

ORGANISATIONAL CHANGE POLICY

1. INTRODUCTION

- 1.1 As the needs and expectations of students, funding bodies, stakeholders and partner organisations change, there will inevitably be the need to remodel service delivery to match resources and skills against service requirements.
- 1.2 When such circumstances require the redeployment or reduction in the number of employees in a particular activity, there will be early and meaningful consultations with the trade union representatives.
- 1.3 This policy represents general guidance. It is not a full statement of legislation and case law. Further, it is not and cannot be a blueprint for use in the event of all redundancy situations or re-organisations. It is important that the spirit and principles of the policy are observed and that those items indicated as statutory requirements are actioned. Managers contemplating these arrangements must always seek advice and guidance from the People Business Partner.

2. CONSULTATION

Full and meaningful consultation with recognised unions and staff affected by planned changes will be undertaken at the earliest opportunity. It is essential that information is given to staff and trade unions at an early stage. The recognised trade unions will normally be notified at least a week before affected staff are consulted with. On occasions, some business decisions will necessarily be taken prior to consultation. However, even in such circumstances there will remain many opportunities for dialogue as

regards process and approach. For example, a decision to cease a particular service area may not be negotiable due to circumstances. However, the manner in which that decision is implemented, in terms of securing redeployment opportunities and other supportive measures, would be an appropriate subject for consultation.

- 2.1 Where redundancies are anticipated, at an appropriate and early stage, the usual (statutory) information will be formally notified to the relevant representative trade union.
- 2.2 Further details of the statutory requirements for consultation and notification of redundancy situations are set out as Appendix 1.
- 2.3 Where a transfer of staff under TUPE (Transfer of Undertakings (Protection of Employment) Regulations 2006) is anticipated, there is a statutory requirement for the employer of employees affected by the transfer to provide information to, and consult with, recognised trade unions. In particular, there is a duty to give reasonable notice of the following to employees and their trade union representatives (where reasonable is defined as a period long enough before the transfer to enable consultation to take place):
 - The fact a relevant transfer is to take place
 - When it is to take place
 - The reasons for it
 - The legal, economic, and social implications of the transfer for affected employees
 - The measures, if any, which are planned in relation to affected employees
 - The measures, if any, which the purchaser or transferee plans to take in relation to transferring employees

3. GOOD PRACTICE OPTIONS IN RESTRUCTURING

- 3.1 There are a number of ways in which to approach a restructuring exercise. The preferred approach(es) will depend largely upon circumstances. In developing any strategy of this kind care must be taken to avoid discrimination which is unlawful and/or contrary to the University's Equality & Diversity Policy. A brief outline of some approaches is set out below:
 - 3.1.1 The employer may seek to establish a transition plan, from old to new structure, which is clear and transparent. Where there is a clear match between specific jobs in the old and the new structure, it may be appropriate to 'ring-fence' such jobs, so that occupants are slotted into what is effectively the same job in the new structure. Here a 'match' may be taken as a job which is broadly the same in terms of grade and remit. Consideration may also be given to 'ring fenced' selection processes where staff may be invited to express preferences for jobs in the new structure, subject to the ring fence criteria; such applications must be assessed in an objective manner, which may include an interview process.

- 3.1.2 An alternative approach might be to undertake a skills audit – identifying those skills required for the jobs in the new structure and assessing the skills of staff within the current structure.
- 3.1.3 Where the number of jobs are to reduce, staff may be invited to volunteer for redundancy. University of Suffolk may consider which, if any, requests to accept on the basis of current and future requirements of the organisation.
- 3.1.4 As an alternative to the above (or where there have been insufficient acceptable volunteers) the employer, in consultation with the unions, may identify appropriate criteria for selection for redundancy. These should be designed to afford reasonable objectivity and could be weighted to reflect relative priority. Such criteria may include: employee skills matched to those jobs remaining, ability of redundant employees to be retrained, performance, attendance (disregarding pregnancy or disability related absences), disciplinary record, and any other criteria agreed between the employer and the employees. Use of the principle of 'last in, first out' (LIFO) is not recommended as a sole criteria.
- 3.1.5 In order to maximise opportunities for redeployment, the University may apply a freeze on advertising of vacancies so as to maximise opportunities for redeployment for staff affected by the restructuring.
- 3.1.6 University of Suffolk will ensure that any staff affected will be given preference in applying for any vacancies identified provided they meet the essential criteria for the vacancies concerned.
- 3.2 The above is a brief outline of a range of approaches. They are not in order of priority, nor will they suit every set of circumstances. Before pursuing any of these approaches or developing alternatives, professional POD advice and guidance must be sought.

