

# ORGANISATIONAL CHANGE AND REDUNDANCY POLICY

October 2024

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Document Title	
Organisational Change and Redundancy Policy	
Department author and department	
Human Resources	
Approving Body	
People, Culture and Engagement Committee	
Date of Approval	
19 September 2024	
Review Date	
1 October 2027	
Edition No.	
005	
ID Code	
44	
Date of Effect	
1 October 2024	
For a) public access online internet or b) staff only intranet	Both
<p>External queries relating to the document to be referred in the first instance to the Corporate Governance Team: email <a href="mailto:corporate-governance@port.ac.uk">corporate-governance@port.ac.uk</a></p> <p>If you need this document in an alternative format, please email <a href="mailto:corporate.communications@port.ac.uk">corporate.communications@port.ac.uk</a></p>	

The latest version of this document is always to be found at:

<https://policies.docstore.port.ac.uk/policy-044.pdf>

## 1. Introduction

- 1.1 The University of Portsmouth (we) value our employees and are committed to providing long-term job security. We will always try to avoid the need for compulsory redundancies but sometimes these may be necessary and unavoidable. The pattern or volume of our business or methods of working may change and requirements for employees may reduce. Examples of factors that could change and result in organisational change and/or potential compulsory redundancies include (but are not limited to): changes in government funding; challenges of economic downturns; changes in strategic direction; re-balancing of resources, technological changes; and/or new government initiatives.
- 1.2 The purpose of this policy is to ensure that, whenever redundancies may become necessary:
- (a) we communicate clearly with all affected employees and ensure that they are treated fairly;
  - (b) we try to find ways of avoiding compulsory redundancies;
  - (c) we consult with employees and with recognised trade unions; and
  - (d) any selection for compulsory redundancy is undertaken fairly, reasonably and without discrimination.
- 1.3 This policy sets out the general principles and an overview of the redundancy process we intend to follow when making redundancies, where the number of redundancies meets or exceeds the requirements for collective consultation as set out in section 188 of TULRCA 1992\*. However it should be read as guidance only. There may be extenuating circumstances that arise which mean we need to deviate from this overview and conduct a redundancy process in a different format. If this situation arises, the unions shall be consulted with and the affected employees shall be notified of any changes.
- \*If the number of redundancies is below the threshold for collective consultation, we will ensure that the process followed is fair and does comply with the general ACAS guidance and principles on redundancies.
- 1.4 If compulsory redundancies become necessary, we will ensure it follows the specific requirements set out within law e.g. in relation to consultation periods for collective consultation. Both union and individual consultation are required during a redundancy process but they are separate and distinct obligations. Statutory requirements, in force from time to time, shall override anything stated in this policy, if a conflict were to arise.
- 1.5 In carrying out any redundancy exercise we will not discriminate directly or indirectly on grounds of sex, sexual orientation, marital or civil partnership status, pregnancy or

maternity, gender reassignment, race, colour, nationality, ethnic or national origin, religion or belief, disability or age. Part-time employees and those working under fixed-term contracts will not be treated differently to permanent, full-time comparators. There are additional statutory protections for those who are pregnant and/or on family leave which the university is committed to following and a HR Business Partner must be consulted before any organisational change is considered which may affect anyone who is pregnant or on maternity leave.

- 1.6 Throughout any procedure under this policy, all parties will seek to ensure that confidentiality of individuals is maintained. This will not, however, preclude us from disclosing information necessary for the discharge of duties or as required by law, nor, where appropriate, from disclosing information about any outcome under this policy.
- 1.7 This policy is supported by a range of additional resources which can be found on <https://sites.google.com/port.ac.uk/enablingdeliveryoforganisation>. The information on this site is regularly reviewed and updated.
- 1.8 This policy has been implemented following consultation with UCU and Unison (“the Unions”) the unions recognised by the University. However, this policy does not form part of any contract of employment and we may amend at any time, following consultation with the unions recognised by the University.
- 1.9 This policy applies to employees only. It does not apply to agency workers, consultants, self-employed contractors, volunteers or interns. This policy and any additional resources do not form part of any contract of employment, and we may amend it at any time (following consultation with the Unions).

## **2. Organisational change**

- 2.1 In planning for an organisational change, a draft business case, which must include a timeline incorporating a communications plan, a consultation plan, an Equality Impact Assessment and any relevant supporting information (for example information surrounding financial implications and/or qualitative and/or quantitative data), supported by the Executive Dean or Head of Professional Service, with input from the Head of School or Department as appropriate, must be initially submitted to the Chief People Officer (CPO) for review by the CPO or a member of the HR Business Partnering Team. The Business case shall then be submitted to the University Executive Board (UEB) for approval. Further details in relation to drafting a business case can be found in the document referred to at paragraph 1.7 of this policy.

