

**Reorganisation, Redundancy and  
Redeployment  
Policy and Procedure  
April 2014**

## Version Control

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27 October 2014	Final negotiations agreed with unions at JCF Meeting.	JCF Members.
October 2014	Policy updated in line with changes to employment legislation and regular update in consultation with trade unions.	QMSE and Director of HR.

## Reorganisation, Redundancy and Redeployment Policy and Procedure

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## 1. Introduction

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- 1.1 Queen Mary University of London (hereafter 'QMUL') needs to be able to adapt to changing circumstances, and from time to time will need to consider changes to its staffing structure or skills mix in order to meet its strategic and other objectives and obligations.
- 1.2 It is QMUL's firm objective to ensure security of employment for its staff. Where structural changes (arising from financial, organisational, market or other factors) are either needed or proposed, QMUL is committed to taking all practical steps to minimise any adverse effects on members of staff.
- 1.3 Different terms may be used in referring to change such as 'Reorganisation', simply defined as 'a change in the way something is organised' (OED) or 'Restructure' simply defined as 'to organise differently' (OED). The spirit of these policies is to ensure that we address changes that affect the employment and work of staff and to avoid wherever possible staff losing their employment through redundancy.

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## 2. Joint Consultative Forum Sub-Committee

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- 2.1 QMUL recognises the benefits of early and meaningful consultation with the recognised Trade Unions, and a standing sub-committee of the Joint Consultative Forum (JCF) has been established for this purpose (Appendix A). Regular meetings of the Sub-Committee will be scheduled throughout the year to identify any potential future problems regarding funding and organisation issues affecting the institution, with the specific intent of seeking to avoid redundancies and to mitigate the potential effects on staffing levels generally. QMUL agrees to disclosure of all information necessary to enable an informed dialogue.
- 2.2 For the avoidance of doubt, it should be noted that the beginning of formal consultation will commence at the earliest when one working week has elapsed after the end of the JCF Sub-Committee consideration of the proposals.

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## 3. Purpose of policy and overview

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- 3.1 A review of the function, services or provisions of Schools, Institutes, Departments, Faculties or QMUL overall may result in the need to change existing structures and functions. In some cases this may affect the number, type, configuration and working patterns of staff. Such changes will be subject to consultation with the recognised Trade Unions prior to implementation.

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## 4. Managing minor change

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- 4.1 There may be occasions when QMUL seeks minor changes to working practices. Examples of minor changes include: implementation of different methods of carrying out tasks; introduction of new technology and/or changes in duties within the remit of the post that do not cause changes to grading or substantial changes to the nature of the post.

- 4.2 Staff should still be consulted about changes that have an impact on their work, but consultation needs to be in proportion to the change being proposed. Managers should meet staff either individually or collectively to explain the reasons for the need to implement any minor changes and to ask for views before implementation. Staff may wish to be accompanied by a Trade Union representative or colleague at a meeting to discuss changes to duties and working practices.
- 4.3 Managers may wish to seek advice from Human Resources when reviewing minor changes that will have an impact on their staff.

## 5. Managing significant change due to reorganisation

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- 5.1 The following stages will be followed where it is considered necessary to restructure a Faculty/School/Institute/ Department/Team/Section, or where proposed changes are likely to impact substantially on the roles or jobs of groups of staff, or where staff may be at risk of redundancy. QMUL is committed to avoiding compulsory redundancies wherever possible.
- 5.2 Where reorganisation or change proposals may lead to the possibility of redundancies, there are additional provisions relating to information and consultation that must be observed. Reference should be made to the redundancy section of this document (Section 6).

### Stage 1 – Management Planning

- 5.3 Where QMUL is proposing significant organisational change it will prepare a consultation paper which will be submitted to the JCF Sub-Committee on change management and job conservation. QMUL managers will seek as far as possible, where this is appropriate and feasible in timescales for change, to undertake informal consultation with staff and/or their recognised Trade Union representatives before producing the consultation paper.
- 5.4 It is expected of all parties involved in any informal consultation that they will recognise the desire to explore constructively the issues leading to consideration of review.
- 5.5 When plans are formulated to a point where it is felt formal consultation should begin, it will be normal practice to produce an initial formal consultation paper which shall be sent to the recognised Trade Unions and to all affected staff.
- 5.6 The consultation paper should contain the following with as much detail as can be given at the time:
  - ❖ details of the current position including staffing structure;
  - ❖ the rationale behind the change;
  - ❖ the actual proposals for change (including the proposed staffing structure and charts);
  - ❖ the assessed benefits and risks associated with these proposals;
  - ❖ the financial and staffing implications of the proposals, including the number and grades of staff affected, and where applicable the proposed methods of job matching and selection of those staff who may be placed 'at risk';
  - ❖ Equality Impact Assessment(s) in line with the Equality Act 2010;

- ❖ details of the proposed consultation timescale, QMUL consultation team members, a schedule of meetings and proposed timescale for implementation of the changes

## Stage 2 – Consultation

- 5.7 Consultation is a process involving a genuine exchange of views and information. Consultation is a means of putting forward and jointly considering alternatives and involves an opportunity to influence decisions and their application. It involves seeking solutions which are mutually acceptable, with a view to reaching agreement before any final decisions are made.
- 5.8 It is important that all affected staff are able to participate in consultation processes and that contributions are solicited from as wide a group of affected staff as possible. Therefore consultation will normally take place in the standard working week. Consultation on reorganisations will not normally take place during the month of August. QMUL notes that effective participation in consultation is time-consuming and additional facility time will be offered to union representatives in order to allow them to participate fully.

