

RESTRUCTURE POLICY AND ASSOCIATED PROCEDURES

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Restructure Policy and Associated Procedures

1 Scope

- 1.1 The policy and procedures outlined in this document apply to all employees.

2 Policy

- 2.1 The University of Greenwich recognises the significant contribution made by its employees, and seeks to ensure, as far as possible, stable and sustainable employment through effective planning to meet current and future needs.
- 2.2 The University will seek to engage transparently, openly and constructively with recognised Trade Unions and employees regarding the way the University is organised, how work is planned, delivered and funded.
- 2.3 It is essential that the University can maintain sufficient flexibility to enable the delivery of its business. However, the University is committed to providing a fair and equitable framework for all employees and to complying with its legal obligations. From time to time, changes may be required which affect employee structures or numbers within a Faculty, Service Department or

across the University. Such changes may have the potential to result in redundancy.

- 2.4 The University's policy is to avoid redundancies wherever possible, however the needs of the business may from time to time require a reduction in the overall number of staff employed or organisational changes that result in some employees being made redundant.

Where this is necessary, the organisation will ensure that:

- the total number of redundancies is kept to a minimum;
- employees and their representatives are fully consulted on any proposals and their implementation;
- the selection for redundancy is based on clear criteria that will be objectively and fairly applied;
- every effort is made to redeploy or find alternative work for employees selected for redundancy;
- support and advice is provided to employees selected for redundancy to help them find suitable work when their employment has come to an end; and
- consultation processes will be in line with the procedures outlined in this document

- 2.5 Changes to working practices (such as the realignment of management structure) are not subject to this policy.

- 2.6 The University recognises the benefit of early and meaningful consultation. It is committed to discussion of proposed change at the earliest time possible.

- 2.7 The procedures that support this policy are as follows:

Section A: Pre-Consultation – the business case

Section B: Consultation

Section C: Implementation

Appendix 1: Flow chart

Restructure Procedures

SECTION A: Pre-Consultation

Business case development

1. Managers considering organisational change that may impact on staff numbers and may result in redundancy should work with the People Directorate to prepare a business case for the proposed change for approval from the Vice Chancellor's Office to proceed with consultation on proposals.
2. The business case will contain the following information:
 - a) the need for change and the rationale behind the change;
 - b) the impact of not changing;
 - c) the options that have been considered including advantages and disadvantages of each;
 - d) details of the current position including the staffing structure;
 - e) the proposals for change, including the proposed staffing structure and how it will operate;
 - f) the benefits of the proposals;
 - g) the financial and staffing implications of the proposals;
 - h) the procedure to be followed and timescale/period over which it will take place, including when consultation will end and when post(s) will be deleted (where appropriate);
 - i) an Equality Impact Assessment detailing the equality implications of the change and mitigating action of any negative impact.
3. Where proposed changes place staff at risk of redundancy, the business case should also include:
 - a) the numbers and grades of employees who are at risk of redundancy as a result of the proposals when these are identified;
 - b) the proposed method of selecting employees who may be identified as redundant;
 - c) the proposed method for appointing to roles in the new structure;
 - d) the proposed method of carrying out the dismissals in accordance with agreed procedures as appropriate;
 - e) the period over which the dismissals are to take effect; and
 - f) the proposed redundancy terms, including the method of calculation, if other than that specified by employment legislation.

4. Following approval by the Vice-Chancellor's Office the manager leading the change, supported by the People Directorate, will notify the recognised Trade Unions.

SECTION B: Consultation¹

1. The University will commence consultation with the recognised Trade Union(s) about proposed redundancies at the earliest possible opportunity and will keep the Trade Union(s) informed of further developments as they arise throughout the period of consultation. The only caveat to this is if there are 'special circumstances' as detailed in the Trade Union and Labour Relations (Consolidation) Act 1992.
2. A genuine redundancy arises only when either there has been or there is going to be:
 - a) a cessation of business;
 - b) a cessation of business at the employee's site; or
 - c) a reduction or cessation of work.
3. Formal consultation will begin
 - a) at least 30 days before the first dismissal is due to take effect, where it is proposed to dismiss as redundant between 20–99 employees within a period of 90 days or less;
 - b) at least 45 days before the first dismissal is due to take effect, where it is proposed to dismiss as redundant 100 or more employees within a period of 90 days or less;
 - c) in instances where it is proposed to dismiss as redundant fewer than 20 employees, the University will normally consult formally for 30 days (if this is not feasible, the staff and recognised trade unions will be informed and any concerns relating to the timescale taken into account).
4. Each employee affected by the change and the trade union(s) will receive a copy of the business case.
5. The University will provide Trade Union(s) with a copy of any statutory notice supplied to the relevant Government Department about proposed redundancies.
6. In addition to collective consultation, the University will consult with individual employees or groups of employees whose posts are at risk of redundancy;

