



PROTECTION OF EMPLOYMENT POLICY & REDUNDANCY PROCEDURE

September 2011

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Date:

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Protection of Employment Policy and Redundancy Procedure

1 INTRODUCTION

- 1.1 The Board of Governors of West Lothian College recognise that staff, their skills, abilities, commitment and knowledge represent the most significant resource available to the College.
- 1.2 Equally, however, employee costs represent the largest item of revenue expenditure for the College and staff cannot be protected from all the consequences of financial and business change.
- 1.3 The purpose of this document is to confirm the Board of Governors' policy in respect of employment protection and to indicate the approach the Board intends to take in any situation where reductions in staffing levels are being considered.
- 1.4 This policy and procedure replaces any arrangements previously agreed or applied, and applies to all staff.

2 POLICY STATEMENT

- 2.1 The Board of Governors is committed to making every effort to provide security of employment for its staff, and seeks the commitment of staff to the objectives and ongoing success of the College. The College's corporate planning procedures are designed to ensure that appropriate numbers of suitably-trained staff are available to deliver the intended programmes.
- 2.2 It is recognised, however, that staffing requirements may be affected by financial considerations, changes in organisational requirements and other factors which may not be entirely within the College's control. Where such factors are considered likely to lead to a reduction or change in required staffing, the College will follow the procedure in this document to ensure a consistent, fair approach.
- 2.3 In addition to adhering to statutory requirements placed upon it, the College will consult at the earliest possible stage with the recognised Trade Unions and all employees likely to be affected, with a view to avoiding or minimising any redundancies. Support will be given to employees to cope with redundancy and to obtain alternative employment.

3 PROCEDURE

3.1 Consultation

3.1.1 At the earliest opportunity, once redundancy is identified as a possibility, the College will inform the Finance & General Purposes Committee of the Board of Governors. Thereafter, if appropriate, the College will commence a process of consultation. This consultation will, as a minimum, comply with the following statutory requirements, commencing:

- ❖ at the earliest possible time where less than 10 employees may be made redundant;
- ❖ at least 30 days before the date of the first redundancy, where between 10 and 99 employees may be redundant over a period of 30 days or less; and
- ❖ at least 90 days before the date of the first redundancy, where 100 or more employees may be made redundant over a period of 90 days or less.

3.1.2 Consultation will take place with the appropriate recognised trade union(s) and with employees, for the purpose of avoiding or minimising redundancies. The trade union(s) will be provided with the following information, in writing:

- ❖ the number and description of roles it is proposed to designate as redundant;
- ❖ the total number of employees engaged in these roles;
- ❖ the reasons for the proposed redundancies;
- ❖ the selection criteria to be applied in identifying those to be made redundant including, where appropriate, identification of the group from which any redundancies will be made; and
- ❖ the manner in which the dismissals will take effect, including the proposed timescales.

3.2 Avoiding or Minimising Redundancies

3.2.1 The College will consider the following as methods of avoiding compulsory redundancies.

- ❖ natural wastage and non-filling of resulting vacancies;
- ❖ reductions in temporary and agency staff;

- ❖ restricting recruitment to existing employees;
- ❖ re-deployment of staff, with retraining where required and appropriate; and
- ❖ inviting volunteers for redundancy (although, having volunteered, this will not guarantee selection).

3.2.2 Not all of the foregoing options will be relevant to every situation. The consultation process will address the appropriateness of each strategy.

3.2.3 Where volunteers seek redundancy these will be actively considered, but without commitment from either the individual or the College.

3.2.4 Where re-deployment is offered as an alternative to redundancy, and the new post attracts a lower salary, the existing salary will be conserved until the cash value is overtaken by the value of the salary applying to the new post, or until one year has lapsed, whichever occurs sooner.

3.3 Selection Criteria

3.3.1 The selection criteria to be adopted in determining any compulsory redundancy will include:

- ❖ qualifications
- ❖ skills
- ❖ experience
- ❖ attendance and timekeeping
- ❖ disciplinary record

The relative importance of each criterion will be weighted depending upon the posts affected. In a situation where a specific post or a function is deleted it will not always be necessary to apply selection criteria.

3.3.2 The selection criteria will be the subject of consultation with the trades union(s) on each occasion when redundancies are contemplated.

3.3.3 Once criteria are determined, their application will be the responsibility of the SMT, following discussion as appropriate with the relevant Head of Centre/Service Manager and the HRM Manager.

3.3.4 In circumstances where restructurings have led to job losses and the possibility of redundancy it will be appropriate to handle the selection exercise in the same way as a recruitment process. The selection criteria would therefore form the Person Specification, with those

selected for redundancy being those who are not appointed to the new post(s) in any revised structure.

3.3.5 At this stage the College will provide the members of the Finance & General Purposes Committee with details of those selected for redundancy, giving reasons for the decisions and providing an opportunity for the Committee to comment before notification to the relevant employees.

3.4 Informing Employees

3.4.1 Once decisions have been made, the Head of Centre / Service Manager and the HRM Manager or his/her nominee, will meet with each employee affected to advise them of their position. Where the outcome is compulsory redundancy, the employee will be given the following information:

- ❖ the reasons for their redundancy;
- ❖ the effective date of termination of employment;
- ❖ any offers of re-deployment;
- ❖ a note of payment due; and
- ❖ an indication of the assistance the College will provide in, for example, obtaining alternative employment outwith the College.

3.4.2 Each employee will have the right to be accompanied at this interview by a representative of a recognised trade union, or a work colleague of his/her choice.

3.5 Appeals

3.5.1 An employee will have the right of appeal. Such an appeal will be heard by an Appeals Sub Committee of the Board of Governors.

3.5.2 Any appeal must be lodged within 10 working days of the written notification of the decision and will be heard within fifteen working days of receipt.

3.5.3 An employee has the right of appeal to the Employment Tribunal under the Employment Rights Act 1996.

3.6 Assisting Redundant Employees

3.6.1 Employees under notice of redundancy will be given reasonable time off with pay to seek other work or to arrange training. Requests for time off should be made on the Leave of Absence Request Form.

3.6.2 The College will make available reasonable use of facilities to employees during the notice period. This could include use of telephones, word processing and photocopying facilities. The nature of this support will depend on each particular situation. Approval should be sought via HRM, who will liaise with the relevant line manager.

3.6.3 References will be provided at the request of the employee. The content and wording of such references can be discussed prior to submission to the potential employer.

3.6.4 The College may, in some instances, exercise its right not to require employees to work during their notice period. In such cases the appropriate payment will be made in lieu of notice and any facilities referred to at 3.6.2 will be made available as far as is reasonably practicable.

3.7 Redundancy Payments

3.7.1 All employees who are granted voluntary redundancy or are made compulsorily redundant will qualify for redundancy payments, subject to statutory qualifying criteria. The College will make payments based on the statutory provisions in force at the time. Additionally, enhanced payments may be made available at the discretion of the Board of Governors.

3.7.2 Employees leaving by reason of redundancy may be eligible for early payment of pensions benefits. In all such situations the details of all payments will be made known to the employees. Employees should note that payment of pension benefits is not guaranteed. These payments are at the discretion of the Board of Governors and will be considered in view of the College's financial stability.