2.2 The appropriate manager leading the change management process, together with a Human Resources (HR) representative, will meet with the trade union representatives to discuss the proposed organisational change. An electronic and paper copy of the draft business case will have already been sent to the Union/s in advance of this meeting, we endeavour to provide the documents within 3 days of any meeting with a union.

- 2.3 Organisational change does not necessarily mean that there will be staff reductions. There is no specific legal meaning or definition of the term “restructure” which simply means a change in working structures but sometimes this will give rise to a redundancy situation. Further information in relation to organisational change and processes relating to this can be found in the additional resources. The remainder of this policy focuses on circumstances where organisational change does include making compulsory redundancies.

### **3. Avoiding compulsory redundancies**

- 3.1 In the first instance we will consider steps that might, depending on the circumstances, be taken to avoid the need for compulsory redundancies. We are committed to minimising and mitigating the need for compulsory redundancies. The exact ways in which we will seek to mitigate this will vary and depend on the exact circumstances.
- 3.2 Any measures we adopt in mitigating the need for compulsory redundancies must not adversely affect our business and our ability to provide services to our students.

### **4. Making compulsory redundancies**

- 4.1 Authorisation from UEB will be required prior to the implementation of employee reductions, and advice must be sought from HR before proceeding.
- 4.2 When it is not possible to avoid making compulsory redundancies, we will identify which and how many roles are potentially redundant. We may need to create a pool of employees from which those who are to be made redundant will be selected. The selection pool will normally consist of employees who carry out the same, or similar, work and perform jobs that are interchangeable. However, a selection pool will not be necessary for example where redundancies are expected to involve just one specific role. The decision on who to include in the pool will be based on genuine business reasons.
- 4.3 Following approval from UEB, we will inform the Unions that compulsory redundancies cannot be avoided and arrange to meet with them. Further details in relation to the consultation process followed with the unions can be found within the additional resources. The business case will have included information on the procedure that will be followed and the proposed

selection criteria and how that criteria will be scored, in addition to other matters relating to the redundancy proposal and the unions will have received a copy of this (as set out in paragraph 2.2). At around the same time, or shortly after this, we will advise all affected employees of the same fact – namely that compulsory redundancies cannot be avoided.

- 4.4 Where collective consultation is triggered we will also send the relevant information as set out by law, to the Regional Office of the accredited Union.
- 4.5 The criteria used to select those employees who will potentially be made redundant will be objective, transparent and fair and based on the skills required to meet our existing and anticipated business needs. We will then carry out a scoring exercise for employees in the redundancy pool based on the criteria decided. The employees with the lowest scores will be provisionally selected for redundancy.
- 4.6 We will then consult individually with those employees who have been provisionally selected for redundancy about the selection pool, the selection criteria that has been used, how that criteria was to be scored, and the provisional scores that have been awarded. These individual meetings may take place in person or using remote working platforms or technologies as appropriate. All affected employees who have an individual meeting are entitled to be accompanied to the meeting by a work colleague (University of Portsmouth employee) or a recognised trade union representative. If the employee's companion cannot attend on a proposed date, the employee can suggest an alternative time and date provided it is reasonable and it is not more than 5 working days after the original date.
- 4.7 The number of consultation meetings that are held with an affected employee will vary depending on the circumstances, for example, taking into account whether the employee has challenged the scores they have been awarded and if the scores therefore need to be reconsidered. It is common for there to be 2 individual consultation meetings.
- 4.8 Where selection for redundancy is confirmed, employees selected for redundancy will be given notice of termination of employment in accordance with their contracts and written confirmation of the payments that they will receive. An employee's contract of employment confirms their continuous service date which shall be used to calculate any redundancy pay due – rather than their commencement date as they may be different. Affected employees will be entitled to a minimum redundancy payment based on their actual week's pay as follows: for each complete year of service under age 22, half a week's pay; from age 22 up to but under age 41, one week's pay; 1.5 weeks for each year age 41 and over up to a maximum of 20 years' service. This is more generous than the Statutory Redundancy Payments Scheme, as we are not applying the statutory cap on weekly pay, and is inclusive of those entitlements. Details of the statutory entitlement can be found on the government website <https://www.gov.uk/redundancy-your-rights/redundancy-pay>.

- 4.9 Employees will be given the opportunity to appeal against this decision. The notice of redundancy will contain details about the appeal process.
- 4.10 Once an affected employee is selected for redundancy, they may be entitled to take a reasonable amount of paid time off work to look for alternative employment, attend job interviews and arrange training for future employment. In order to qualify, an affected employee must have at least two years' continuous service by the date their notice is due to expire. Details of how to request time off for these purposes shall be provided to the affected employees in writing.