4 SUPPORT FOR STAFF

- 4.1 During periods of change and uncertainty, it is important to communicate with staff. The most appropriate method and frequency of communication will depend on circumstances – for some groups team meetings are a suitable approach, for others the use of newsletters or emails may be best suited. Key information should be provided/confirmed in writing to afford affected staff the opportunity to reflect on information provided and to seek advice from others if they so wish. In some circumstances, it may be appropriate to develop a change management programme. This may include training and development about new ways of working or may be aimed at developing new skills. Such training and development may focus on internal redeployment, or it could help staff to move into other areas of employment.

- 4.2 In redundancy situations, there will be individual interviews with staff whose employment is at risk (see appendix 1 for further details).
- 4.3 Staff should be notified of supportive services (eg counseling) and of the availability of support from trade union representatives. Further information regarding support can be found via the Health & Wellbeing toolkit

5. PROTECTION OF SALARY AND OTHER EMPLOYMENT TERMS

- 5.1 Salary protection will apply to staff who are declared redundant by the University and who are redeployed into a post one grade lower salary protection will not usually apply in the case of redeployments for other reasons (e.g. as a result of injury, ill health or capability).
- 5.2 Salary protection will be on the basis of freezing the current salary, for no longer than 2 years, while the maximum salary of the new (lower) grade catches up as a result of pay awards. Salary protection would cease if the employee concerned subsequently chose to accept an alternative appointment with University of Suffolk, or if a fixed term appointment ended within the 2 year period.
- 5.3 Staff whose salaries are to reduce as a result of redeployment, and who are members of the Local Government Pension Scheme, may be entitled to a certificate of protection of pension benefits, further information regarding this can be found on the LGPS website, alternatively please speak to a member of the People and OD team.
- 5.4 For staff who are members of the Universities Superannuation Scheme (USS), subject to the rules of the scheme, as amended from time to time. USS calculates annual salary based on each 12 month period of scheme membership (over a maximum of 13 years) and revalues each year (except the last) according to the Retail Prices Index. Pensionable salary is the highest revalued salary during the last three years of scheme membership or the highest revalued salary averaged across any three consecutive years over the last 13 years of scheme membership. Further details can be found on the USS website, alternatively speak to a member of the People and OD team.

6. RELOCATION TO OTHER CENTRES

- 6.1 In situations of obligatory redeployment covered by this policy, assistance with increased travel costs may be given where the new place of work is significantly further from home. In particular, where the alternative job results in a longer journey to work (more than 10 miles), the staff member may claim actual travel expenses for the additional home to work distance based on the University's Travel & Subsistence Policy for 12 months from the date .

- 6.2 If the new role necessitates a significantly longer journey to work the staff member may be eligible to claim for help with removal expenses, subject to the provisions of the University's Relocation Policy.

7. REDUNDANCY

- 7.1 Employees are dismissed as redundant if their dismissal is entirely or mainly because:
- The employer has or will stop carrying out the service/business for which the employees was employed
- Or
- The employer has or will stop carrying out the service/business in the place where the employee was employed
- Or
- The need for employees carrying out work of a particular kind has or will cease or diminish.
- Or
- The need for employees to carry out work of a particular kind in the place where they are employed has or will cease or diminish.
- 7.2 Redundancy may also occur where re-organisation of a Department, School, section or job will result in significant changes or reduction in the status or nature of the work, the hours, the salary or the job location.
- 7.3 Redundancy may also occur when a fixed term contract, or a series of temporary contracts, expires without renewal. (In these circumstances close attention must be paid to the Fixed-term Employees (Prevention of Less Favourable Treatment) Regulations 2002.
- 7.4 A checklist setting out the key steps to be followed in a redundancy situation is set out at Appendix 2.
- 7.5 A range of approaches, which may be customised for the purposes of selection for redundancy, are set out at Section 4 above.