¹ **Consultation** – the process of a genuine exchange of views and information on issues of mutual concern, which involved seeking acceptable solutions to problems through such exchange and is based on the general principle that the mere passage of information is not consultation. Meaningful consultation involves an early opportunity to influence proposals.

this may also include (where appropriate), staff who are not in the at-risk group but where there may be implications for their role. During these discussions the employees will have the right to be accompanied by a work colleague, a duly accredited Trade Union representative or an official employed by a Trade Union.

7. Consultation will be meaningful and conducted with the representatives (as outlined above) of employees who may be affected, with a view to reaching agreement on ways to avoid, to reduce the numbers of and to mitigate the consequences of the potential redundancies.

This may involve:

- a) receiving and addressing any questions on the proposals for change;
 - b) considering any comments, views or alternative proposals put forward on the change proposals as a basis for determining any final decision to proceed or otherwise;
 - c) considering any comments or views on the change procedure and any communications specific to the change exercise in question; and
 - d) considering any comments or views on the method to be used for pooling and selection of staff to be put at risk
8. Once consultation starts and one or more posts are identified as being at risk, employees will receive a letter notifying them that they are at risk and will be given the opportunity to be placed on the redeployment register.
9. Avoidance and mitigation.
 - 9.1. The University will fully consider all alternative courses of action to minimise or eliminate the need for redundancy. The University will consider the following measures where a post or posts might be at risk:
 - a) reduction in non-staffing costs;
 - b) reduction and/or termination of the use of external staffing resources in related areas e.g. agency employees, contractors, consultants;
 - c) non-replacement of employees following normal employee turnover;
 - d) reducing or eliminating paid overtime;
 - e) methods of increasing income to the area(s) affected;
 - f) consideration of flexible working requests to reduce hours and costs;
 - g) the offer of voluntary retirement or voluntary severance;
 - h) consideration of bumping; and

- i) suitable alternative employment², redeployment or relocation of employees to alternative types of work (giving consideration to training needs), or places of work within the University;
- 9.2. This list is not exhaustive and other measures may be available to mitigate or avoid the need for a reduction in employees.
- 9.3. Consideration of avoidance and mitigation will occur throughout the change process.
- 10. At the end of the consultation period a report will be produced that describes the outcomes of the consultation and changes, if any, to the proposals made in the business case as a result of the consultation. The report will also include the plan for implementing the changes.
- 11. If, following consultation, posts originally considered at risk are no longer at risk, the individuals holding those posts will receive a letter informing them of this.
- 12. If, following the consultation, posts remain at risk individuals holding the posts concerned will be informed of this in writing. The letter will describe the process which will be undertaken to implement the change.

² **Suitable alternative employment** – whether a job is suitable depends on how similar the work is to your current job; the terms of the job being offered; your skills, abilities and circumstances in relation to the job; and the pay (including benefits), status, hours and location.

SECTION C: Implementation

Selection for redundancy

The consultation report will identify posts that remain at risk of redundancy outlining the 'pooling' and the selection criteria to be employed. The report will specify how staff may make representations about their suitability.

Where there is no pooling, this stage will not be necessary. Once selection has been undertaken, where relevant, any new posts created will be filled as follows:

1. Assimilation

- 1.1 Assimilation is the process whereby employees are 'slotted-in' in situations where the new post still carries substantially the same duties as the original post.
- 1.2 An employee at risk of redundancy can be assimilated into an existing or new role created by the restructure, under the following criteria
 - a) Assimilation will occur where at least 70% of the business critical duties and principal responsibilities of the new post are covered by the requirements of the old post as described by the current job description and any amendments to that job description agreed between the individual and their line managers. Training will be provided for the remaining 30% of the post requirements, where appropriate;
 - b) There is only one eligible employee who is under consideration; and
 - c) If more than one employee meets the first two points of the assimilation criteria, there will be a competitive assessment to decide the best candidate to appoint. Where this applies, information on the process of assessment will be outlined in the documentation given to staff and their Trade Union representatives.

2. Ring-fencing

- 2.1 After the assimilation exercise is complete, if posts remain unfilled in the new structure, they will be ring-fenced for any member of staff who is still at risk of redundancy and who is at the same grade as the post concerned. Appointment into ring-fenced posts will be through an interview.
- 2.2 In seeking to provide suitable alternative of employment, consideration will be given to the comparability of the new position with that previously held in terms of grade, rate of pay, hours of work, location and working environment. It is acknowledged that exact matches may

not be possible; therefore flexibility and an open-minded approach will be necessary from both employees and management concerned.

