



## **UNIVERSITY OF BOLTON RESTRUCTURING FRAMEWORK (2024)**

### **1. Introduction**

1.1 It is the policy of the University by careful forward planning to ensure, as far as possible, security of employment for its staff - to deliver its strategic plans whilst providing staff with meaningful roles and career development opportunities. It is also recognised that there may be changes in funding arrangements, customer needs, competitive conditions, organisational requirements, educational methods, technological developments and other external factors which may affect staffing and skill needs in areas of the University.

1.2 From time-to-time larger scale changes may be required to respond to these internal and external challenges and opportunities. In restructuring situations where this may result in redundancies this framework shall apply.

1.3 It is the aim of the University to maintain and enhance the efficiency and effectiveness of the University in order to safeguard the current and future employment of the staff. The University, in consultation with the recognised trade unions and employee representatives, will seek to minimise the effect of any redundancies through making every reasonable effort to find suitable alternative employment for surplus staff. Where compulsory redundancy is unavoidable, the University will handle the situation in the most fair, consistent and sympathetic manner possible.

1.4 Where dismissals on the grounds of redundancy are contemplated, it is to be clearly understood that the job is redundant, and not the employee. Heads of School / Service will seek at all times to affirm the personal value and worth of members of University staff who are at risk of losing their jobs and should make every reasonable effort to find suitable alternative employment.

1.5 Those involved in leading any restructuring will have due regard to the University's commitment to equality of opportunity, in accordance with the corporate objectives, when considering any potential redundancies.

1.6 This framework does not form part of any member of staffs' contract of employment and it may be amended at any time. Amendments will be subject to consultation with the recognised Trade Unions and the Employee Forum. Minor

amendments or those necessitated by a change in the law will not be subject to this process. This framework may be varied as appropriate and reasonable in any case.

## **2. Purpose**

2.1 To provide guidance to Heads of School / Service and affected staff in order to deal sensitively and effectively with a situation where jobs are potentially at risk of redundancy. It provides information on the approach undertaken by the University in potential redundancy situations.

## **3. Scope / Responsibilities**

3.1 This framework covers all staff, except designated Senior Post holders, employed in the service of the University of Bolton including those on secondments, part-time, temporary and hourly paid contracts. The framework does not apply to any member of staff employed within a University of Bolton subsidiary.

3.2 Although this framework does not apply to designated Senior Post Holders, for whom only the Governors have the right to consider dismissal, if a redundancy situation affects senior post holders the spirit and legal requirements of the framework will apply.

3.3 This framework outlines the responsibilities of the relevant Heads of School/Service, the Human Resource department and affected employees.

## **4. Definition of Redundancy**

4.1 For the purposes of this policy an employee is deemed to be dismissed by reason of redundancy if the dismissal is attributable wholly or mainly to the facts that:

(a) the University has ceased, or intends to cease, to carry on business for the purposes of which that employee was employed; or

(b) the University has ceased, or intends to cease to carry on that business in the place where the employee was so employed; or

(c) the requirements of the University for employees to carry out work of a particular kind, or for employees to carry out work of a particular kind in the place where the employee was so employed, have ceased or diminished or are expected to cease or diminish'.

4.2 For the purposes of statutory consultation requirements, but not for redundancy payment entitlement, this definition is extended to include any dismissals for reasons not related to the individual.

## 5. Collective Consultation

5.1 The University is committed to the full engagement with its recognised trade unions throughout any redundancy process in line with its recognition and procedural agreement, a copy of which is available on the HR A to Z. The University has established a Joint Negotiations & Consultation Committee (JNCC) where representatives of all the recognised trade unions are able to consult regularly with senior representatives of the University senior management team.

5.2 Whenever any proposals involving the need to consider the dismissal of staff by reason of redundancy emerge, representatives of the University will consult with recognised trade unions. Such consultation will take place at the earliest possible opportunity with a view to reaching agreement on ways to avoid or mitigate the number of redundancies.

5.3 In accordance with current employment protection legislation this will include (when required) the issuing of a formal notice in accordance with Section 188 of the Trade Union and Labour relations (Consolidation) Act 1992 as amended by Section 34 of the Trade Union Reform and Employment Rights Act 1993 and the Collective Redundancies and Transfer of Undertakings (Protection of Employment) (Amendment) Regulations 1995, to recognised trade unions' representatives.

5.4 Any preliminary consultations with the recognised trade unions will be confidential between the University and the trade unions. An initial meeting will be held at which senior managers will give details of the situation and outline their proposals before announcements are made to the staff of the University.