## Formal Exchange of Documents

- 5.9 Written proposals for change (normally the final formal consultation document as noted above) will be submitted to nominated full-time regional officers of the recognised Trade Unions at their nominated address. They will determine the staff side representation for formal consultations. Copies of proposals will also be sent to local branch secretaries of recognised Trade Unions for information. QMUL will be represented by designated senior staff who are authorised to act on QMUL's behalf. The names of the consultation team will be provided with the consultation document. It is recognised that it will not always be possible for all parties to attend every meeting of each consultation but it is expected that both sides will make every effort to maintain a consistent team of individuals who can make informed and relevant contributions, and that substitutes will be the exception rather than the rule.
- 5.10 The purpose of the formal consultation meeting(s) with staff and Trade Unions will be actively to seek ways to avoid dismissals, reduce the number of employees to be dismissed and mitigate the consequences of the dismissals if they remain necessary.
- 5.11 This may involve:
- ❖ receiving and addressing any questions on the proposals for change including the reasons for the proposals;
  - ❖ receiving any alternative proposals put forward;
  - ❖ consideration of any comments or views on the change proposals;
  - ❖ changing the proposals in the light of responses received;
  - ❖ seeking to agree relevant change processes and timescales.
- 5.12 Consultations will be undertaken by QMUL with a view to reaching agreement with the recognised Trade Unions.
- 5.13 QMUL will seek to provide as full provision of information as it can for staff and Trade Unions to make an informed contribution to the consultation process. Updates may be circulated to staff throughout the consultation period.

- 5.14 Each member of staff whose role may be affected by the change and the recognised Trade Unions will be provided with a copy of the consultation paper as noted above. This will include an explanation of the business case for change. Staff who are absent from work (due e.g. to maternity, sickness or other leave) will be sent a copy of the consultation paper to a specified contact location e.g. mailbox, home address and reasonable arrangements will be made to ensure that they can participate in the consultation process.
- 5.15 After the end of collective consultation one-to-one meetings will be held with individuals whose jobs are likely to be directly affected as a result of the proposals.
- 5.16 Trade Union representatives will also be invited to attend all group consultations, and may also attend individual consultation meetings, if their presence is requested. Staff may instead choose to be accompanied at individual consultation meetings by a colleague employed at QMUL if they so wish.

### **Stage 3 – Decision to proceed**

- 5.17 At the conclusion of the consultation process QMUL will take into account all relevant comments and make a decision on the way forward. In making that decision, full consideration will be given to the aims of conserving employment and reaching agreement with the Unions. The final decision, with reasons, will be confirmed in writing.
- 5.18 Where the outcomes of the collective consultation process identifies posts that may still be at risk QMUL may undertake a voluntary redundancy exercise in order to open up opportunities for bumping and redeployment for affected staff. Reference should be made to the redeployment section of this document (Section 7).

At this stage QMUL will also advertise and encourage expressions of interest in options for flexible working (Appendix B).

- 5.19 The relevant Trade Unions and all staff affected by the change will be notified of any decision to proceed, and confirmation of the change procedures to be followed.
- 5.20 Where a member of staff is affected by the decision to proceed, he or she will receive details of the process to move from the current provision to the new provision. This will include details on the following:
- ❖ relevant job-matching arrangements;
  - ❖ revised terms and conditions of employment proposals; where significant variations to terms and conditions are proposed, this will be after agreement is reached with the relevant Trade Unions;
  - ❖ for staff at risk, the agreed selection arrangements where staff will be considered for 'different' posts, or where there is a diminishing number of existing posts;
  - ❖ possible time scales and arrangements for further individual consultation;
  - ❖ arrangements for seeking alternative work;
  - ❖ details of QMUL's Salary Protection Policy and Procedure, where applicable (Appendix C);

- ❖ assistance to be given to staff likely to be adversely affected by the change including, where applicable, career counselling / outplacement services (Appendix D) and reasonable time off to seek other employment, or to undertake training.

5.21 Where the proposals for change result in staff being placed at risk of redundancy, QMUL will explore all possible opportunities to conserve employment.

## 6. Redundancy

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6.1. QMUL needs to be able to adapt to changing circumstances, and from time to time will need to consider changes to its staffing structure or skills mix in order to meet its strategic and other obligations.

6.2 It is QMUL's firm objective to ensure security of employment for its staff. Where, however, there may be occasions when financial pressures, changes in the demand for services, funding provision, or organisational, technological or academic developments impact on service needs and staffing requirements, QMUL is committed to taking all practical steps to minimise any adverse effects on members of staff.

6.3 This policy reflects this commitment and provides a framework for managing change effectively, fairly and consistently, through planning, consultation, and communication and in accordance with established good practice and employment legislation, and with full regard to QMUL's Equality policies.

6.4 Should there be a need for such change QMUL will seek to minimise the impact on staff of any changes through appropriate measures. Measures which QMUL will consider include the following:

- ❖ making savings in non-staff budgets;
- ❖ reduction of staff levels through usual turnover;
- ❖ reducing the use of casual or agency workers who are not covered by statutory provision;
- ❖ eliminating or reducing the use of external consultants;
- ❖ redeployment (including, where necessary, reasonable levels of retraining) to other parts of the organisation;
- ❖ reduction or elimination of overtime working;
- ❖ considering volunteers for flexible working;
- ❖ secondments (note that employment rights generally continue to be accrued during secondments and continuity of employment generally applies);
- ❖ seeking alternative funding, e.g. where funding for a particular project has expired;
- ❖ voluntary redundancy;
- ❖ freeze on new appointments

### Definition of Redundancy

6.5 A potential redundancy situation arises in the following circumstances:



- ❖ when QMUL has ceased or intends to cease, to carry out the work for which the employee was employed (or is effectively undertaking) in the place where the employee was so employed, or;
- ❖ the requirements of QMUL for employees to carry out work of a particular kind have ceased or diminished or are expected to cease or diminish, or;
- ❖ when an individual is dismissed for a reason not related to the individual concerned

Please note that the non-renewal of a fixed-term contract may also constitute a redundancy.