8. (SUITABLE) ALTERNATIVE EMPLOYMENT

- 8.1 Employees in a redundancy situation have a statutory entitlement to reasonable time off with pay to seek alternative employment. For example, an employee might reasonably request a period of paid time off to attend an interview with another employer.
- 8.2 As far as is reasonably practicable, the University will seek to identify suitable alternative employment for employees facing redundancy in order to preserve continuity of employment.
- 8.3 There is no strict definition as to what is or is not suitable alternative employment, however, for this purpose University of Suffolk will regard "similar" as being one grade above or one grade

below the redundant post, and the employee meets the essential criteria for the post. For some, a similar job at the same grade but in a different location may be entirely suitable. For others, the move to a different work place may render the alternative job unsuitable, by virtue of their particular circumstances.

- 8.4 An employee who accepts an offer of alternative employment will be given a minimum trial period of four weeks [or such longer period as may be agreed by the University to give them an opportunity to assess the suitability]. A development plan will be agreed with the employee to assist with the induction to the new role. In the event that the trial period is not successful then the employee will remain entitled to a redundancy payment.
- 8.5 An employee who unreasonably refuses an employer's offer of suitable alternative employment may not be entitled to a redundancy payment.

9. DISMISSAL ON GROUNDS OF REDUNDANCY

- 9.1 Having taken professional POD advice, and following consultation with trade union officials, the decision as to who will be dismissed as redundant will be taken by the relevant line manager, in consultation with the People Business Partner
- 9.2 Employees made redundant have an entitlement to written notice (or compensatory payment in lieu) in accordance with their contractual or statutory period (whichever is the greater).
- 9.3 Letters of dismissal will make reference to the employee's appeal rights. Such appeals will be dealt with in accordance with the Appeal Procedure (Dismissal)
- 9.4 Employees under notice may ask to leave sooner, and retain entitlement to redundancy or compensation payments, provided the request is made in writing, the request to leave is made during the period of statutory/contractual notice, and the relevant Line manager does not object to the request.
- 9.5 Primacy for those on maternity leave.
Women who are redundant whilst on Statutory Maternity Leave have special rights in law, known as "primacy". For the duration of any coinciding maternity and notice periods (i.e. not during redundancy consultation, unless selection processes are occurring during the consultation), they have the right to be offered any "suitable alternative employment" in the organisation, without having to go through a selection process or interview.

Primacy does not constitute unlawful discrimination, as it is a legislative requirement to enable women to continue in the workplace, and because the protection on the grounds of pregnancy and maternity does not protect those who are not pregnant or new mothers.

10. REDUNDANCY ENTITLEMENTS

10.1 Redundancy payments are calculated by reference to number of complete years of continuous relevant service to a maximum of 20 years, based actual on gross average weekly pay.

Each year before age 22 – 0.5 week's pay

Each year after age 22, before age 41 – 1 week's pay

Each year after age 41 – 1.5 weeks' pay

10.2 In addition, the employee's occupational pension scheme may make provision for benefits in the event of dismissal by reason of redundancy. The relevant scheme guidelines should be consulted. Advice will be provided through the relevant pension contact.

Appendix 1

Redundancy – Consultation and Notification Requirements

Statutory Requirements

Where it is proposed to dismiss as redundant 20 to 99 (inclusive) at a location or establishment, formal consultation must begin at least 30 days before the first dismissal takes effect.

Where it is proposed to dismiss as redundant 100 or more employees at a location or establishment, formal consultation must begin at least 45 days before the first dismissal takes effect.

Where it is proposed to dismiss as redundant 20 or more employees at one location or establishment, notification must be made to the appropriate party on an HR1, in accordance with the above timetable for consultation.

Local Agreement

University of Suffolk's commitment is to consult informally with the recognised trade unions when two or more individuals are at risk of redundancy.