5.5 As a minimum the University will formally consult with trade unions within the timescales laid down in the statutory requirements under section 188 of Trades Union and Labour Relations (Consolidation) Act 1992 as shown below:

- A minimum of 45 days consultation where 100 or more dismissals are proposed
- A minimum of 30 days consultation where 20 or more dismissals are proposed

It is University practice, as agreed with the recognised Trade Unions to consult for a minimum period of 30 days where one or more compulsory redundancies are proposed in a department.

5.6 The University will meet regularly with the trade unions for the purpose of meaningful consultation in respect of proposed or potential dismissals notified under this framework. The meeting will endeavour to explore ways of avoiding or reducing the number of proposed or potential dismissals and mitigating their impact, identifying alternative funding to support continued employment for the staff in question. Consultation shall be with a view to reaching agreement with the recognised trade union representatives and with due regard to the University's obligations under S188 TULRCA 1992.

5.7 The information to be provided by the University prior to these meetings will normally include:

- the reasons for the proposals,
- the numbers and descriptions of employee roles whom it is proposed to dismiss as redundant,
- the total number of employees of any such description employed by the employer at the establishment in question,
- the proposed method of selecting the employees who may be dismissed,
- the proposed method of carrying out the dismissals, with due regard to any agreed procedure, including the period over which the dismissals are to take effect.
- the proposed method of calculating the amount of any redundancy payments to be made (otherwise than in compliance with an obligation imposed by or by virtue of any enactment) to employees who may be dismissed.

## **6.0 Individual Consultation**

6.1 Employees who are at risk will always be invited to attend individual consultation meetings to discuss their individual situation and their options. Such staff will have the right to be accompanied at any formal meeting held under this framework by a trade union representative or work colleague.

6.2 Such meetings shall normally be face to face meetings. However, exceptionally such meetings may be undertaken remotely – where there is with good reason to do so, with the express agreement of all parties. Such remote meetings will be subject to those involved having suitable access to the necessary technology.

6.3 In parallel with consultation with trade union representatives, the affected member(s) of staff will be notified of the potential redundancy situation, that their continued employment is being considered under this framework, be given the opportunity to express their views, raise questions and that they are potentially at

risk of dismissal on the grounds of redundancy. Affected members of staff shall be informed of the progress and outcome of collective consultation with trade union representatives in accordance with section 5 above. However, although collective consultation may run before individual consultation it may overlap/run concurrently depending on circumstances.

6.4 The staff affected shall be invited to a meeting at which the reasons for the proposed redundancies can be further explained and the affected members of staff can make oral or written representations and discuss alternatives to the proposed redundancy or redundancies.

6.5 Further meeting(s) (as appropriate) shall be arranged to discuss/respond to the representations made by the staff including any alternatives to the proposed redundancies.

6.6 This consultation may be undertaken by meetings with affected members of staff (individually or as a group) and/or by allowing the affected member or members of staff to make representations in writing.

## **7. Measures to Avoid or Minimise Redundancy**

7.1 When faced with a potential redundancy situation, the University in consultation with the recognised trade unions will first review alternative courses of action, which the University may be open to it. Dependent on the circumstances of a particular case, and the University's operational needs, these could include:

- freezing any vacant posts;
- natural wastage;
- restriction of recruitment and;
- review of the use of temporary agency staff;
- review of the engagement of external contractors/consultants
- removal of overtime;
- retraining/secondment;
- voluntary reduction in working hours; voluntary severance (see section 8);
- considering requests for part-time working, job sharing, sabbaticals and secondments
- restricting vacancies to existing employees;
- redeployment into a suitable alternative vacant role

7.2 Staff affected and the trade unions are encouraged to put forward proposals to support the avoidance of redundancies for consideration as part of the

consultation process. These measures may be applied either University wide or only in the particular area(s) where staff are at risk depending on the circumstances;

## **8. Voluntary Severance**

8.1 Where a voluntary severance scheme is to be offered, an invitation will normally be extended to staff in the affected area(s) and in areas to which staff at risk might be redeployed, to volunteer for severance. Human Resources will supply estimates of the potential benefits payable on such severance on request.

8.2 The University's current Voluntary Severance Scheme in force from time to time will be published and made available to those staff affected. In line with normal practice in higher education any voluntary severance will be subject to and conditional upon staff agreeing and signing a Settlement Agreement.

8.3 All voluntary severance arrangements are for a restricted period of time. They are entirely at the discretion of the University and the approval of volunteers will be at the discretion of the University and will be determined by criteria determined by the University including consideration of the need to retain key skills, knowledge and experience to meet the present and anticipated needs of the University.