- 2.3 Where employees are successful in a ring-fence interview, this will normally be subject to a four week trial period in order for the University and the employee to assess the suitability for the post. This period can be extended prior to commencement by mutual agreement should it be considered practical and necessary for evaluation or retraining purposes.
- 2.4 At the end of the trial period, if both parties agree, the employee will become the post-holder according to the post terms and conditions. If the trial period is not successful the employee will be considered for any redeployment (see section 3) opportunities prior to being issued with notice of redundancy.

3 Redeployment

- 3.1 The redeployment process exists to reduce the loss of valuable skills from the organisation by redeploying as many employees as possible to posts in other parts of the University.
- 3.2 The University will ensure that the redeployment process has been exhausted and that appropriate alternatives are explored in all cases before redundancy is implemented. It will ensure that where redeployment is applicable within a change initiative, redeployment is prioritised to negate the need for redundancies.
- 3.3 Employees will be considered for redeployment under the following circumstances:
- a) employees whose posts have been formally identified as potentially redundant or who have received formal notice of redundancy with more than three months continuous service with the University;
 - b) employees whose appointments are subject to limited term external funding arrangements;
 - c) employees appointed on a fixed term contract who are within three months of the expiry date of that contract;
 - d) employees who are no longer able to continue their present post for medical reasons; and
 - e) employees for whom another substantial reason puts their employment at risk.
- 3.4 In seeking to provide redeployment opportunities, consideration will be given to the comparability of the new position with that previously held in terms of grade, rate of pay, hours of work, location and working

environment. It is acknowledged that exact matches may not be possible; therefore flexibility and an open-minded approach will be necessary from both employees and management concerned.

- 3.5 Employees will be added to the redeployment register and automatically sent lists of jobs at the same grade.
- 3.6 Employees will be encouraged to apply for suitable roles (this may include posts where an opportunity for promotion may arise), and provided that they meet the minimum selection criteria, they will be shortlisted and interviewed. When applying for a post through redeployment employees will be required to write an expression of interest for the post.
- 3.7 The People Directorate will work with affected staff to identify skill sets, particular areas of expertise, qualifications, as well as any other specialisms or interests they may have (this may involve completion of a form designed specifically for this purpose). This will support affected staff in matching their skills to vacant posts and in their preparation of applications and interviews.
- 3.8 The notification letter to staff directly affected by the change and the relevant Trade Union(s) from the People Directorate will include specific reference to the extent of any salary protection which may be agreed in the event that staff are redeployed to posts on a lower grade than their current grade. Normally salary protection will apply only where an individual is placed into or appointed to a post that is one grade lower than their existing post. Their salary level will not be subject to further incremental progression nor will they receive pay awards. Entitlement to London weighting allowance and excess travel expenses from home to the new place of work (where appropriate) will not be affected by these arrangements. The period of pay protection in all cases is 3 years.
- 3.9 Employees on the redeployment register will be given prior consideration for vacant posts. Departments with vacancies will prioritise the consideration of those on the redeployment register.
- 3.10 If more than one employee meets the minimum selection criteria, there will be competitive assessment to decide the best candidate to appoint. If after having applied this procedure there is no interest in a vacancy or no appointable candidate, the vacancy will be advertised internally and / or externally in line with University policy.
- 3.11 Employees who are not successful at interview will be given written feed-back on request to help them with future applications.

- 3.12 Where employees are redeployed this will normally be subject to a four week trial period in order for the University and the employee to assess the suitability for the post. This period can be extended prior to commencement by mutual agreement should it be considered practical and necessary for evaluation or retraining purposes.
- 3.13 At the end of the trial period, if both parties agree, the employee will become the post-holder according to the post terms and conditions. If the trial period is unsuccessful the employee will be issued with formal written notice of redundancy, including their contractual notice period. During the contractual notice period redeployment opportunities will be monitored and if any suitable opportunities become available the employee will be informed. Any further trial period should take place within the remainder of any contractual notice period, unless mutually agreed between the University and the individual.
- 3.14 Employees who have received formal notice of redundancy and unreasonably decline an offer of suitable alternative employment or unreasonably terminate a trial period in that employment, will normally forfeit the right to redundancy pay.

