made. Arrangements will be made to ensure that staff who cannot attend consultation meetings in person (e.g., those on maternity absence or long-term sickness) are kept fully informed.

3.2 Individual Consultation

3.2.1 Having consulted with the recognised Trade Unions, the University will also consult directly with employees who may be affected by staffing changes. Employees may be accompanied by a trade union representative at any staff of consultation or by a work colleague of their choice.

3.2.2 Employees at risk will have the opportunity for at least two individual consultation meetings with their Line Manager and Human Resources representative. At these meetings the following will be discussed:

- The Selection Criteria
- The basis of selection for redundancy
- Possibility of redeployment
- The Employee's concerns
- The Employee's ideas for avoiding redundancy

3.2.3 Before the first consultation meeting, the employee will have been informed that they are at risk either individually or at a collective meeting. During the first consultation meeting, the discussion will focus on the points raised in 3.2.2. At the end of the final consultation meeting i.e. after the selection process has been concluded, the employee will be notified of the decision. (The consultation meetings are separate from any interview meeting etc. which may form part of the selection process).

3.2.4 Where an employee is under notice of redundancy, the University will, within resources available, provide advice, information and support, including offering reasonable time off with pay to seek work outside the University, attend interviews or to arrange relevant

training. If requested, the University will circulate details of the individual employee to other bodies.

4 Planning Stage

- 4.1 The Head of SBU/Senior Manager must discuss with their HR Business Partner their first thoughts for a restructure. The Business Partner can then assist in the formulation of ideas and workforce planning; can provide relevant data, and can advise on timescales, procedures, statutory considerations and so on.
- 4.2 The Head of SBU/Senior Manager may then discuss an anticipated change with their staff during staff meetings and briefings if this is felt appropriate. It is imperative that if this style is chosen, caution is exercised to ensure it is treated at this stage as obtaining staff opinion, contribution, and involvement towards future planning of the SBU/Department. This informal discussion stage must not be confused with the formal consultation stage.

5 Drawing Up the Proposal

- 5.1 Having decided on the change in principle and the justification for it, the manager should, in consultation with HR, prepare a proposal document including the following:
- The reason for the required change and associated business plan outlining the rationale, business case, and/or change in strategic plan. Any cost savings should also be included.
 - Relevant background information;
 - An overview of the current service;
 - The proposed service required;
 - Current structure chart;
 - Proposed structure chart;
 - Current and proposed Job Descriptions and Person Specifications for individuals affected (to be submitted for grading);
 - Proposed Staffing Strategy;
The staffing strategy is represented in a table or spreadsheet and includes all current details (post, FTE, grade etc) of each employee in the area, and the various options/implications for them in the proposed new structure e.g. which post(s) they may be assimilated into, ring-fenced to, or may apply for in open competition. Managers must ensure that all individuals in scope are considered, including employees on maternity and paternity leave, long term sickness, career break, sabbatical leave, secondment or any form of extended leave.
 - Proposed Timescales;
There are statutory requirements for collective staff consultation where 20 or more redundancies are proposed. When fewer than 20 redundancies are proposed, UH will follow ACAS good practice guidance on collective consultation, though the timeframes may be revised. HR will advise on the statutory requirements for each restructure during the planning stage. Statutory consultation can be for periods of up to 45 days, so the timing of the start of formal consultations can be crucial. Other factors to include are the notice periods of individuals for redundancy

situations and enough time to be considered for redeployment opportunities.

- 5.2 An Equality Impact Assessment (EIA) must be completed. This is an analysis of staff affected according to protected characteristics such as gender, ethnic origin and disability to ensure that no one group is adversely impacted by the proposals because of their protected characteristics.
- 5.3 Other relevant information (if appropriate)
- Redeployment Policy (UPR HR28)
 - Outsourcing and procurement arrangements and/or TUPE information

6 VCE Approval

- 6.1 The Head of SBU or Senior Manager must obtain VCE (Vice Chancellor's Executive) approval for the proposed reorganisational change by sending the proposal as outlined in section 5 to VCE.
- 6.2 If substantial changes are made to the proposal following consultation, it may be deemed necessary to re-submit the proposal/rationale to the VCE for final authorisation.
- 6.3 Where significant organisational change is proposed, approval from the Board of Governors must also be sought.

