RESTRUCTURING AND REDUNDANCY PROCEDURE

Author:	Human Resources
Date:	22 September 2022
Version:	V2.0 (V1.0 September 2019)

1. About this procedure

1.1. St George's, University of London is committed to developing and maintaining constructive relations with its employees.

1.2. The aim of this procedure is to provide a fair and consistent approach to any organisational change which could lead to significant restructuring and/or a reduction in staff numbers, ie redundancies. Organisational change may include the reorganisation, relocation, merger, expansion or closure of a service, or department, competitive tendering or outsourcing, or a major change in working practice.

1.3. By law, redundancy is considered as a dismissal. Employees are at risk of redundancy if the requirements for employees to perform work of a specific type, or to conduct it at the location in which they are employed, has ceased or diminished, or is expected to do so.

1.4. Not all organisational change leads to redundancies. Minor organisational change that results in small adjustments to duties and working practices and will not result in a reduction in staff numbers may be implemented without recourse to this procedure but should involve reasonable consultation with the affected employees and recognised Trade Unions.

1.5. St George's, University of London will always try to avoid the need for redundancies but sometimes these may be necessary. The pattern or volume of our work or methods of working may change and requirements for employees may reduce. The purpose of this policy is to ensure that, whenever reduction in employee numbers may become necessary St George's, University of London will:

- communicate clearly with all affected employees and ensure that they are treated fairly;

- take all reasonable measures to find ways of avoiding redundancies;
- consult with employees and with recognised trade unions and use agreed selection processes to ensure any selection for redundancy is undertaken fairly, reasonably and without discrimination;
- carry out Equality Impact Assessments of redundancy proposals and share this assessment with the recognised trade unions;
- consider redeployment as an option at every stage of the process.

1.6. This procedure applies to all St George's, University of London employed staff, with the exception of the Vice-Chancellor, who is subject to a different procedure. It does not apply to agency workers, casuals, consultants or self-employed contractors. Where organisational change may significantly impact honorary appointees the relevant NHS Trust will be consulted.

1.7. This procedure does not form a part of any employee's contract of employment and it may be amended by St George's, University of London at any time, following agreement with the recognised trade unions. St George's, University of London may vary the procedure, including any time limits, as appropriate in any individual case.

1.8. The ending of funding does not have to lead to a redundancy situation. This will particularly be the case where alternative funding or work is available. Where staff are funded through external funding agreements, managers are expected to look for alternative funding options early in order to avoid the need for redundancies.

1.9. This procedure relates to redundancies arising as a result of organisational restructuring or change. It does not relate to redundancies arising on the expiry of a fixed term contract, which are governed by the guidance for managing fixed term contracts. Nevertheless, the principles are the same, namely the need to avoid redundancy where possible and undertake meaningful consultation.

2. Confidentiality

2.1. St George's, University of London's aim is to deal with organisational change sensibly and with due respect for the confidentiality of those individuals involved.

2.2. Audio/Visual recordings are not permitted at any meetings or hearings under this procedure and will not be admissible within this process, unless permitted by St George's, University of London in special circumstances, for example to accommodate a disabled employee by way of a reasonable adjustment under the Equality Act 2010.

3. Organisational change

3.1. Organisational change is driven by the operational needs of St George's, University of London. Organisational change can be triggered either by the external

environment or by an internal review of service or departmental/institutional requirements.

3.2. The Resourcing Review Committee (RRC) considers and approves all proposals for organisational change. Guidance on what information needs to be provided in order for RRC to be able to consider a proposal is available as part of its terms of reference. Any proposals for organisational change should be developed in conjunction with a member of the HR team.

3.3. Where appropriate, new roles and changes to existing roles will be reviewed under the HERA job evaluation system, prior to employee consultation. Whilst the roles and responsibilities of new posts, and therefore their final grade, will be subject to consultation and so subject to change, initial HERA scoring of new roles will be provided to employees as part of the consultation information to ensure proposed grades are as accurate as possible.

3.4. Employees are central to the achievement and success of organisational change. St George's, University of London acknowledges that change can cause concern and uncertainty and should be managed fairly and consistently in accordance with established good practice.

