



University of the
Highlands and Islands
West Highland College

Oilthigh na Gàidhealtachd
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HUMAN RESOURCES POLICY AND PROCEDURES FRAMEWORK

STAFF REDUNDANCY PROCEDURE

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HUMAN RESOURCES POLICY AND PROCEDURES FRAMEWORK

Staff Redundancy Procedures

1 Purpose

The procedures outlined in this document, and the related policy statement are intended to ensure that unavoidable redundancy issues are dealt with in a fair and equitable manner. In adopting these procedures in relation to redundancy issues it is intended that the necessity for redundancies is reduced and that unavoidable redundancies are handled in a professional and positive manner.

The consideration and adoption of this procedure does not signal that redundancies are either imminent or inevitable. It is recognised that the adoption of a redundancy policy and procedure is an appropriate step in reducing the possibility of redundancies arising and in positively considering and managing staffing issues.

2 Scope

- 2.1 This procedure defines the framework within which redundancy issues will be handled in respect of all staff employed by WHC UHI
 - 2.1.1 This procedure does not apply to the expiry of non-established posts where redundancy payment rights have been waived. In these circumstances, individual members of staff will, however, remain covered by the statutory entitlements in force at that particular time.
 - 2.1.2 This redundancy policy and procedure has been agreed following discussion with College staff representatives and will not be amended without further consultation taking place. This policy and procedure document is a statement of intent and is not intended to be contractually binding.
 - 2.1.3 Details of the statutory provisions in force in respect of redundancy issues are available from the Assistant Principal with responsibility for Human Resources.

3 Notification, Consultation and Information

Where it becomes necessary for the College to consider possible redundancies, this information will be made available to any recognised trades unions at the earliest opportunity to allow for full and meaningful consultation to take place. The aim of this consultation will be to mitigate, reduce and/or remove the threat of redundancy.

The College will provide formal notification of the possibility of redundancy to any recognised trade unions in line with the statutory requirements in force at that time. Guidance in respect of these requirements is available through the Assistant Principal with responsibility for Human Resources.

Individual staff will be advised at the earliest opportunity of the possibility of redundancy affecting his/her post. Where a redundancy situation arises, those staff who may be affected will receive the opportunity to discuss the situation and to confidentially discuss opportunities for generating additional work opportunities, retraining, redeployment or voluntary severance/voluntary redundancy.

To support the full and open discussion on the reasons for and implications of possible redundancies, the College will strive to provide the recognised trades unions, (or any alternative consultative group elected for redundancy consultations), with all relevant information available. Where it is considered that additional information is required, all steps will be taken to try to provide this.

4 Voluntary Severance/Redundancy

In support of continued security of employment for staff, consideration may be given to voluntary severance or voluntary redundancy arrangements for staff. Such arrangements may be made in line with the opportunities available in respect of premature retirement, (with or without enhancement), through voluntary redundancy or other voluntary severance arrangements as considered appropriate in respect of College requirements and individual circumstances.

5 Selection Criteria

Where, following consultation and consideration of the available options, a compulsory redundancy situation arises the College will seek to ensure that the selection process is fairly and equitably applied.

The selection criteria used in any redundancy situation will be developed relative to the needs faced at that particular time and will cover all, or some of the undernoted selection criteria. These selection criteria are indicative of those which may be used and do not constitute a complete or comprehensive list of the criteria which may apply in respect of any given exercise or in relation to the particular circumstances faced.

The exact selection criteria used, and decisions reached, will reflect the need to support future security of employment and meet the developing needs of College clients. The selection criteria utilised in any redundancy exercise will be identified and finalised in advance of any individual redundancy decision being taken. Any member of staff selected for redundancy will have the option to confidentially review and discuss the decisions reached in respect of their placement relative to the selection criteria applied.

In considering redundancy selection decisions the following selection criteria are indicative of the range which may be used:

- formal qualifications;
- experience;
- work standards;
- specific individual skills;
- assessed aptitude and potential;
- opportunities for retraining, transfer and/or redeployment to other suitable employment;
- potential for premature retirement;
- attendance record;
- timekeeping record;
- disciplinary record; and
- length of continuous service, (in line with good equal opportunities practice this criteria may only be used where all other factors are equal).

6 Right of Appeal

Where a compulsory redundancy decision is implemented, the individual member of staff will have the full right of appeal against this decision through the terms of the College grievance procedure.

7 Notice of Redundancy

Where compulsory redundancies take place the individual staff affected will receive notice, (or payment in lieu of notice as appropriate), in line with his/her contractual notice period or the statutory requirements in force at that time, (whichever is the greater).

Confirmation of compulsory redundancies will be provided to any recognised trades unions, (or to any consultative body elected for redundancy consultation purposes).

8 Calculation of Payments

Where compulsory redundancies take place the individual staff affected will receive redundancy payments in line with the statutory requirements in force at that time, (see appendix 1), plus any additional payments agreed as part of the redundancy process. Details of these payments, and the method of calculation used will be provided to those staff affected on an individual basis.