## Staff and Trade Union Consultation

- 6.6 Collective consultation with the Trade Unions will commence at the earliest opportunity. Consultation will continue for a period no less than the statutory minimum time scales:
- ❖ where **20 – 99 redundancies** are proposed, consultation will commence **at least 30 days before the first of any redundancies** is due to take effect
  - ❖ where **100 or more redundancies** are proposed within a 90-day period, consultation will commence **at least 90 days before the first of any redundancies** is due to take effect
- 6.7 Under these circumstances, all relevant information will be provided to the Trade Unions.
- 6.8 A copy of the notification will be sent to full time Trade Union Officers at their nominated addresses and copied to local branch officials.
- 6.9 Where fewer than 20 redundancies are proposed, QMUL will continue its current good practice of giving reasonable time for meaningful consultation, with the member(s) of staff concerned and their recognised Trade Union representative(s), as appropriate and this will be not less than 30 calendar days before the date of the proposed first redundancy notice.
- 6.10 QMUL will keep staff, full time and local Trade Union representatives informed as fully as possible about proposed service changes, possible impacts on staffing levels /structures /skill mix and any staff (individual or group) at risk of redundancy as a result of the proposed changes.

## Collective Consultation

- 6.11. QMUL will be represented by appropriate senior staff who are authorised to act on QMUL's behalf. The names of the QMUL consultation team will be provided with the consultation document.
- 6.12 Once proposals for change have been discussed at the standing JCF Sub-Committee, formal collective consultation will begin no earlier than one working week after the end of the JCF Sub-Committee meeting. QMUL will consult staff and their representatives

on proposed service changes and associated staffing changes and reasons for these changes. It will seek to reach agreement on ways in which any redundancies may be avoided or reduced and, if necessary, on selection processes.

- 6.13 Due regard will be given to the availability of staff and representatives for consultation, but it is emphasised that all those involved must also ensure they make every effort to ensure availability, attend meetings, or where appropriate, provide authorised substitutes.
- 6.14 QMUL will consider any alternative proposals on ways of avoiding redundancy, reducing the number of staff to be made redundant or mitigating the effects of any redundancies with a view to reaching agreement with the recognised Trade unions. QMUL will give reasons for rejecting alternatives.

## Provision of Information

- 6.15. In order to facilitate this process QMUL will provide full information to the Regional and Local Trade Union representatives including but not necessarily limited to:

- ❖ the reason(s) for the proposed redundancies, including any financial information where this is a relevant factor;
- ❖ the number and descriptions of staff it is proposed to dismiss as redundant;
- ❖ the total number of staff of any such description employed by QMUL;
- ❖ the proposed method of selecting those who may be dismissed;
- ❖ the proposed method of carrying out the dismissals, including the period over which the dismissals are to take effect;
- ❖ the method of calculating the amount of redundancy payments to be made to those who are dismissed;
- ❖ the impact on remaining posts of any job losses;
- ❖ Equality Impact Assessment(s) in line with the Equality Act 2010; It is recognised that there may be variations to the final outcomes as a result of discussions and implementation and that the final EIA may differ from the initial submission.
- ❖ details of the proposed consultation timescale, QMUL consultation team members, a schedule of meetings and proposed timescale for implementation of the revised structure

- 6.16 In the event of potential redundancies, the above information will be sent to the relevant Trade Union(s) at least 3 to 5 working days before any notification to staff. Such information must be kept confidential to the Regional and Branch officials prior to any meeting between QMUL management and the staff concerned.

## Individual Consultation

- 6.17 Where an individual is at risk of redundancy, he or she will have at least one consultation meeting to discuss the reasons for the redundancy situation arising, selection criteria (where appropriate), redeployment opportunities and other relevant information. This meeting will take place after the end of any collective consultations. The member of staff may be accompanied by a Trade Union representative from his or her union, or a work colleague of his or her choice.

## Measures to Avoid or Minimise Redundancy

- 6.18 QMUL is committed to retaining staff as far as possible and will seek to avoid redundancies.
- 6.19 QMUL will consult with Trade Unions on appropriate measures to avoid potential redundancies. Major methods of avoiding redundancies are noted above.

## Process

- 6.20 In the event that a potential redundancy cannot be avoided, QMUL will adopt a fair, consistent and objective approach.
- 6.21 When QMUL undertakes restructuring, staff on fixed-term or part-time contracts will need to be managed in accordance with the requirements of the Fixed-Term Employees (Prevention of Less Favourable Treatment) Regulations 2002 and the Part-Time Workers (Prevention of Less Favourable Treatment) Regulations 2000 which state that fixed-term and part-time workers should not be treated less favourably than comparable permanent or full-time workers

## Selection for Redundancy

- 6.22 A formal selection process will be undertaken where there is a reduction in the need for staff to carry out work of a particular kind and a number of individuals are employed in that area of work. In these circumstances, there is likely to be a group of staff ('the pool') undertaking the work or activity that is to cease or diminish and from which those whose posts may be rendered redundant will be drawn.
- 6.23 Selection criteria for redundancy will be based on the need to identify those individuals in the pool with the skills, knowledge, qualifications and experience required to meet the present and anticipated needs of QMUL. The criteria for selection will be made available to all those identified as being in the pool of staff at risk of redundancy and all data used as part of the selection process will be provided to staff at risk for comment and correction where necessary in advance of any meeting at which those data are discussed or applied.
- 6.24 Where selection criteria are to be applied, these shall be drawn up by the QMUL manager leading the change process with advice from Human Resources, and others as appropriate. The manager will also identify the pool of staff from which those who are to be made redundant will be drawn. The Trade Union and/or affected staff will be consulted on the proposed criteria.
- 6.25 All those in the relevant pool will be advised that their posts are at risk and informed that they may request a meeting to discuss concerns at any time. They will be informed of the selection criteria and invited to supply information and arguments that address the selection criteria. Those at risk will also be informed of their right to representation at every stage of the process.
- 6.26 Members of staff within the relevant pool of affected staff will be assessed against the selection criteria.