3.5. St George's, University of London is responsible for deciding the size and most efficient use of its workforce but in doing so is committed to the following principles for managing organisational change:

- St George's, University of London will undertake meaningful consultation about any proposed organisational change with employees and trade unions and such consultation will be as early as possible;
- employees and trade unions will receive notice of any organisational change which may affect their futures at the earliest opportunity;
- employees will be treated reasonably with due regard to their personal and employment circumstances;
- St George's, University of London will consider all practicable steps to avoid or reduce redundancies;
- employees will receive appropriate training and development to meet the skills requirements of a post offered as suitable alternative employment or redeployment - information on possible training and support will be made available as part of the consultation process;
- where required, employees being made redundant will receive training and development to identify new career opportunities, with funding and time to attend training and development activities and assistance in CV writing.

4. Measures to avoid and reduce redundancies

4.1. Managers are expected to have consulted with recognised trade unions and considered all reasonable means of avoiding redundancies before presenting proposals to employees which include risk of redundancy, and to continue reviewing these options during consultation.

4.2. In all cases prior to a formal redundancy situation being identified, St George's, University of London will give consideration to the following measures as alternatives to redundancy:

- savings in non-staff budgets;
- elimination or reduction of overtime working;
- reduction of staff levels by natural wastage;
- non-filling of vacancies and the freezing of any extension of hours of those currently employed, unless agreed with the recognised trade unions;
- seeking alternative funding, eg where funding for a particular project has expired;
- non-issuing of temporary contracts to new Agency workers and review of existing Agency contracts where their continuation may cause or exacerbate a redundancy situation;
- ending the employment of external contractors, unless otherwise agreed with the recognised trade unions;
- considering volunteers for part-time working, job sharing, and flexible working;
- sabbaticals and secondments;
- redeployment (including, where necessary, retraining) to other parts of the organisation;
- inviting applications for early retirement or voluntary redundancy. In all cases the acceptance of a volunteer for redundancy will be at St George's, University of London's discretion and St George's, University of London reserves the right not to offer voluntary redundancy terms or to refuse an application where it is not in the interests of St George's, University of London to do so. Any offers made will be conditional on the signing of a Settlement Agreement.

5. Consultation

5.1. St George's, University of London is committed to meaningful and appropriate consultation with trade unions and employees affected by organisational change

under this procedure. Consultation will commence as early as possible and when issues arise.

5.2. Where appropriate, relevant third parties, for example St George's University Hospitals NHS Foundation Trust, will also be consulted on the proposed organisational changes.

5.3. Consultation will be undertaken with a view to reaching agreement, although there may be times when organisational change will need to proceed without a consensus being reached on all issues.

5.4. Where fewer than 20 employees are placed at risk of redundancy, St George's, University of London will agree an appropriate period of consultation with the recognised trade unions. This will usually be a period of at least 30 calendar days before the first redundancy takes effect.

5.5. St George's, University of London will make all reasonable efforts to consult ahead of the statutory minimum requirements for collective redundancies. Collective redundancies are defined as occurring when 20 or more employees are placed at risk of redundancy within 90 days or less. The statutory timescales are:

- where 20-99 redundancies are proposed consultation should commence at least 30 days before the first redundancy takes effect;
- where 100 or more redundancies are proposed then consultation should commence at least 45 days before the first redundancy takes effect.

5.6. The HR Department is responsible for notifying the relevant Government Department in writing if St George's, University of London proposes to make collective redundancies. A copy of the notification form will be sent to the trade union representatives concerned. Such notification to the relevant Government Department does not mean St George's, University of London will actually make such employees redundant.

5.7. Trade unions and employees may request additional information or an extension of time if this is reasonably necessary to enable them to understand and contribute to an informed discussion on the merits of the proposal. Such requests will not unreasonably be refused, and where they cannot be accommodated a reason will be given.

5.8. The purpose of the consultation with trade unions and employees will be to:

- provide appropriate information as to the proposed organisational change including HERA grading on all new and changed roles;
- receive and where possible address any questions on the organisational change;
- consider any comments or views on the consultation document including any alternative proposals before determining any final decision to proceed;

- clarify any change processes and timeframes specific to the proposed organisational change under discussion;
- agree a way forward.

5.9. Managers shall prepare a consultation document on any proposed organisational change having gathered information to demonstrate the perceived need for change and consulted with HR as appropriate. The consultation document should include details of the following for the purposes of discussion and agreement of changes:

- the rationale for change;
- current situation analysis including staffing structure;
- relevant financial information;
- the proposals for change including the impact on the service, department/institute proposed staffing structure(s), impact on any other employees not affected directly by the change, any location change;
- new job descriptions and person specifications;
- the way in which staff will be selected for posts within the new structure;
- the options that have been considered;
- the number and grades of staff who may be at risk of redundancy as a result of the proposal;
- the proposed timescale for consultation, description of the consultation process, including planned meetings, timetable, how staff and representatives can respond and the deadline;
- the implementation date/effective date of change.