7 Formal Consultation Process

7.1 Principles

- 7.1.1 The aim of consultation is to ensure that there is a genuine exchange of information and views in respect of the proposed changes. Comments and suggestions received from staff or the recognised trade unions should be made in writing. Clear written records of formal consultation must be kept and replies to feedback retained. All stages of consultation must be meaningful and comments and suggestions (e.g. for alternative courses of action) received from trade unions and individual employees must be properly and genuinely considered, discussed with those making the comments (if appropriate), and answered.
- 7.1.2 Clear written records of consultation must be kept where possible. Replies to trade unions' and employees' comments and suggestions should generally be in writing. This is so even if the comment or suggestion was made verbally.
- 7.1.3 The three main consultation stages, set out below are: Stage 1 Trade Union Consultation, Stage 2 General Staff Consultation and Stage 3 Individual Consultation. Where reorganisation affects a very small number of people (less than 5), stages may be amended in the interests of practicality.

7.2 Stage 1 – Trade Union Consultation

7.2.1 Details of the approved proposal will be sent by the Head of SBU/Senior Manager or HR Business Partner to the appropriate recognised trade union (UCU/UNISON). A consultation meeting will be convened within 2 weeks (if there are no redundancies proposed the trade union consultation will be just for information) between the Head of SBU, (who will chair the meeting), the trade union(s) and HR Business Partner. This meeting will aim to gain initial feedback on the outline process regarding:

- The timescale for the restructuring (any timescales agreed should consider the type of change, the number of employees affected and the impact of the change);
- The proposed staffing strategy (Spreadsheet containing information on staff roles/ringfencing/slotting in etc)
- The Equality Impact Assessment
- The applicable process to be used for filling any proposed new posts;
- The schedule for briefings to relevant staff group(s) involved;
- Deadlines for which management will provide a response to concerns raised by the trade union;

7.2.2 There may be a series of consultation meetings with the trade union(s), depending on the type of change. Where clarification is sought by the trade union the Head of SBU/Senior Manager in consultation with the HR Business Partner will respond to any concerns and questions raised in writing.

7.2.3 These trade union consultations will consider what can be done to avoid compulsory redundancy, minimise any reduction in staffing levels and mitigate the consequences of any dismissals. All parties will seek to reach agreement on the nature and method of the staffing changes required. Once finalised, these arrangements will be communicated to staff at risk of redundancy normally by means of a collective meeting, whenever practicable. Individuals will then be consulted individually, advised of their own situation and informed of how any assessment is to be made. Arrangements will be made to ensure that staff who cannot attend consultation meetings in person (e.g. those on maternity absence or long-term sickness) are kept fully informed.

7.3 Stage 2 - General Staff Consultation

7.3.1 On completion of the trade union consultation, the Head of SBU/Senior Manager (or nominee) in liaison with the HR Business Partner, will send an invitation to all staff affected to attend a group staff consultation meeting.

7.3.2 The manager may invite all staff to a wider SBU/Team briefing where appropriate.

7.3.3 The Head of SBU/Senior Manager will chair the meeting and the meeting may be attended by the appropriate trade union representative(s). The HR Business Partner will also be present.

7.3.4 The trade union may also convene separate meetings to consult their members about the proposal. There may be a series of meetings to consider feedback after consultation with members. The trade union, following consultation with their members will feed back to management/HR.

7.4 Stage 3 - Individual Consultation

7.4.1 The Head of SBU/Senior Manager will arrange individual consultation meetings (normally up to two) with staff that are at risk of redundancy by writing to individual staff. The individual has the option to attend the consultation meeting with an official trade union representative or University of Hertfordshire work colleague. The individual may choose not to attend individual consultation if they so wish.

7.4.2 The Head of SBU/Senior Manager will discuss how the change will affect the individual's post, using the proposed staffing strategy and the options available to them.

At these meetings the following will be discussed:

- The selection criteria
- The basis of selection for redundancy
- Possibility of redeployment (suitable alternative jobs/retraining)
- Redundancy terms (if applicable)
- The individual's concerns and/or feedback
- The individual's ideas for avoiding redundancy

7.4.3 A HR Business Partner will attend the meeting and a record of the meeting will be kept of the discussions. A copy of the record will be made available to the member of staff if required. Further consultation meetings may be arranged on request for further discussions related to the change.