4 Voluntary severance

- 4.1 After consultation, employees that are at risk of redundancy will be offered voluntary severance associated with the restructure. If voluntary severance is made available the procedures for making applications will be shared with employees and the Trade Unions. These will include the possibility of inviting applications from staff outside the 'at risk' areas in order to create redeployment opportunities for staff that are directly 'at risk'.
- 4.2 Voluntary severance will not be offered to staff that refuse suitable alternative offers of employment.

5 Notice of redundancy

- 5.1 Once consultation is completed, assimilation or redeployment options have been explored and no alternative has been found, affected employees will be given formal notice of their redundancy, this will be at least their contractual notice period. During the contractual notice period redeployment opportunities will be monitored and if any suitable opportunities become available the employee will be informed. The trial period for any redeployment opportunity identified should take place within the remainder of any contractual notice period, unless mutually agreed between the University and the individual.

6 Appeals

- 6.1 An employee has the right of appeal against the decision to issue notice of redundancy. Such appeals must be registered with the University Secretary (or suitable alternative if the University Secretary was responsible for the original decision) within 10 working days of receipt of the written notice of redundancy being delivered.
- 6.2 The appeal must be in writing and must clearly state the grounds for its submission together with any documentary evidence. The grounds for appeal are:
 - a) failure to follow the proper process;
 - b) unfair selection of individual;
 - c) failure to be assimilated to a relevant role.
- 6.3 The appeal will be heard by a panel comprising two members of the Court and the Executive Director of People. A member of the Court will be in the Chair. In the event that the Executive Director of People was responsible for the original decision, an alternative senior manager will be identified. If the Executive Director of People is not present at the appeal, Court members will be advised by a person with People Directorate expertise. In exceptional circumstances, this may be someone from outside the University.
- 6.4 Employees will be given not less than 5 working days' notice, in writing, of the arrangements for the Appeal.
- 6.5 The employee will be asked to present their case at the appeal hearing and the relevant manager will be asked to respond and each party can be questioned.
- 6.6 The employee has the right to be represented and supported by their trade union representative or work colleague at the appeal hearing.
- 6.7 The employees and the person that may accompany him/her are obliged to make every effort to attend the meeting. Where an employee is unable or unwilling to attend a meeting without good cause, the meeting may be rearranged once, after which, the Court may make a decision on the evidence available. The employee will be informed, in advance, in writing, that this is the case.
- 6.8 The employee may set out his/her case and present relevant evidence. The companion may put and sum up the employee's case, respond to views expressed at the meeting and confer with the employee but may not answer questions on the employee's behalf or address the hearing

without the employee's consent or prevent the presentation of the management case.

- 6.9 The outcome of the appeal will be confirmed in writing within 10 working days of the appeal hearing. The decision of the panel will be final and no further appeal can be made.

7. Employee support

- 7.1 Employees who are subject to the provision of this policy are advised to seek further advice, guidance and support from the People Directorate.
- 7.2 The University will offer further support to staff affected by the change. This will include confidential support to help affected employees with skills analysis, job search techniques, career counselling, CV preparation and interview techniques. In some cases, this may also include retraining.
- 7.3 Employees under formal notice of redundancy are eligible for reasonable paid time off work to look for new employment or to make arrangements for training or future employment.
- 7.4 University employees have access to a free, independent, confidential counselling service. Further details can be found on Portal / Support / People Policies, Guidance and Forms.

8 Redundancy payments

- 8.1 Employees qualifying for redundancy pay should normally expect to continue working up to the date on which their formal notice expires. If an employee requests to leave prior to the end of the notice period, consideration will be given to the circumstances and permission will not be withheld without good reason. Where a revised date of leaving is agreed at the request of the employee, there will be no entitlement to payment for the remainder of the notice period. If an employee leaves prematurely without the University's permission, they may forfeit their entitlement to a redundancy payment.
- 8.2 In cases of compulsory redundancy, entitlement to redundancy payments will be calculated on the basis of statutory provisions only. The University at its discretion may offer enhanced redundancy terms and payments and such will be deemed to be inclusive of any entitlement to statutory redundancy pay under any prevailing legislation. Recognised Trade Unions will be advised of any enhanced terms which may be available.