5.10. Early initial consultation with the trade unions should occur. HR will contact the relevant trade union(s) when organisational change under this procedure is proposed.

5.11. In some instances, in may be appropriate to speak to the individuals directly impacted by organisational change informally, prior to a formal consultation commencing. In general, formal consultation will begin with an open meeting with the staff affected being arranged. Trade union representatives should be consulted prior to these meetings taking place and will be notified of such meetings so that they can be in attendance. Any member of staff who is at risk of possible redundancy will be informed of this prior to any open meeting taking place.

5.12. All employees present at the meeting will be given a copy of the consultation document and invited to comment on the proposals, employees who are not at work for any reason – including staff on sick leave, maternity leave, parental leave or sabbatical - will be invited to attend the meeting. Employees who are unable to attend the meeting will be sent a copy of the proposal. Affected employees will also be offered

an individual meeting with their manager to discuss their views on the proposal. A written record of the individual meetings will be kept.

5.13. Regular updates and frequently asked questions may be circulated to employees throughout the formal consultation period. Throughout this period employees are encouraged to discuss their concerns and queries with their line manager and trade union.

5.14. The purpose of consultation with employees and trade unions is to try to reach agreement on the proposals. The comments from employees and their representatives will be considered by St George's, University of London. Employees and trade union representatives will be informed in writing of any changes that are made to the proposal following consultation. In exceptional cases when it is not possible to reach an agreement, reasons will be given for rejecting the alternative proposal.

6. The right to be accompanied

6.1. An employee has the right to be accompanied by a companion who is a work colleague, trade union representative or an official employed by a trade union, at individual redundancy meetings, including appeal hearings.

6.2. The employee must make arrangements for their companion to attend the meeting and advise the manager who their chosen companion is, in good time before the meeting. If the companion is not available at the time proposed for the meeting the manager will postpone the meeting to a time proposed by the employee provided that the alternative time is both reasonable and not more than five working days after the date originally proposed.

6.3. The companion may address the meeting to put and sum up the employee's case, respond on behalf of the employee to any views expressed at the meeting and confer with them during the hearing.

6.4. Acting as a companion is voluntary and colleagues are under no obligation to do so.

7. Support for employees

7.1. All employees affected by the organisational change will be encouraged to seek the advice and support of their trade union. Relevant support will be provided by St George's, University of London and may include:

- guidance on preparing a CV/application form and preparing for interviews;
- support in developing coping strategies and stress management, via the St George's, University of London Counselling Service or Employee Assistance Programme;

- reasonable time to meet with recognised trade union representatives to discuss the change;
- further assistance to employees who are at risk of redundancy will include reasonable time off to seek other employment or undertake training.

7.2. Even after the organisational change has taken place, St George's, University of London acknowledges that employees may take some time to adjust to the change itself. Managers should remain available to employees to manage any issues that arise and support them through the transition.

8. Criteria for Selection for Redundancy

8.1. In any redundancy situation the criteria for selection should be drawn up in consultation with trade unions.

8.2. The consultation document will set out any selection criteria which will be applied in determining employees at risk of redundancy. Such selection criteria should include criteria that are objective, clearly defined, measurable and non-discriminatory. Managers should seek advice from HR on the selection criteria to be used. Selection criteria will be subject to consultation, and where possible agreed, with trade unions.

8.3. In some instances it may be possible to slot affected employees directly into jobs in the new structure that are at the same grade and of a similar nature to their current post. This is referred to as "slotting in". Slotting in will occur as a result of an assessment of the key responsibilities of the current role in comparison with the requirements of the new role, taking into consideration training which could be provided to bridge skills gaps. Where a member of staff meets the essential criteria of the person specification for the new role a direct match is made and slotting in will occur. Direct slotting in will occur only when there are the same or more new roles than the number of role holders. Where an employee is not considered suitable to be slotted in to a new role they should be allowed to make representations on why they believe they are suitable as part of the consultation.

8.4. Where more than one member of staff matches to a post in the new structure ringfencing will be required. Ringfencing will involve determining the most suitable post holder from a pool of affected employees, against the key requirements of the new role and person specification. Managers will determine the employees to fill the new roles in accordance with the selection criteria outlined in the consultation document. This may include prior performance, an application form, interview and selection tests. However, the process should be as least onerous to the employee as possible.