8 Implementation

8.1 Following completion of the consultation stage, the management decision regarding the proposals will be communicated to all affected staff and their trade union representatives.

8.2 The Head of SBU/Senior Manager, with support and advice from the HR Business Partner will proceed to implement the required changes. (Refer to Appendix 1 and Appendix 2 on detailed procedures for implementation).

9 Completion of process

9.1 Following implementation, the Head of SBU will ensure that an updated structure chart is published. The HR Business Partner will ensure that the Equality Impact Assessment is completed and that the new structure is communicated to relevant teams within Human Resources.

Appendix 1 – Procedure for Filling New or Changed Structures

1. Consider the appropriate procedure to fill posts in the new structure:

- Slotting in/Assimilation (see section 2 below)
- Ringfence (see Section 3 below)
- Redeployment (see Section 4 below)
- Open competition i.e. normal University recruitment (see section 5 below)

An exercise to fill new or changed structures, using one or more of the above procedures, may take place within a framework where:

- i. the order for filling posts starts with the most senior posts and proceeds to the next level;
- ii. staff who are identified for redeployment as a result of a reorganisation may be considered for redeployment within the affected area of their SBU before University-wide redeployees are considered*; and
- iii. after consideration of possible suitable redeployees, vacant posts are advertised within the SBU before University-wide and/or external advertisement*

* *prioritising staff in the affected structure will not apply where there are multiple reorganisations happening across the University at the same time. In these circumstances redeployment opportunities will be advertised to all redeployees across the University and vacant posts will be advertised to all staff University-wide.*

2. **Slotting in/Assimilation** is used where the new job is materially similar to the old job and the affected employee is slotted into the new post. The new job should be fundamentally unchanged, given the complexity of the role and training requirements.

Assess the similarity of the old post to the new by using the following steps:

- Identify and compare the main purpose and function of the old job and the new;
- Identify and compare the key elements essential to the purpose including reporting lines, status, grade, areas covered, and professional accountability of the old job and the new;
- Identify if the job descriptions for each job are similar
- Identify whether new requirements in the post can be met with efficient, cost-effective training.

All posts subject to the slotting in/assimilation process will usually be filled at the start of the exercise.

3. **Ringfencing** is determined by using the same steps as above for slotting in but where the jobs are found **not** to be materially similar, the University takes the view that they have sufficient elements in common so as to give the employee an opportunity to be considered for the new post before open competition. This process of ringfencing is also used where there are more employees for a post suitable for slotting in than there are posts available. The ringfenced post must be the same grade or one grade lower to the previous post. Where staff are acting into roles higher than their substantive grade, they will be ringfenced according to their substantive grade and not to the acting grade. In exceptional circumstances where there is

no post in the structure at the same grade or one grade lower, ringfencing to a post one grade higher may be considered but not guaranteed.

- 3.1 Those ringfenced should complete an application or write an Expression of Interest (EOI) explaining how they meet the person specification.
- 3.2 Staff that are ringfenced are interviewed under usual University conditions (including work-related skills and knowledge assessment where appropriate). In order to be appointed, they must meet the essential requirements of the person specification. Where it is assessed that an individual will be suitable for appointment to a ringfenced position following reasonable, appropriate training, such training will be organised.
- 3.2 Job sharers are interviewed separately and considered independently.
- 3.3 No appointment will be made if none of the ringfenced staff meet the person specification criteria.
- 3.4 Staff successfully appointed to a ringfenced post one grade lower than their original substantive post will be protected, where the Office of the Vice Chancellor has agreed, at their original substantive grade for a maximum period of four years. Continuous service will be unaffected. Protection of other non-salary conditions of service will not normally be granted.

4. **Redeployment** is appropriate where employees have been displaced as a result of:

- their job being deleted and ringfencing not being appropriate.
- having been unsuccessful at a ringfence interview; or
- being selected for redundancy

Please refer to the University's Redeployment Policy UPR HR28 for further details.

Note that employees who have been interviewed for a post under a ringfence arrangement but were unsuccessful will not be reconsidered for the same post if it is subsequently advertised to the wider University.

