

## Newbattle Abbey College

### Redundancy Policy

#### 1 Introduction

- 1.1 It is the policy of Newbattle Abbey College to ensure as far as possible security of employment for its staff. However, it is recognised that there may be changes, for instance in competitive conditions, organisational requirements and technological developments, which may affect staffing needs. It may then be necessary to implement a redundancy programme and, in such instances, the College will comply with existing legislation and agreed practice outlined in this document.
- 1.2 It is important to emphasise that it is the post which is made redundant not the employee and redundancy does not reflect on their ability to perform their duties.

#### 2 Avoidance or Minimisation of Redundancies

- 2.1 College management will make every effort to monitor continuously present and future staffing situations and thereby minimise the need for compulsory redundancies.
- 2.2 College management will make every effort to minimise compulsory redundancies by adopting as many of the following measures as are appropriate:
  - restricting the recruitment of established staff;
  - reducing the employment of temporary staff;
  - redeployment and training;
  - filling vacancies from among existing employees;
  - natural wastage
  - networking with other Colleges to access vacancies;
  - inviting applications for voluntary redundancy; and
  - inviting applications for reduced working hours.

This list is not exhaustive.

#### 3 Consultation

- 3.1 When reductions in staffing levels are recognised as being needed, the College will consult with the affected employees at the earliest opportunity with a view to reaching agreement on how redundancies can be avoided or minimised and to discuss alternative measures.

- 3.2 As a minimum, consultation will comply with the following statutory requirements -
- consultation at the earliest opportunity where less than 20 employees are effected
  - where between 20 and 99 employees may be made redundant, at least 30 days before the date when the first dismissal takes effect

#### 4 Selection Criteria for Compulsory Redundancies

- 4.1 When it becomes apparent that compulsory redundancies may be necessary, senior management will consider the pool of employees to be selected from and the criteria to be used in selecting staff for compulsory redundancy.

The selection procedure will be as objective as possible, will be consistently applied to all the employees concerned in the pool including anyone absent/on leave from work. Senior management will examine carefully the implications of any selection procedure to ensure that unlawful discrimination does not result directly or indirectly.

In considering the selection of staff for compulsory redundancy the criteria may include:-

- skills
- qualifications
- performance
- aptitude for work
- attendance, timekeeping, and disciplinary records
- voluntary redundancy/early retirement.

#### 5 Informing Employees

- 5.1 Employees selected for compulsory redundancy will be given the following information in writing -
- the reason for redundancy;
  - the effective date for termination of employment;
  - any offers of redeployment and the terms and conditions associated with the new post;
  - any redundancy and other payments due; and
  - the right of appeal.

Confirmation in writing of the terms of redundancy will be given at the earliest possible stage.

#### 6 Notice Periods

All employees will be entitled to full notice as detailed in their terms and conditions of employment with due regard to minimum legislative

requirements. The College reserves the option to, at its discretion, make payment in lieu of notice for all, or part of, the notice period due.

## **7 Assistance to Redundant Employees**

The College will offer assistance, including the following, to any employee facing compulsory redundancy -

- career advice;
- advice on interviewing technique and job search skills;
- use of College facilities including photocopying, telephones, stationery and the mailing system;
- assistance with design and printing of CVs;
- access to national newspapers via the library;
- supportive counselling using internal or external resources as appropriate.

## **8 Calculation of Payments**

Redundancy payments will be as set out in the Employment Rights Act 1996, as amended by the Equality Act 2010 plus any enhancements at the time of the redundancy being effective. Payments will be subject to Her Majesty's Revenue and Customs (HMRC) Regulations.

Years of service will be capped at 20 years. College redundancy pay will be inclusive of statutory redundancy pay.

## **9 Appeals Procedure**

- 9.1 Employees have the right of appeal against selection for redundancy. Appeals must be made, in writing, within 5 working days of the date of the decision letter stating the grounds for the appeal. The appeal will be heard by two members of the Board of Directors who will be selected by the Chair of the Board or in his/her absence by a deputy. The decision of the appeal hearing will be final. There will be no further right of appeal. The decision will be confirmed, in writing, within 5 working days.

## **10 Suitable Alternative Employment**

The College will endeavour to find suitable alternative employment for individuals whose post is redundant. Where the alternative employment involves a different type of work or different terms and conditions, the employee will be entitled to a four week trial period in the new job. If the employee accepts the new post, then they lose the entitlement to redundancy pay.

The trial period may be extended by mutual agreement.

## 11 Time off

Employees who have been given notice of redundancy have the right to be given reasonable paid time off to look for alternative work, arrange training, or attend interviews or counselling. All such time off must be agreed with their line manager in advance and employees may be asked to produce confirmation of attendance at interviews, etc. As far as possible, employees will be treated equitably and requests for time off will be viewed sympathetically.

## 12 Employment references

The College will undertake to provide written references to potential employers when requested. Management will discuss the proposed timing, form and content of such references with employees on an individual basis and will provide them with a copy if so requested. Open references of the type '*To whom it may concern*' will not be provided.

## 13 Definition of Redundancy

The College will follow the legal definition of redundancy which provides that employees will be dismissed by reason of redundancy where they are dismissed wholly or mainly because:

- the employer has ceased, or intends to cease, to carry on the business for the purpose of which the employee was employed; or
- the employer has ceased, or intends to cease, to carry on the business in the place where the employee was so employed; or
- the requirements of the business for employees to carry out work of a particular kind have ceased or diminished or are expected to cease or diminish; or
- the requirements of the business for employees to carry out work of a particular kind, in the place where they were so employed, have ceased or diminished or are expected to cease or diminish.

N.B. Although Newbattle Abbey College does not require the Scottish Funding Council's approval for severance schemes and settlement agreements payments will comply with the requirements of the Scottish Funding Council's Financial Memorandum. The College will have regard to the principles highlighted in the Guidance in seeking approval for severance schemes and settlement agreements - SFC/GD/01/2016

Newbattle Abbey College is committed to the active pursuit of challenging discrimination, advancing equality and celebrating diversity

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