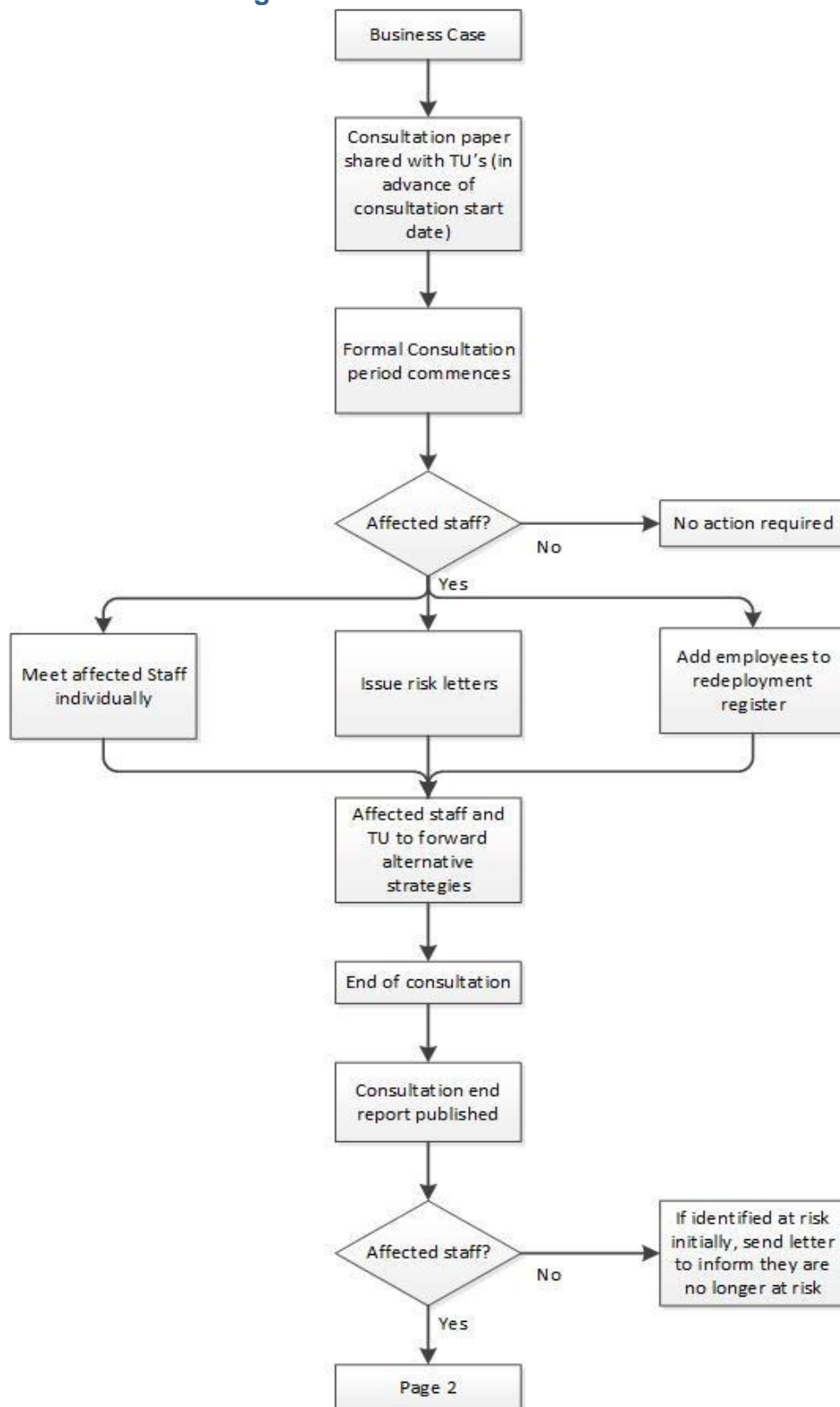
- 8.3 For the purpose of calculating compensation, pay is defined as at the date of termination, and in accordance with the limits of the statutory redundancy payment schedule applicable at that time.

9 Review

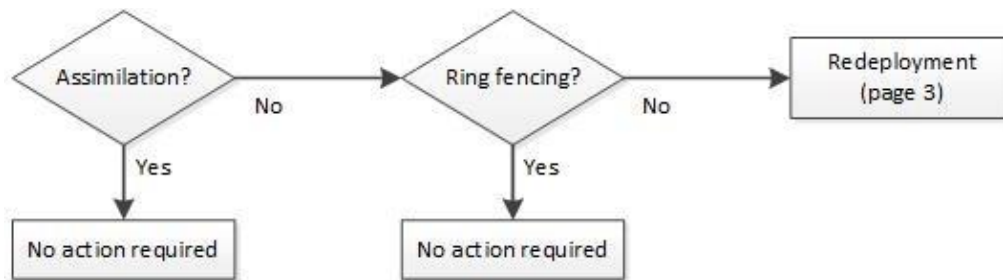
- 9.1 The University will keep this policy and procedure under review with the trade unions.

Appendix 1

Restructure Flowchart - Page 1



Restructure Flowchart - Page 2



Restructure Flowchart - Page 3