- 6.27 At the meeting, the application of the selection criteria to that member of staff will be explained and he or she will be advised that their employment may be terminated on grounds of redundancy. The member of staff may be accompanied by a Trade Union representative or work colleague. The member of staff will be invited to provide any reasons or considerations they wish to have taken into account as to why they should not be selected for redundancy. A written response to these representations will be provided at least 5 working days before any future meetings or deadlines.
- 6.28 Those members of staff within the relevant pool of affected staff not selected for redundancy will be advised in writing of their status.
- 6.29 Those members of staff selected for redundancy will be notified of that fact in writing, and informed that, as a result, their employment may be terminated on grounds of redundancy.
- 6.30 A second meeting will be arranged with each individual selected for redundancy to consider any reasons why they should not be selected for redundancy or to discuss any changed circumstances that they wish to put forward for consideration. The member of staff may be accompanied by a Trade Union representative or work colleague. The officer conducting the meeting will inform the member of staff that they will now fully consider all information put forward. They will also notify the member of staff that they will write to the member of staff within 5 working days to notify the member of staff of the decision on whether or not there is to be a dismissal on the grounds of redundancy. Further discussions will take place as appropriate regarding measures to avoid redundancy, including redeployment.
- 6.31 The names of members of staff selected for redundancy shall be sent to a Redundancy Committee. Members of the Redundancy Committee shall be senior managers from outside the affected department(s), drawn from an approved list. It shall consider the case drawn up by departmental managers and representations by the members of staff affected and decide whether to issue notices of redundancy.
- 6.32 A member of staff whose employment is terminated on the grounds of redundancy will be notified of this in writing with confirmation of the leaving date, and eligibility for redundancy pay in accordance with their contract of employment.

## **Appeals against Redundancy**

- 6.33. Staff selected for redundancy shall be advised of their right to appeal against the decision. Appeals must be lodged within ten working days of receipt of notice of dismissal on the grounds of redundancy. Appeals will be heard by a panel consisting of lay members of Council and a member of the management of QMUL who is senior to the dismissing officer i.e. the Chair of the Redundancy Committee. Where the dismissing officer is a member of QMSE or where the Principal has been personally involved in determining that a specific individual member of staff should be made redundant, the appeal will be heard by members of Council only.

## **Suitable Alternative Employment and Redeployment**

- 6.34. A member of staff selected for redundancy will be offered suitable alternative employment where it exists and will continue to be subject to QMUL's redeployment

provisions until his or her dismissal takes effect (Section 7). Pregnant workers and those taking maternity, adoption or shared parental leave have a statutory right to enhanced redundancy protection from when the employer is told of the pregnancy (or adoption) to 18 months after the birth (or adoption). This enhanced protection relates to the right to be offered suitable alternative employment ahead of other workers.

- 6.35 If there are no suitable alternative employment or redeployment opportunities, the dismissal will take effect and the member of staff will be entitled to receive a redundancy payment.
- 6.36 Where a member of staff is offered alternative employment on a trial basis under the provisions of QMUL's Redeployment Policy, should the post prove to be unsuitable, the member of staff will, if eligible, remain entitled to a redundancy payment. However, if a member of staff unreasonably terminates the contract during the trial period, he or she will not be entitled to a redundancy payment. Entitlement to a redundancy payment may also be lost if a member of staff unreasonably refuses an offer of suitable alternative employment.

## Time Off to Look for New Work or Training

- 6.37 Staff who are under notice of redundancy will be entitled to a reasonable amount of paid time off to look for work, avail themselves of any outplacement services provided or to arrange (and undertake) training (Appendix D).

## Redundancy Payments

- 6.38. In circumstances where redundancies are unavoidable, QMUL will make redundancy payments to individuals who have at least two years' continuous service with QMUL.
- 6.39 The redundancy payment will be calculated at the statutory minimum according to the following formula:

For each complete year of service up to a maximum of 20 years, employees are entitled to:	Payment for each year of completed and continuous service
For each complete year of service up to age 22	Half a week's pay*
For each year of service at age 22 but under age 41	One week's pay*
For each year of service at age 41 or over	One and a half weeks' pay*

\*Statutory cap on one week's pay can be found at:

[www.gov.uk/redundant-your-rights/redundancy-pay](http://www.gov.uk/redundant-your-rights/redundancy-pay)

## Enhanced Payments

- 6.40. QMUL may also consider the following:

### ❖ Voluntary Severance

At each exercise QMUL may decide that there are grounds for offering the opportunity to staff who may or may not be at risk of redundancy to volunteer and

apply for severance on enhanced terms. QMUL reserves the right to refuse applications, and there is no obligation on any member of staff to apply for or accept an offer of severance on enhanced terms. Any offers made are conditional on the signing of a settlement agreement.

❖ **Enhanced Redundancy Payments**

QMUL may also decide that, whilst it is not appropriate to offer voluntary severance to a wider group than those at risk, it wishes to offer those at risk the opportunity to apply for redundancy on enhanced terms. QMUL reserves the right to refuse applications, and there is no obligation on any member of staff to apply for or accept an offer of redundancy on enhanced terms. Any offers made are conditional on the signing of a settlement agreement.

❖ **Early Payment of Pension on Termination of Employment at Redundancy**

In some cases, some members of staff may be entitled under the terms of their Occupational Pension Scheme to receive an unreduced pension on redundancy. Staff should not assume that they do have such an entitlement and should check details of pensions with their pension scheme at the time of considering application for voluntary severance. Information will be available via Human Resources. In cases where the rules of the relevant pension scheme require the employer to make a payment to meet the cost of early payment of pension (Actuarial Strain), this payment will be deducted from any enhanced redundancy payment.

If the cost is lower than the enhanced payment then the employee will receive the balance as a single payment, and this will be not less than the statutory minimum redundancy payment. If the cost is higher than the enhanced payment, then QMUL will meet the full cost and a payment of a minimum of the statutory redundancy payment will be given to the member of staff.

There may be, in some schemes, the opportunity for the member of staff to defer their pension and forego the opportunity to receive a reduced or unreduced pension on redundancy. If the Pension Scheme rules permit staff to take this option and no actuarial strain is placed on QMUL, and the member of staff wishes to take this option, then the total enhanced redundancy payment will be paid to the member of staff, but the Settlement Agreement will require a specific clause waiving the right later to seek an unreduced pension which would add cost to QMUL.

