

Compulsory Redundancy Procedures for Academic Related Staff

1. Introduction

Redundancies may arise in the following circumstances:

- (i) In the situation where a particular job function is no longer required, the relevant job holder(s) will be potentially redundant;
- (ii) in the situation where a Unit or Sub-Unit moves to another site and one or more members of staff choose not to move that/those member(s) is/are potentially redundant;
- (iii) in the situation where there is a general long term workload reduction in a Unit, Sub-Unit or across the University which cannot be identified with particular posts.

2. Stage 1

Once the Strategic Planning and Resources Committee (SPRC) has recommended that there should be a reduction in the academic-related staff of the University as a whole, or any Faculty, School, Department or other similar area of the University that could result in the potential redundancy of staff, then the procedures set out in 2 and 3 below will apply. Before the procedures in Stage 2 and 3 are operated, SPRC's recommendation will be reported to Council. Council has the following options:

- (a) to approve (in which case Stages 2 and 3 will operate)
- (b) to reject the recommendation of SPRC (with the implication that there is no redundancy situation)
- (c) to refer the report back to SPRC for further consideration.

The University will advise the OUBUCU of the SPRC recommendation and of the report to Council. Subject to Council's response, Stages 2 and 3 below will follow.

3. Stage 2

The University will provide a statement to the Open University Branch of the University and College Union (OUBUCU) of the reasons for the decision that there should be a reduction in academic-related staff by way of redundancy. Information will be provided in accordance with the Collective Redundancies and Transfer of Undertakings Protection of Employment (Amendment) Regulations 1995 or any subsequent amendment thereof. University officers will consult with staff and the OUBUCU to identify and investigate further courses of action

which might avoid, reduce or mitigate the consequences of redundancy. This will include discussing some or all of the actions listed below:

- i) re- deployment (see separate agreement)
- ii) location of additional external funding
- iii) retraining where appropriate i.e. reasonable facilities for staff development/training to extend or build on current skills so that staff can prepare themselves for suitable alternative employment within (or outside) the University.
- iv) temporary transfers within the University
- v) implementation of part-time working, job sharing etc. where appropriate
- vi) permanent transfers of staff to other units
- vii) where it is not possible to find suitable alternative duties, and/or provided suitable alternative duties have not been unreasonably refused, early retirement or severance, as appropriate, in accordance with any package approved by Council at the time will be an option.

[This stage will operate for a minimum period of 3 months except where both sides agree otherwise.]

4. Stage 3

- a) If there are insufficient volunteers, or the other actions under Stage 2 have not achieved the required staff reductions, the SPRC will decide whether compulsory redundancy is necessary, determine the criteria and inform the OUBUCU. SPRC will select the requisite members(s) of Academic-Related staff and will authorise an appropriate officer of the University to issue notices of intended dismissal, in accordance with the contractual notice period. The decision and numbers of staff involved will be reported to the next Council.
- b) During the notice period every effort will be made to find suitable alternative employment including:
 - i) re- deployment (see separate agreement)
 - ii) location of additional external funding
 - iii) retraining where appropriate i.e. reasonable facilities for staff development/training to extend or build on current skills so that staff can prepare themselves for suitable alternative employment within (or outside) the University.
 - iv) temporary transfers within the University
 - v) implementation of part-time working, job sharing etc. where appropriate
 - vi) permanent transfers of staff to other units
 - vii) where it is not possible to find suitable alternative duties, and/or provided suitable alternative duties have not been unreasonably refused, early retirement or severance, as appropriate, in accordance with any package approved by Council at the time will be offered.

During any period within which staff are under notice by reason of redundancy, **external** (but not necessarily internal) advertising of vacant posts will be suspended where posts are of the same category and grade, and where the staff under notice meet the essential requirements of the posts. These vacancies will be brought to their attention as they arise, and if they express an interest in a particular vacancy, they will be treated as applicants for that vacancy. Provided that they satisfy the essential requirements for the post as stated in the person specification, they will be interviewed. Where alternative posts are offered, employees will be entitled to a 3 month trial period.

In addition, the University shall provide potentially redundant staff with support in the form of internally/externally provided career counselling and guidance, together with reasonable paid time off (additional to any outstanding leave entitlement) to attend external interviews and for job seeking activities.

Staff dismissed on grounds of redundancy shall receive payments which will be in accordance with any package approved by Council at the time.

5. Rights of Appeal

A member of the Academic-Related staff may appeal against wrongful selection for redundancy, but not against the recommendation of SPRC under Stage 1 of the procedures. An appeal should be made in writing to the Secretary setting out the grounds of the appeal within 28 working days of the date on which the notice of redundancy was issued. The appeal will be heard by a nominee from an ACAS panel selected by the Vice-Chancellor and the President (OUBUCU).

6. Addendum on Maternity Leave

When a woman on maternity leave is at risk of redundancy she is entitled in law to be offered any suitable alternative vacancy. The work has to be suitable and appropriate for her. The terms and conditions of the new job must be substantially no less favourable than if she had continued under her previous contract. If such an alternative role exists it must be offered to her without a competitive process. The woman on maternity leave must be given priority for such a role over any employee at risk and must not be put into competition with any other staff not on maternity leave, regardless of whether there are other people at risk who might have been suitable for the post. The University has responsibility for deciding whether a vacancy is suitable, after considering aspects such as function, location, pay and reasonableness based on the knowledge of the personal circumstances and will make every effort to identify a suitable acceptable alternative. Appropriate consultation will take place but special arrangements may be necessary if maternity leave has commenced. Any new role will be offered subject to a three month trial period