9 Support for Staff

The College will seek to provide what practical support, guidance and assistance it can to support individual staff facing, or selected for, compulsory redundancy, or opting to take voluntary redundancy or severance.

- In line with statutory requirements the College will support the right of any individual member of staff selected for compulsory redundancy, or opting to take voluntary redundancy, to receive reasonable, paid, time off to attend job interviews and/or undertake additional training.
- Where a member of staff receives a job offer outwith the College, or a place on a long-term training or education course, the College will look sympathetically at any request to reduce the required notice period without affecting entitlement to a redundancy payment.

Additional support can also be developed to suit individual circumstances, including all, or some, of the undernoted areas:

- careers guidance;
- retraining and educational opportunities;
- jobsearch and interview skills;
- assistance with the preparation, design and copying of application letters and CVs
- support through contacts with other colleges and local employers;
- use of College telephone and mail services; and
- provision of employment testimonials and references.

10 Conclusion

This policy and procedure aims to make clear the Colleges approach to the identification and handling of any redundancy issue. In identifying these procedures the College recognises that security of employment is a key feature to the continued motivation, development and benefit of all staff. It is intended that the expression of good practice within this policy and procedure document will act to support the achievement of real security for all staff.

Appendix 1 - Redundancy and Severance Payments

In addition to payment in respect of the contractual or statutory notice period, (whichever is the greater), plus payment in lieu of any annual leave entitlement accrued but not taken, any member of staff subject to compulsory redundancy will receive a redundancy payment. Entitlement to a redundancy payment will be governed by the statutory requirements in force at that time.

Voluntary severance payments may also be available in certain circumstances, as may premature retirement options.

The undernoted information outlines the general principles and requirements which will apply in cases of compulsory redundancy, voluntary severance or premature retirement. A number of statutory and policy restrictions exist which control entitlement to, options for, and amounts of, compulsory redundancy, voluntary severance or premature retirement sums. The undernoted information is indicative only, and any actual entitlement will be determined and confirmed on a case by case basis.

1 Statutory Redundancy Payments

Redundancy payments will be calculated on the basis of complete years of continuous service gained since age 18, (up to a maximum period of 20 years). In respect of this service, payment will be made on the basis of allocated weeks dependent upon age, as outlined below.

It should be noted that a statutory limit is placed on the value of a weeks pay. This amount varies from time to time, and details of the value in force at any time may be sought by contacting the Assistant Principal with responsibility for Human Resources.

- from age 41, but under 65 1¹/₂ weeks pay per year of service;
- from age 22, but under 41 1 weeks pay per year of service; and
- from age 18, but under 22 1/2 weeks pay per year of service.

In all cases reckonable years of service will be counted back from the relevant date of redundancy.

2 Voluntary Severance

Under arrangements established by the Scottish Executive, enhanced severance payments may be made to staff leaving the service of the College on a voluntary basis as a result of redundancy, or in the interests of the efficient exercise of College functions.

The maximum value of this severance and the conditions of payment are restricted by the Scottish Executive. Any severance payments available will be determined in line with these requirements under arrangements set by the Board of Management.

Voluntary severance will only be offered in situations where a genuine severance requirement exists, and specific efficiency savings are identified. Voluntary severance will not be offered in place of disciplinary action, as a solution to conduct or work performance issues, or following the issue of compulsory redundancy notification to an individual.

2.1 Calculation of Voluntary Severance Payments

Voluntary severance payments are restricted under arrangements established by the Scottish Executive. These arrangements restrict the maximum payment possible. The maximum potential payment is calculated on the basis of the above noted entitlement to a statutory redundancy payment using the actual value of a week's pay, rather than the statutory maximum amount.

Staff in receipt of voluntary severance payments will normally work through their notice period, and will not normally be entitled to payment in lieu of notice, or to any other payments arising out of termination of employment.

2.2 Returning to College Service

If a member of staff in receipt of a voluntary severance payment returns to established College employment within a period of three years, s/he will be required to repay a proportion of any additional, (excluding statutory), severance payment made. In these circumstances, repayment will be made on the following basis.

1 year or less	75%
> 1 year but <2 years	50%
> 2 years but < 3 years	25%

3 Premature Retirement

Staff aged 50 or over may be able to retire from work, (with or without enhancement), if particular pension arrangements are in place and will be discussed and agreed on an individual basis.

3.1 Returning to College Service after Retirement

Any member of staff accepting premature retirement from College service will not normally be eligible to return to established College employment. Where a member of staff returns on a non-established basis, s/he will be subject to the equivalent terms and conditions of service as any other new member of staff. Given the fact of premature retirement, re-appointment will not be considered as a matter of course, and must necessarily be of limited duration and frequency.

4 Efficiency of College Functions

To ensure that voluntary severance and premature retirement arrangements are calculated and implemented in line with the efficient utilisation of College resources, approval of payments will be subject to the undernoted requirements.

- (i) Prior to approval, the total cost of any package must be identified, must include identifiable savings, and should conform to a payback period of 3 years or less.
- (ii) The reasonableness of the overall package in respect of College activities, and the ability of the College to meet the associated costs, must be considered and approved in advance by the Personnel Committee of the Board of Management.