## Enhanced Payments Calculation

- 6.41 Where it decides to make provision for payments in additional to statutory provision QMUL needs to consider a number of issues. In seeking to provide the opportunity for staff to apply for enhanced terms, QMUL is mindful of its duty to manage its finances prudently alongside its wish to minimise the impact of redundancy where possible. It needs to ensure that payments in excess of the statutory minimum achieve the objectives of achieving change at a reasonable one off cost, which also reduces the difficulties facing staff who are made redundant.
- 6.42 It therefore needs to ensure that the level of enhanced terms are commensurate with these aims, and do not, for instance, create the need for additional reorganisations or reductions in expenditure that cause further unanticipated and unnecessary financial strains. To this end, details of any enhanced schemes will be published before restructuring begins.

- 6.43 If a scheme of enhanced terms is proposed, the calculation method used may vary from time to time and due notice would be given. Terms will not vary from those published at the beginning of an exercise.

## 7. Redeployment

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- 7.1 The redeployment process should operate alongside the redundancy process where suitable alternative employment **has not** been identified; it is not intended to replace the redundancy process. It does not affect the rights of an individual to appeal against any redundancy or dismissal proceedings.
- 7.2 For the avoidance of doubt, suitable alternative employment means employment that offers broadly the same terms and conditions and status, and is reasonably within the capabilities of the person being offered the employment.
- 7.3 It is QMUL's firm objective to ensure security of employment for its staff. It is therefore essential that a clearly-understood practical procedure is in place to provide a framework for the management of redeployment within QMUL and which enables staff to be redeployed to suitable posts within QMUL.
- 7.4 QMUL will take a positive approach to reasonable and affordable levels of retraining with individual training needs being assessed and active help and support provided.
- 7.5 There may be a number of situations where staff are seeking to be redeployed:
- ❖ when the job they are currently doing is no longer required and there is no suitable alternative employment;
  - ❖ when part of the job is no longer required;
  - ❖ when, due to medical reasons, they are unable to continue in their present post;
  - ❖ when one or a series of fixed term contracts is coming to an end and there is no suitable alternative employment;
  - ❖ another substantial reason puts their employment at risk
- 7.6 All staff in the situations outlined above will have the opportunity to be entered onto QMUL's redeployment register with a view to seeking an alternative post. However, the register is not for members of staff who do not fall into one of these situations who are seeking a new job or change of career.
- 7.7 QMUL recognises that redeployment constitutes a change to an individual's contractual terms of employment and therefore cannot be implemented without his or her consent.
- 7.8 When dealing with an issue of redeployment the following principles should be followed:
- ❖ staff and their representatives have the right to be involved at the earliest opportunity in decisions which may affect them;
  - ❖ staff have the right to have their wishes and preferences taken into consideration;

- ❖ staff will be encouraged and supported in doing any reasonable level of relevant training, reorientation or having other development needs met with the aim of assisting staff to remain employed at QMUL. Once staff are on the redeployment register they should be allowed reasonable paid time off from their existing post for retraining.
- ❖ staff will be offered counselling through QMUL counselling service should they require it;
- ❖ specialist career counselling / advice will also be offered

## Suitable Vacancies

7.9. It is for both QMUL and the employee to consider what an 'appropriate' vacancy is, but broadly speaking, they are those where the skills and knowledge sought to fill the vacancy match the skills and knowledge of the redeployee with or without further training. In assessing whether or not a vacancy is appropriate a number of factors will need to be taken into account including:

- ❖ nature of the job
- ❖ status of the job
- ❖ qualifications and skills needed and those of the redeployee
- ❖ hours – how many and when
- ❖ location and accessibility
- ❖ personal circumstances and professional requirements

7.10 Any member of staff at risk of displacement as a result of any internal reorganisation or restructuring will be advised that suitable alternative employment opportunities will be explored as a basis for protecting their continued employment with QMUL. Where no such opportunities are available, staff at risk will be eligible for redeployment.

7.11 Staff will also be considered for posts at a grade or status below, or with lower terms and conditions provided they agree they wish to be considered for lower posts than that which they currently occupy. Redeployees will not be disbarred from seeking promotion in competition with others.

## Prior Consideration for a Vacancy

7.12 Prior consideration for a vacancy means being considered prior to the post being advertised internally or externally or alternatively prior to the normal selection process.

## Vacancy Management

7.13 All vacancies, and/or new posts will be notified to HR, irrespective of whether or not these may be authorised for wider advertisement or other method of selection for appointment. A register that includes details of all vacancies and their status will be maintained centrally by HR.

7.14 While staff remain at risk jobs will be ring-fenced until it is clear that no staff on the Redeployment Register are suitable for the vacant posts.

## Notification of Staff at Risk



- 7.15 Any member of staff at risk of displacement as a result of any internal reorganisation or restructuring will be advised that suitable alternative employment opportunities (and, where these are not available, possibilities for redeployment) will be explored as a basis for protecting their continued employment with QMUL.
- 7.16 In order to ensure that all appropriate staff are covered, all staff whose positions are in jeopardy as a result of reorganisation will be placed on a Redeployment Register maintained by HR. This will include all staff who are considered and identified as 'at risk' during consultation, and specifically those placed 'at risk' at the end of consultation. Details of all staff at risk of displacement and for whom suitable alternative employment should be explored and where possible identified, will be notified to the HR department with immediate effect. Staff may choose not to be entered on the Redeployment Register.
- 7.17 Once staff have been placed on the Redeployment Register the appropriate HR Partner (or Assistant HR Partner) will take responsibility for managing the process of redeployment for that individual.
- 7.18 For each member of staff placed on the Register, the relevant HR Partner will establish a full skills profile, any training needs, and the categories and types of job that are likely to be suitable.
- 7.19 HR will take a pro-active role in trying to secure suitable alternative employment for staff on the Register by:
- ❖ maintaining a website with details of current ring fenced vacancies and job specifications;
  - ❖ regular liaison with Heads of Schools/Institutes/Departments and HR colleagues to try and determine any suitable vacancies;
  - ❖ advising the Heads of Schools/Institutes/Departments of any applicants for vacant posts from the Redeployment Register;
  - ❖ maintaining regular contact with staff on the register providing any necessary support and guidance;
  - ❖ informing staff on the at risk register of details of all appropriate vacancies as they become available and encouraging applications for these vacancies;
  - ❖ regular case review
- 7.20 Staff placed on the Redeployment Register will be granted appropriate paid time off for the purpose of seeking employment.
- 7.21 QMUL will also explore with the member of staff any relevant training opportunities available to assist the individual to expand their skill base.

