

Redundancy Policy

1. Introduction

In the event that it is necessary to make redundancies in the organisation the University will adhere to the procedures agreed with the unions for the various categories of staff. All the different procedures are detailed in the Useful References section below.

2. Definition of Redundancy

Redundancy in accordance with the Employment Rights Act is defined as follows:

- (i) Where an employer has ceased, or intends to cease, to carry on the 'business'; or
- (ii) When an employer has ceased, or intends to cease, to carry on the 'business' in the place at which the employees were contracted to work; or
- (iii) The requirements of the 'business' for employees to carry out work of a particular kind have ceased or diminished or are expected to cease or diminish; or
- (iv) The requirements of the 'business' for employees to carry out work of a particular kind, in the place at which they were contracted to work, have ceased or diminished or are expected to cease or diminish.

3. Statutory Redundancy Consultation Obligation

In accordance with legislation the employer must begin the process of consultation in good time and complete the process before any redundancy notices are issued.

In addition, consultation must begin at least:

- 30 days before the first of the dismissals takes effect where between 20 and 99 redundancies are proposed within a period of 90 days or less.
- 45 days before the first of the dismissals takes effect where 100 or more dismissals are proposed in one establishment within a period of 90 days or less.

There is no statutory requirement to consult representatives where fewer than 20 redundancies are taking place at one establishment. Consultation should be about ways of avoiding dismissals, the number of employees to be dismissed, and how to mitigate the effects of the dismissals. Consultation must be undertaken with a view to reaching agreement with the trade union representative on these issues.

4. Notification to the Department for Business Innovation and Skills

The University has a statutory duty to notify the Secretary of State for the Department for Business Innovation and Skills when there is a proposal to dismiss 20 or more employees as redundant at one establishment within a period of 90 days or less. This is so that government departments and agencies and the Jobcentre Plus Rapid Response Service can be alerted and prepared to take any appropriate measures to assist or retrain the employees in question.

A notification must be made a specified minimum time before the first dismissal takes effect. (The minimum time is the same time frame as the requirement to consult above e.g 30 days for dismissals between 20-99, 45 days for 100+). Employers are also required to notify the Secretary of State before giving notice to terminate an employee's contract. The date of notification is the date on which it is *received* by the Department for Business Innovation and Skills.

5. Responsibility of Managers

Any redundancy exercise will require close liaison with the People Hub in order to comply with statutory obligations on consultation and the University agreement with the trade unions. Therefore managers who believe they have a potential redundancy situation must contact the People Hub for further advice on adhering to the agreed procedures prior to any discussions taking place.

6. Notice Periods during Redundancy

If an employee wishes to leave the University in advance of the termination date notified by the employer they are entitled to do so by giving contractual notice.

Providing the termination date requested falls within the contractual notice period given by the University the employee will still retain the right to redundancy payment.

7. Re-engagement

Any offer of re-engagement must be made to the employee prior to the termination date.

If an employee accepts an alternative offer on different terms in a different location before the termination date and starts no later than 4 weeks after the old job ended, they will not be entitled to a redundancy payment except as outlined in the trial period section below.

If the University offers the employee a suitable alternative position starting no later than 4 weeks after the end of the old contract, and the employee unreasonably refuses that offer, the University will not make a redundancy payment.

Any decision to refuse suitable alternative employment should be referred to the People Hub for advice.

8. Trial periods in Alternative Jobs

Unless otherwise agreed an employee under notice of redundancy who accepts an alternative position on alternative terms or in another location is entitled to a four week trial to determine if the role is suitable without losing their Redundancy Payments rights.

If retraining is necessary a longer trial period may be agreed.

During this period the employee is entitled to terminate the appointment and will still receive a Redundancy Payment. The Redundancy Payment will be based on the termination date in the previous redundant position.

If the University determined the employee is not suitable for the alternative position during the trial period the employee will receive a Redundancy Payment based on the termination date in the previous redundant position.

9. Equality, Diversity and Inclusion

Policies are inclusive of all Open University staff, regardless of age, care experience, caring status or dependency, civil status, disability, family status, gender, gender expression, gender identity, gender reassignment, marital status, marriage and civil partnership, membership of the Traveller community, political opinion, pregnancy and maternity, race, religion or belief, sex, sexual orientation, socio-economic background or trades union membership status.

10. Useful References

Compulsory Redundancy Procedures for Academic Staff

Compulsory Redundancy Procedures for Academic Related Staff

Redundancy, Redeployment and Reallocation of Duties Code of Practice for Support Staff