8.5. Staff who are offered posts in the new structure, either through slotting in or ringfencing, will be deemed to have been offered suitable alternative employment by St George's, University of London. This will be confirmed in writing. The appointment may be subject to a trial period, as outlined below. Suitable alternative employment means employment within St George's, University of London that is on the same

terms, grade and within the same range of skills as required in the employee's current employment.

8.6. If, having followed the measures outlined above, a reduction in staffing levels is still required those employees not appointed to a post will be at risk of redundancy and will be formally issued with notice of redundancy. The search for redeployment opportunities will continue throughout the notice period. During this period HR will review all vacancies and new posts prior to advertising to consider if they are suitable options for redeployment and staff at risk will be informed of these opportunities.

8.7. Slotting in or ringfencing will only occur where individuals meet the essential criteria of the person specification for the post(s) in the new structure. However, consideration will also be given to training that may be suitable to enable employees at risk to undertake available posts. Where new posts are not filled by slotting in or ringfencing, the post will be opened up to competition, in line with St George's, University of London's normal recruitment process.

9. Notice of Redundancy

9.1. An employee may be issued with notice of redundancy when they have not been slotted in or been successful in obtaining a ringfenced job or a new post in the structure.

9.2. Notice of redundancy should not be issued until after any consultation has finished. The search for redeployment in St George's, University of London will continue to take place during the employee's notice period.

9.3. St George's, University of London will provide, in writing, to the individual and their trade union representative the following details:

- the number of weeks' notice, in accordance with the contractual notice period;
- the effective date of the redundancy, which will also be the last day of service;
- the number of days' outstanding annual leave, where applicable, to be paid in lieu;
- the amount of redundancy payment/enhanced pension benefits that will be paid, where applicable;
- what efforts will be made to assist the individual in redeployment during the notice period;
- that reasonable time off with pay will be given to seek and prepare for alternative work, for example attendance at interviews;
- that where no suitable alternative employment is available, an employee's request for early release will be considered and permission will normally

be given, unless there are compelling service reasons to the contrary - the date of early release will then become the revised date of redundancy for the purpose of calculating any entitlement to a redundancy payment;

- the right of appeal against selection for redundancy or the terms of the redundancy.

9.4. A member of staff will have their contract of employment terminated on the grounds of redundancy on the last day of their notice period if no suitable alternative employment or redeployment can be found or if a trial period is unsuccessful.

9.5. Staff will not be entitled to redundancy payments/early retirement on the grounds of redundancy if they:

- are dismissed for reasons of misconduct;
- obtain suitable alternative employment or redeployment with St George's, University of London - in circumstances where this leads to a break in contract of up to four weeks bridging funding may apply;
- unreasonably refuse to accept suitable alternative employment with St George's, University of London;
- leave their employment before expiry of notice, except if they are being released early by agreement.

9.6. In circumstances where redundancies are unavoidable, St George's, University of London will make redundancy payments to individuals who have at least two years' continuous service with St George's, University of London in accordance with the statutory minimum, which are based on an employee's age and length of employment and are counted back from the date of redundancy:

- 1.5 weeks' pay for each year of employment after their 41st birthday
- a week's pay for each year of employment after their 22nd birthday
- half a week's pay for each year of employment up to their 22nd birthday

Length of service is capped at 20 years and weekly pay is capped in accordance with the statutory limit.

9.7. Employees whose employment is subject to a TUPE transfer will not be redundant and, therefore, will not be entitled to redundancy payments/early retirement on the grounds of redundancy. In such circumstances the TUPE procedure would apply.

10. Redeployment Process (employees at risk of redundancy)

10.1. For employees at risk of redundancy St George's, University of London will look to identify posts across the organisation that may constitute either suitable alternative

employment or redeployment opportunities, although there is no obligation to create a post.

10.2. Redeployment means the transferring or recruitment of employees at risk of redundancy into an alternative post different from the member of staff's current post and which may or may not be subject to different terms and conditions of employment. Where appropriate, employees who are redeployed will receive protection of pay, as described in appendix A.

10.3. Employees who have been issued with notice of redundancy can apply for any suitable vacant posts within St George's, University of London. They will be given prior consideration, usually with a simplified application process to consider if they are capable of fulfilling the new role, for posts that are or become vacant in St George's, University of London where they meet the essential criteria for any such post with retraining if necessary. Subject to the arrangements regarding trial periods, the search for redeployment will continue until their last day of service.

10.4. In the case of significant organisational change which spans a number of organisations, St George's, University of London will endeavour to reach an agreement with those organisations regarding the establishment of job redeployment opportunities, including a commitment to equality of opportunity for all staff who will then have the same access to opportunities and vacant posts with any of the organisations.