## **Exploring Suitable Alternative Employment / Redeployment Opportunities**

- 7.22 Before any advertisement takes place, all staff eligible for redeployment will receive notification of vacancies at their existing grade and one lower. They will be encouraged to apply for posts which might be suitable for them. Any redeployment or suitable alternative employment will be subject to QMUL's Salary Protection Scheme (Appendix D).
- 7.23 Individuals on the Redeployment Register can access the list of ring fenced vacancies through a secure webpage, or can request written details from Human Resources.

- 7.24 HR will, with relevant advice from QMUL staff, seek to match redeployees with vacant posts. Where possible, slotting into vacant posts will take place provided this does not disadvantage others who are at risk and have an equal claim to be considered. Slotting will only take place when there is at least a 70% job match and demonstrable equivalence between jobs. Where more than one individual could be slotted into the same post, interviews will be held to determine the best fit.
- 7.25 Where slotting is not appropriate, details of prospective redeployee(s) will be forwarded to the manager who has sought to fill the vacancy and the lead manager will be asked to consider suitability for further assessment.

## Arrangements for Further Assessment

- 7.26 Schools/Institutes/Departments with vacant posts will give prior consideration to staff on the Redeployment Register **before** considering other applicants. If there is a close match, the member of staff may be offered the post immediately. However, in most cases an interview will be appropriate. This interview will take place prior to advertisement or, where this is not possible, prior to consideration of other applicants. It is not necessary for redeployees to submit formal applications.
- 7.27 If a person proves suitable at interview then they should be offered the post. In considering suitability, managers will assess ability to do the job, with reasonable and affordable training if necessary.
- 7.28 If more than one person on the Redeployment Register is suitable and interested in a particular post then interviews for all those people will be held before consideration is given to advertising the post.
- 7.29 If the person is considered unsuitable at interview the individual and HR should be informed of the decision and the full reasons for the decision not to appoint. This will assist the individual and enable HR to support the staff member in future applications.
- 7.30 Schools/Institutes/Departments undergoing restructuring are not expected to give prior consideration to staff on the Redeployment Register from other departments whilst their own restructuring is in process.
- 7.31 Individual employees will have a right to appeal if they feel that redeployment procedures have not been followed correctly or if relevant information has not been considered in the process.
- 7.32 The appeal shall be submitted in writing to the Director of HR within five working days of receipt of written feedback.
- 7.33 The Director of HR will investigate the matter and consider all the information available. If the appeal is unsuccessful, no action will be taken; if it is successful, the Director of HR will arrange a new interview.

## Training

- 7.34 QMUL is committed to providing reasonable relevant training and to providing any reasonable relevant/appropriate up-skilling. Any retraining will be funded by QMUL including reasonable travel and accommodation costs if necessary.

## **Use of Trial Periods**

- 7.35 If the recruiting manager offers the position as redeployment, then a trial period for the member of staff will be arranged.
- 7.36 Redeployment trial periods will be a minimum of 4 working weeks. However, where patterns of service delivery require it, a longer period, usually 3 months, will be offered. Depending on the circumstances and the requirements of the post, including the need for training to be completed, an extended trial period may be agreed to ensure that the potential redeployee has time to prove themselves in the post.
- 7.37 Redeployment opportunities will continue to be sought for the member of staff during their trial period.
- 7.38 If during the trial period the member of staff wishes to raise any concerns regarding the suitability of the post, he or she should contact their manager and a meeting will be arranged to discuss these concerns.
- 7.39 In the same way, if the line manager has concerns about the performance of the member of staff involved in the trial period, they should raise the issue as soon as possible and not leave it until the end of the trial period to raise the matter. Regular reviews should take place whether or not concerns are raised on either side.

## **Confirmation and Non-Confirmation Following a Trial Period**

- 7.40 Towards the end of the trial period (usually in the week it is due to expire, but the main determinant will be the agreed length of the trial period), the recruiting manager will call a meeting, to decide with HR and the redeployee whether the redeployment is to be confirmed. This decision will be confirmed in writing.
- 7.41 At the meeting, the redeployment will be reviewed and discussed, and progress will be noted. Any concerns on either side, should be addressed at this meeting, but, as with probation and appraisal, there should be no surprises and significant concerns should have been addressed at the point at which they arose.
- 7.42 In exceptional cases the trial period may, following agreement with HR, be extended at this point. Usually an extension will be for a period of 2 weeks in order to address specific concerns. As above, this may be longer dependent on the nature of the post and the need for additional training.
- 7.43 If the redeployment can be confirmed, the individual will be placed in the new post on whatever terms it was advertised (permanent, fixed term) and he or she will be removed from the Redeployment Register.
- 7.44 If the new post is fixed-term, the process of searching for another suitable post should begin no later than 12 weeks before the contract is due to end. HR will notify the appropriate line manager of the need to begin this process in advance of the 12 week timeframe.

- 7.45 If at the end of trial period meeting, there remain concerns which have not been addressed, then these will be outlined in the meeting and the individual will have an opportunity to respond.

## **Individuals Temporarily Absent from Work**

- 7.46 Individuals temporarily absent who are affected by the planned restructuring/reorganisation will be included when determining new structures.
- 7.47 In some cases individuals have an entitlement to return to a specific position if one is available, e.g. if on maternity, paternity or adoption leave. All individuals who are affected by the change will have the opportunity to have an individual consultation meeting and, wherever possible, this meeting will take place at the same time as for other staff.
- 7.48 All individuals absent from QMUL will be invited to all relevant meetings about the restructuring/reorganisation and copies of relevant written communication will be sent to their home/nominated address. Appropriate measures will be taken to ensure that they can attend those meetings.