5. **Open competition** recruitment should only be used when the University has been unable to fill a post by using the above provisions, or where these do not apply. Before proceeding to open competition for any new post within a reorganisation, managers should ensure that there are no potentially suitable redeployees on the University redeployment register.

Appendix 2 – Redundancy Procedure

1. If all reasonable alternatives to redundancy, including redeployment, have been exhausted, employees notified that they are at risk of redundancy will be advised of their dismissal on the grounds of redundancy in writing.
2. Where an employee is under notice of redundancy, the University will, within resources available, provide advice, information and support, including offering reasonable time off with pay to seek work outside the University, attend interviews or to arrange relevant training. If requested, the University will circulate details of the individual employee to other bodies.
3. Redundancy payments will be calculated in accordance with current legislation. Details of this can be found on the Government website (<https://www.gov.uk/calculate-your-redundancy-pay>). They will take into account continuous service with other employers as defined in The Redundancy Payments (Continuity of Employment in Local Government etc (Modification) Order 1999, as amended 2004.
4. Employees with less than 4 years' continuous service who are made compulsorily redundant will normally receive statutory redundancy pay which is calculated according to age, salary (subject to a statutory weekly maximum) and years of continuous service.
5. For employees with 4 or more years' continuous service who are made compulsorily redundant, the University will normally calculate redundancy payments in line with the statutory scheme but based on actual earnings (disregarding the statutory maximum weekly pay and will instead use actual weekly pay) subject to its financial circumstances.
6. Enhanced Redundancy payments may be applied in cases where it is in the University's interests to do so. Examples would include location closures where staff may be required to agree to work up to (or close to) the closure date; or where there is a need to reduce staff numbers quickly; or where there are compelling reasons for encouraging voluntary leavers in the particular change scenario.

Any Enhanced Redundancy considerations will be time-limited and normally targeted to an identified pool of staff. However, the University reserves the right to reject any individual application which is not in the interests of the University. Applications will be monitored to ensure there is no bias in the operation of the scheme.

7. Subject to financial considerations, all employees who volunteer for redundancy and are accepted and who sign a settlement agreement, will receive from the University a redundancy payment equivalent to 1.8 times their statutory redundancy payment (based on actual earnings, disregarding the statutory maximum).
8. Individuals should exercise some care in order to avoid falling foul of the provisions set out in The Redundancy Payments (Continuity of Employment in Local Government etc (Modification) Order 1999, as amended 2004. These stipulate that an employee who takes up an appointment with another Higher Education Funding Council institution, Local Authority or other body, as specified in the 1999 Order, less than four weeks and one day after the date of their dismissal for redundancy, would lose their entitlement to a redundancy payment – provided that the offer of the new job had been made before the termination date of their contract with the University

Redundancy Appeal

- a) Appeals against redundancy dismissal should be submitted, in writing, to the Director of Human Resources within ten (10) working days of receipt of the termination letter. The grounds for appeal should state one or more of the following reasons:
 - The procedure – a failure to follow procedure had a material effect on the decision
 - The decision – the selection for redundancy was unfair
- b) An appeal hearing will consist of the Chair (Vice Chancellor or nominee in the case of staff on Academic contracts or the Secretary & Registrar or nominee in the case of all staff on Professional contracts and 2 members of the Chief Executive's Group. The panel members will have had no former involvement in the case.
- c) The panel will be supported by the Director of Human Resources (or nominee).
- d) An appeal hearing will normally be held within 15 working days of the procedure being invoked.
- e) The individual will be given advance notice of the hearing and have the right to be accompanied by a workplace colleague or trade union representative.
- f) Copies of all documents/reports to be used at the hearing will be circulated to the panel, the individual and the manager who authorised the redundancy. Along with the HR Business Partner who supported them. Witnesses may be called as appropriate.
- g) The individual shall present their appeal to the panel. The Head of SBU/Senior Manager will have the opportunity to respond to the appeal submission.
- h) The decision of the appeal panel will be final and confirmed to the individual in writing normally within five (5) working days of the appeal hearing.

Sharon Harrison-Barker
Secretary and Registrar
Signed: **8 March 2024**

Alternative format

If you need this document in an alternative format, please email us at governanceservices@herts.ac.uk or telephone us on +44 (0)1707 28 6006.