11. Trial periods and training

11.1. A trial period may be agreed in respect of redeployment and offers of suitable alternative employment, in which case the entitlement to redundancy payment will be retained in the event that the trial period is unsuccessful.

11.2. The purpose of a trial period is for both the manager and the individual to assess the suitability of the post as alternative employment.

11.3. Where employees have the potential ability but not the immediate experience to undertake the full duties and responsibilities of the alternative role, they will be provided with appropriate skills development/training.

11.4. The trial period will last at least four and up to 12 weeks, depending on the role. Trial periods may be extended by mutual agreement only where an employee requires additional training and development in the new employment, up to a maximum trial period of 12 weeks.

11.5. If the trial period is deemed unsuccessful, as determined with good reason by the employee and/or the manager concerned, redundancy arrangements will apply as from the date when the original contract of employment will terminate or to the end of the trial period, whichever is later. Until the end of their notice period staff at risk of redundancy will continue to be considered for other suitable alternative employment

and/or redeployment opportunities, if available. This will be subject to the same arrangements including a trial period.

12. Appeal

12.1. An employee has a right of appeal against redundancy as set out below. Notice of redundancy will remain in place pending the outcome of any appeal.

12.2. The employee must send their written notice of appeal to the Director of HR&OD, or their nominated designate, within 5 working days from the date of receipt of the redundancy notice, clearly stating the grounds for the appeal which are limited to:

i. New evidence which was not available when the redundancy selection was undertaken. This requires an explanation as to why this evidence was not presented during the consultation.

ii. The issues had been misunderstood resulting in a perverse outcome.

iii. Procedural failure or irregularities.

12.3. Every effort will be made to hear the appeal as soon as reasonably possible. The employee will be given the right to be accompanied at the appeal hearing and an HR representative will be present. The appeal will be heard by another manager(s) (nominated by HR) not involved in the original decision to make the employee redundant, of equal or higher seniority. As stipulated in St George's, University of London's Statutes, appeals against dismissal by a member of the Academic Staff should be heard by a panel which includes a member of Council not employed by St George's, University of London.

12.4. The Appeal Chair will set the date for the appeal hearing and will expect the employee to make all reasonable efforts to attend at the date stipulated.

12.5. The Appeal Chair will make their decision as soon as reasonably practicable after the appeal hearing and will communicate that decision in writing to the employee, ideally within 10 working days. The Appeal Chair has the right to uphold or overturn the original decision in part or in full. The written decision of the Appeal Chair will be final and will conclude this procedure.

Appendix A: Arrangements for Protection of Pay

Pay protection is not a contractual entitlement, however if a member of staff is redeployed, as described above, they may be eligible to receive protection of pay if the redeployment is to a lower graded post which is accepted as an alternative to redundancy.

It is the intention of St George's, University of London that any redeployed employee will, wherever possible, in the future attain a post at a grade which reflects their skills, experience and abilities rather than remain in a lower graded post.

Conditions of payment of protection are:

- Staff must have two years St George's, University of London service to be eligible to receive payment.
- No period of pay protection to any employee will exceed two years.
- During the period of pay protection the employee will give an undertaking to apply for any post which may arise within St George's, University of London which is more suitable for their capabilities and qualifications. If an employee fails to give such an undertaking or subsequently refuses to apply for or accept such a post pay protection may cease. Consideration will be given to flexible solutions to any difficulties created by this condition.
- The grade of any post being protected should not normally be more than one grade below the original post.
- The employee is expected to undertake the contractual hours, shift work or other additional duties which may be required in the new post. However, if particular problems are identified consideration will be given to the possibility of flexible solutions.
- Payments made in respect of acting-up and standby are excluded from calculations.
- Other than in exceptional circumstances, if the cost of pay protection over the relevant period exceeds the cost of redundancy, redundancy only will be offered. In these circumstances if the employee does not wish to accept this, they may be redeployed to a lower graded post at the rate of pay of that post.
- Pay protection will be paid on earnings as calculated at the time of redeployment without subsequent benefit of pay awards. If during the pay protection period the earnings in the new post reach or exceed the old, protected earnings, pay protection will cease.
- Pay protection will cease if the employee moved on their own application to a different post where the wage or salary is lower than that of the existing post.

- Protectable earnings are basic wage or salary (ie the weekly or monthly sum due in respect of basic hours worked by the individual concerned within the standard working week) plus any responsibility or qualification allowances reckoned on the day immediately preceding the first day of employment in the new post.