## **Individuals on Fixed-Term and Part-Time Contracts**

- 7.49 When QMUL undertakes restructuring, staff on fixed-term or part-time contracts will need to be managed in accordance with the requirements of the Fixed-Term Employees (Prevention of Less Favourable Treatment) Regulations 2002 and the Part-Time Workers (Prevention of Less Favourable Treatment) Regulations 2000 which state that fixed-term and part-time workers should not be treated less favourably than comparable permanent or full-time workers.

## **Seeking Opportunities outside QMUL**

- 7.50 QMUL will actively seek to build relationships with other local providers of employment, especially in the Higher Education Sector. The objectives will be to inform local employers of available skilled staff, and to keep in touch to seek opportunities to redeploy at risk staff.
- 7.51 In addition QMUL will seek to build relationships with employment agencies to ensure available vacancies are brought to staff attention and to progress their opportunities for redeployment to outside employers.

## **8. Status**

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- 8.1 This policy and procedure document replaces all ordinances, policies and codes of practice on redundancy, reorganisations, and supersede current arrangements on any other matters covered within them. This policy and procedure is contractual and changes must be negotiated with staff through the recognised Trade Unions.

## **9. Revision or termination of this policy and procedure**

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- 9.1 This policy and procedure document may only be varied by collective agreement between QMUL and the recognised Trade Unions. It will be reviewed every two years by a working party of HR and representatives of the recognised Trade Unions.

## 10. Equality and Diversity

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- 10.1 This policy and procedure document will be applied in a non-discriminatory way, in accordance with the provisions of the 2010 Equality Act, the Fixed-Term Employees (Prevention of Less Favourable Treatment) Regulations 2002 and the Part-Time Workers (Prevention of Less Favourable Treatment) Regulations 2000 and QMUL's commitment to equality and diversity.

## 11. Accessibility

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- 11.1 If you require any document in an alternative format, for example, in larger print, please contact HR.

## Terms of Reference of the Joint Consultative Forum Sub-Committee

### Preamble

1. Queen Mary, University of London (hereafter 'QMUL') needs to be able to adapt to changing circumstances, and from time to time will need to consider changes to its staffing structure or skills mix in order to meet its strategic and other objectives and obligations.
2. QMUL recognises the benefit of early and meaningful consultation with unions. It recognises the need for an increased level of consultation and discussion with recognised Trade Unions in a challenging and swift moving landscape for Higher Education and for QMUL.
3. It is therefore establishing this standing Sub-Committee of the Joint Consultative Forum (JCF) to discuss issues of reorganisation, redundancy and redeployment.

### Purpose and Functions

4. The purpose of the Sub-Committee is to:
  - ❖ keep all parties informed of any potential future problems regarding funding and organisation issues affecting the institution, with the specific intent of seeking to mitigate the potential effects on staffing levels;
  - ❖ keep all parties informed of proposals for change and restructures within QMUL, allowing full view of any programme of change or anticipated proposals;
  - ❖ receive, at their initial stage, all proposals that might affect employment and advise proposing managers where they might usefully clarify aspects of these proposals;
  - ❖ allow all parties to discuss the programme to establish timing, implementation, consistency of approach and common elements, and to consider concerns from either side;
  - ❖ consider after each reorganisation/restructure any lessons learned that might help future improvements to progressing change management more effectively;
  - ❖ keep the Reorganisation, Redundancy and Redeployment policy and procedure under review and agree changes where appropriate in order to maintain and improve upon a transparent and consistent approach to managing change;
  - ❖ make recommendations to be implemented by the full JCF

### Reviewing and Monitoring Proposals

5. Managers and Human Resources will have worked together closely in producing proposals and will have paid particular attention to ensuring all relevant information, as specified in the Reorganisation, Redundancy and Redeployment policy and procedure, is included in the document.
6. The Sub-Committee will pay specific attention to:

- ❖ ensuring that managers provide all relevant information in the completed business case, noting any gaps that might usefully be filled;
- ❖ where any proposals seek to make posts redundant ensure that the criteria to be used in selecting staff for redundancy are transparent and objective;
- ❖ establish the timetable for formal consultation and where necessary provide advisory comment to managers, dependent on the scale of the complexity of the proposal; the Sub-Committee will take fully into account the statutory timescales laid down by the relevant legislation and the likely period needed to ensure reasonable time for consultation; for the avoidance of doubt, it should be noted that the beginning of formal consultation will commence at the earliest when one working week has elapsed after the end of the JCF Sub-Committee consideration of the proposals;
- ❖ identify participants in the formal consultation on the proposal drawn from Management, Human Resources and Trade Unions. Trade Union colleagues may in particular wish to comment on the membership of their party to consultations which lies within their gift

### **Membership of and Attendance at the Sub-Committee**

7. Meetings will be booked to take place on a regular basis with meeting dates established at the beginning of each academic year. To ensure effective and efficient working, membership should be no more than is necessary to allow all parties to attend and for all parties to contribute effectively in discussions.
8. There will be at least one representative from each of the recognised Trade Unions who have an interest in the reorganisations under discussion. Trade Union side numbers will not exceed 6.
9. The number of QMUL representatives will not exceed 6 and will comprise:
  - ❖ the Director of Human Resources
  - ❖ and/or the Deputy Director of Human Resources
  - ❖ Employee Relations & Policy Manager
  - ❖ Senior Management representative
  - ❖ Managers whose proposals are under discussion on the agenda
10. By agreement of both sides, other staff or Trade Union representatives may be invited to attend to give additional or more detailed input to help the Sub-Committee's deliberations.