## **5. Alternative employment**

- 5.1 We will continue to look for alternative employment for redundant employees throughout the entire process (up to the date of termination) and inform them of how they can be kept up to date with this information. The manner in which redundant employees will be invited to apply for and be selected for (for example by being interviewed) vacancies will be organised depending on the circumstances existing at the time. The procedure for the selection process will be the subject of union consultation and will involve a panel whose composition reflects equality and diversity principles and who have been appropriately trained (this topic will form part of the consultation regarding selection process). Every aspect of the process will be robust and tested for reasonableness. Alternative employment will be offered subject to a 4 weeks' trial period. Further details of the trial period shall be provided to the employee at the time the alternative employment is offered.
- 5.2 An assessment shall be carried out by the HR Business Partnering Team or a person delegated by them, to identify which roles (if roles are identified) may be deemed to be suitable alternative roles. When considering whether or not an alternative role is a suitable alternative role, a range of factors shall be considered, including: the employee's skills and experience and the terms of the alternative post. If an affected employee unreasonably refuses an offer of suitable alternative employment, they will lose their right to redundancy pay. An employee's failure to respond to an offer within the timescale set out will be regarded as a refusal to accept the offer. Where an employee considers that a particular post is not a 'suitable alternative', a review shall be undertaken, taking into consideration any representations as to the role and the personal reasons for the rejection from the individual and their trade union representative if appropriate.



- 5.3 If an affected employee has been given notice of redundancy during maternity leave, adoption leave or shared parental leave, we are under a statutory obligation to offer them suitable alternative work, where it exists, in preference to their colleagues who have also been selected for redundancy.
- 5.4 Where within a restructure a new role/s has been created by merging several deleted posts (or a significant proportion) the new post is usually ring-fenced to allow the holders of the deleted posts to apply for the role on a competitive interview basis. Where possible an appointment will be made from that group. It would be generally accepted that some training and development may be required.
- 5.5 Where any new role is one grade lower than the previous role the base salary of the new role will be maintained at the previous rate for a period of up to two years. During this time the employee will benefit from cost of living increases but will not benefit from incremental progression. After being in post for two years, salary protection will cease and the salary will be reduced to the top of the standard scale for the post.

## **6. Appeals**

- 6.1 If you feel that a decision to make you redundant is unfair you should appeal in writing, stating your full grounds of appeal, to the Chief People Officer within 7 calendar days of the date on which you were informed of the decision.
- 6.2 The appeal will be dealt with in accordance with the Appeals Policy (October 2024).
- 6.3 The date on which dismissal takes effect will not be delayed pending the outcome of the appeal. However, if your appeal is successful, you will be reinstated with no loss of continuity of service or pay.

## **7. Notes and recordings**

- 7.1 A record of all discussions and meetings, both formal and informal, will be made at every stage of the process, including actions and outcomes, and kept securely in line with the Records Management Policy.
- 7.2 No-one (including anyone accompanying an affected employee to a meeting) must make electronic recordings of any individual consultation meetings conducted under this policy, whether these meetings are conducted in person, by telephone, or using remote working

platforms or technologies. In certain limited circumstances, we may permit a meeting to be recorded electronically, for example where it is a reasonable adjustment for an employee with a disability. Any breach of this provision may lead to disciplinary action, which could include dismissal.

- 7.3 For the avoidance of doubt, recordings may, at times depending on the circumstances, be made of group meetings or announcements so that they are able to be shared with colleagues who are absent. On other occasions a written summary shall be provided. Employees shall be informed if a meeting is being recorded, if you have concerns about this you should speak to your manager.

## 8. Pensions

- 8.1 In cases of redundancy, information on pension benefits which is required to be obtained will be available to each eligible individual based on the pension regulations in force at that time. Employees are advised to consider any impact redundancy may have on their pension at the earliest opportunity following receipt of written notification that they are “at risk”. Further details of pension contacts are available on the Staff Essentials Webpages using the following link: <https://staff.port.ac.uk/departments/services/humanresources/my-pension/>

## 9. Additional support

- 9.1 Employees are able to seek additional support from recognised trade unions. We recognise the following unions:

(a) UCU: <http://ucu.port.ac.uk/> or [www.ucu.org.uk/](http://www.ucu.org.uk/)

(b) Unison: [www.port.ac.uk/unison/](http://www.port.ac.uk/unison/) or [www.unison.org.uk/](http://www.unison.org.uk/)

- 9.2 We understand that redundancy situations cause stress and feelings of insecurity.

Employees who are concerned about their wellbeing or that of a colleague should speak to their line manager or member of the HR Business Partnering Team. Alternative support is available through the Employee Assistance Helpline – Vivup – further information can be accessed via this link:

<https://staff.port.ac.uk/departments/services/humanresources/myrole/mybenefits/#healthandwellbeing>

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