Purpose of Consultation

The law requires that consultation will be undertaken with a view to reaching agreement over ways of:

- Avoiding the dismissals
- Reducing the numbers of redundancies
- Mitigating the consequences of dismissal

These three areas are separate. An employer may genuinely consult with trade unions about ways to reduce the number of dismissals and mitigating the effects, but may have genuine and demonstrable reasons for not consulting about whether or not to declare redundancies at all.

Notification

As part of the consultation process, the law requires the following statutory information to be given to the appropriate trade unions:

- The reasons for the proposal
- The number and description of staff whose job security might be at risk
- The total number of employees of any such description employed by the University at the establishment or in the service area affected
- The proposed method of selecting employees who may be liable to redundancy

- The proposed method of implementing such staffing changes (this may include a reference to this policy and information about the time span over which dismissals may take place, and whether pay in lieu of notice is envisaged)
- The redundancy calculation approach

General Meeting

At an early stage, the relevant senior manager, assisted by a People Business Partner, will meet with staff and their recognised trade union. The purpose of the meeting is to advise staff of the situation and to outline any possible alternatives. Staff should be advised of the likely time scale for redundancies and what opportunities exist for redeployment.

Further Consultation

It is likely that the consultation process with relevant recognised trade unions will include discussions regarding the method of selecting staff for redundancy. In determining the approach(es) to be followed there is a duty to be fair to both employees and to University of Suffolk.

There are many ways of selecting for redundancy. Some of these are shown in paragraph 3 of this policy document. Length of service, or LIFO (last in first out), is not a desirable sole criterion.

Individual Interviews

There will be individual interviews with staff at risk of redundancy. These interviews will usually be undertaken by the line manager assisted by a People Business Partner. Individuals may be accompanied by a trade union representative or a work colleague.

The purpose of the interview will be to discuss the possible redundancy situation in terms of:

- The employee's aspirations
- Any opportunities for redeployment
- Statutory entitlements (e.g. time off, trial periods, notice periods etc)
- Estimated entitlements to redundancy, pension benefits
- Queries relating to work or domestic situations
- Possible retraining opportunities

Appendix 2

Redundancy Checklist

Planning

- Are redundancies anticipated?
- Are you sure this is a redundancy situation? Check the definitions at paragraph 7 of the policy document
- How many staff work in the affected area(s)?
- How many people are likely to be redundant?
- Check the time scales for consultation in Appendix 1, taking into account the number of staff who may be redundant
- Can you think of any ways to avoid redundancies?
- Consider how you might select people for redundancy
- Consider seeking volunteers for redundancy
- Be clear about who's doing what. Identify who will manage the process.
- Plan your communication strategy – how will you keep staff informed?
- Ask a member of the People & OD team to obtain estimates of redundancy and pension benefits.

Consultation

- Director/Dean supported by a People Business Partner** to notify the recognised trade union. Provide the statutory information set out in Appendix 1.
- Does POD need to notify the relevant part on an HR1? (Refer to Appendix 1)
- Arrange to meet with staff to notify them of the situation. (Refer to Appendix 1). If possible, Director/Dean should write to staff to notify them they are at risk of redundancy
- Receive and consider any representation from staff and/or trade unions regarding those aspects open to consultation
- arrange individual interviews (refer to Appendix 1)
- Ensure you keep in touch with the trade union(s)

Process

- Specify the process to be followed in selecting for redundancy. Be clear about the criteria.
- Where possible keep records of meetings and how decisions were reached.
- Give staff feedback regarding outcomes.
- Have you considered freezing recruitment in order to maximise redeployment opportunities?
- Have you arranged for staff to receive details of vacant posts for which they meet the essential selection criteria and that their applications are assigned priority status?

Staff Support

- Are staff aware of available supportive service?
- Have you considered any other supportive measures? E.g. skills training, help with job search, preparation for interviews?

Dismissal

- Director/Dean to issue formal notices, including the reason for the dismissal, the date of the last day of service and appeal rights (staff will have the right to be represented by a trade union representative or work colleague during any resulting appeals).

Note: this checklist is intended to act as a prompt during the process. It is not a complete guide to redundancy procedures. Professional guidance should always be sought prior to and during a redundancy situation.