### **Frequency and Conduct of Sub-Committee Meeting**

11. The Sub-Committee will:
  - ❖ meet regularly to review any programme of change;
  - ❖ be chaired by the Director of Human Resources or the Deputy Director of Human Resources;
  - ❖ have notes prepared by a QMUL notetaker

### Flexible Working

#### Purpose

1. This document is designed to put forward suggestions on flexible working to assist both the employing manager and staff to think broadly in their approach to conserving employment. However, there is no pressure intended to force staff to change hours or working patterns. Any changes to working patterns should be voluntary and by agreement and will be reviewed over an agreed timescale.
2. Staff have the right to request flexible working, but may be refused with good reason.
3. As seen from other industries, and in other parts of the HE sector, there are many ways that QMUL managers can, with staff's help, minimise the effects of potential redundancy by rearranging working times and other forms of flexible working.
4. It may be that, during consultation on reorganisations that may lead to staff losses, it is possible to address fully or partially the objectives of the change through agreement on flexible working.
5. When considering flexible working arrangements either as a method of conserving employment or as an unconnected staff request, QMUL will need to ensure an appropriate level of services to students, staff and others. We also need to consider the impact of any change on the workload of other staff.
6. The following paragraphs put forward a number of suggestions on flexible approaches to working. QMUL is open to other ideas.
7. QMUL will consider all applications. However, these are only likely to succeed if we can identify a material cost saving, improved or maintained efficiency and effectiveness, or cost-neutral change in service delivery i.e. if the work can be covered by other staff without the need to employ replacement or temporary staff, or it improves efficiency at no additional cost. It is expected that a reduction in working hours for individuals will be accompanied by a proportionate reduction in workload.
8. QMUL will positively encourage and may initiate proposals for flexible working where there is a clear and positive benefit in the avoidance of redundancy, and the achievement of efficiency and effectiveness in QMUL.

#### Part-time Working

9. Staff may wish to reduce their working hours in order to balance working and other lifestyle choices or needs, for example to explore other interests or spend time with or support family members. A change to part-time working may be temporary or permanent, or temporary initially with a view to moving to a permanent change. But note that staff who wish to reduce their working hours and take their pension should do so in accordance with the rules of the Pension Scheme of which they are a member.

#### Job Sharing

10. This is similar to part-time working but usually involves two or more colleagues working in a complementary way to cover the requirements of a full-time post. This may suit staff who are each currently working full-time in similar roles with each wishing to move to part time working. A change to job sharing may be temporary or permanent, or



temporary initially with a view to moving to a permanent change. Where there are groups of staff working in the same or very similar roles, there may be greater opportunities to consider combinations of staff numbers, working hours and flexibility of coverage.

### **Flexible Hours and Times**

11. Some staff and managers may be aware that their services can be operated on a more flexible basis, to address peaks and troughs in workload. For instance, it may be that term times are extremely busy, but vacation times less so. This may also coincide with family and caring responsibility needs. For those who do not work in posts that allow flexibility easily or obviously, they may wish to discuss with managers changed working patterns e.g. annual hours with planned variations, term time only working, longer working during terms and shorter during vacations, or vice versa. If it is possible to accommodate needs, improve service and reduce the need for temporary staff to manage peak working times, every effort will be made to be flexible. If it is also possible to reduce staffing costs by altering the working hours of staff whilst maintaining the service this will be considered very seriously.

### **Next Steps**

12. If staff want to consider any of the above approaches or ways of flexible working, they should refer to the [Flexible Working Policy and Procedure](#).

### Salary Protection Policy and Procedure

1. These arrangements apply to staff where the need for redeployment arises as a result of a restructuring process and as an alternative to redundancy; to a maximum of one grade difference.
2. In such circumstances, the member of staff's salary will be protected for a period of 3 years.
3. The member of staff will receive nationally agreed pay increases during the period of protection. The member of staff will not receive any further incremental points that may have applied to the previous higher grade.
4. Pay protection will cease after 3 years. It will cease earlier and at such time as:
  - ❖ the member of staff has obtained employment at an equivalent or improved level in comparison to his or her protected pay;
  - ❖ development of the post results in a decision to regrade it;
  - ❖ pay in the new post reaches the value of the protected pay level
5. There will be no entitlement to pay protection under this policy where the reduction of grade is related to:
  - ❖ capability or competence to perform the duties of their existing grade;
  - ❖ redeployment due to ill-health;
  - ❖ the member of staff, at their own volition, seeks to be redeployed to a lower grade or reduces his or her hours of work;
  - ❖ a redundancy payment is made;
  - ❖ an acting up or temporary regrading reaches its agreed end, or finishes early
6. In addition pay protection does not apply to the following:
  - ❖ a reduction in working hours;
  - ❖ overtime pay: pay protection is only applicable to basic contracted hours;
  - ❖ allowances;
  - ❖ an increase in working hours; in cases where a member of staff increases his or her working hours, pay protection will only apply to the existing contractual working hours. Any additional hours will be paid at the appropriate level for the post.
7. Managers and members of staff should actively pursue all opportunities to develop the post to facilitate regrading.
8. Protection may be terminated if the employee unreasonably refuses a subsequent offer of a suitable alternative post at the previous grade or a post where the earnings are comparable to the earnings in the previous post.
9. At the conclusion of the pay protection period, the employee will receive the correct pay for the post into which they have been redeployed. This will be at the maximum (non-contribution) point of the grade for the job into which the member of staff has been redeployed.
10. If a backdated pay award affects the pay protection calculation, the protected pay figures will be recalculated accordingly.

### Other Conditions of Service

11. Following transfer to a new post all other conditions of service, with the exception of the pay protection arrangements, will be those pertaining to the new post.

## **Career Counselling / Outplacement Services**

### **Purpose and Scope**

1. Where QMUL is unable to retain staff, it wishes to ensure it supports those who will be leaving as fully as it reasonably can. To that end, each member of staff who is issued with a notice of redundancy will be offered outplacement services to support them.
2. Services will be provided by an external provider and will include career counselling, CV preparation, job skills analysis and job search techniques.
3. Services provided will be confidential between the individual and the service provider.
4. Staff will not be offered additional money in lieu of taking up outplacement services.