## **9. Selection Processes and Criteria for Compulsory Redundancy**

9.1 The aim of having a prescribed selection process is to enable fair selection for redundancy. When it is necessary, for the reasons given in 1.1 above, to reduce the number of posts in a given area, objective selection criteria will be determined by the University and discussed with the recognised trade unions with a view to reaching agreement.

9.2 Heads of School / Service are responsible for ensuring that the objective criteria used is robust, fair, non-discriminatory and consistent in its implementation. A record shall be held of the selection process and outcome.

9.3 Criteria may include (but is not limited to):

- performance (in relation to the future needs of the University);
- experience;
- attendance record (disregarding absences relating to disability, pregnancy; and any absences agreed by the University)
- disciplinary record;
- qualifications/training

- skills/knowledge/aptitude
- student feedback for student facing roles;
- any other identifiable, specific and relevant factors distinguishable from the above.

9.4 Other forms of selection may include competitive interviews, testing, other forms of assessment or a combination of different methods.

9.5 The selection criteria will be made known to the staff whose jobs are at risk, and reasonable adjustments put in place for those that require them (see section 15).

## **10. Reasonable Time Off to Seek Other Employment or Suitable Employment Within the University**

10.1 The University will fulfil its statutory obligation to consider employees who are identified as redundant for alternative employment within the University. Offers must be made prior to the redundancy notice expiring. If suitable vacancies are available redundant employees will be considered for them. Some employees have a right to be offered suitable alternative jobs even if other colleagues are more suitable for the role.

10.2 Offers of any suitable alternative jobs must be offered first to employees who are:

- pregnant
- on or returning from maternity leave
- on or returning from adoption leave
- on Shared Parental Leave
- returning from at least 6 continuous weeks Shared Parental Leave

Advice may be sought from Human Resources regarding the above specific circumstances involving staff.

Posts created or available in areas subject to a redundancy process shall be normally available to those staff directly affected on a closed competition / ring fenced basis.

10.3 Employees who accept an offer of alternative work by the University are allowed a statutory 4-week trial period to see if the work is suitable. If both parties agree that it is not suitable, the employee is eligible to receive statutory redundancy pay. The trial period can be longer than 4 weeks if this is agreed in writing before the work trial starts. If the University considers the job is suitable but the employee refuses to accept it or does not agree that the role is suitable, they may lose any entitlement to receive redundancy pay.

10.4 Employees who are in posts directly affected by a restructuring / redundancy process and who under the process are offered / redeployed to a post at a lower graded post will be entitled to have their basic pay protected for a period of two years, from the date of being placed in the new role (including the trial period). In such circumstances their pay will be frozen (i.e. they will not receive any pay increase) for the period of pay protection and then move to the top of the relevant pay scale once it ceases. Should the post be more than two grades lower the pay protection may be reduced by 50% at the end of the first year of pay protection. Protection does not apply to any other terms and conditions of employment (to include but not limited additional pay supplements).

10.5 Employees who are under notice of redundancy will be entitled, upon request in writing, to a reasonable amount of paid time off work to look for alternative employment external to the University, attend job interviews and/or to arrange training.

## **11. Redeployment**

11.1 Employees at risk and issued with notices of redundancy will be advised of any alternative roles in the University and are able to apply and generally will be considered and guaranteed an interview for such roles if they meet the minimum requirements - as set out in the published Person Specification.

11.2 To further support employees to secure alternative employment in the University (or wider Group) affected staff will be given the opportunity to complete a Redeployment Form. This enables staff to highlight posts/areas of work that they consider they are suitable for and to detail their skills, knowledge and experience - not just from their current role but also previous ones. Any such Redeployment Forms submitted by affected staff will be reviewed by Human Resources against approved opportunities and the member of staff and recruiting Head of School / Service will be contacted.

## **12. Compulsory Redundancy Process**

12.1 Employees who are provisionally selected for redundancy after application of selection criteria or other process will be given written notification to that effect and invited to a meeting to discuss the provisional selection.

12.2 Following this meeting, (and if relevant, meetings with other employees at risk of redundancy), the relevant manager will consider the selection decision further. Where the selection is confirmed as correct the employee will be notified. At that point



the employee and the manager will consider whether there are any alternative posts which would prevent dismissal for those employees identified as redundant.

12.3 If no alternative role to dismissal is found a Designated Senior Officer, or his/her nominee, will write to the employee(s) to convene a meeting at which the possible termination of the employment of the individual by reason of redundancy will be discussed. The meeting will be attended by a relevant Head of School/Service, and a representative from Human Resources, the employee at risk and his/her trade union representative or workplace colleague.

12.4 The employee or his/her representative will be given the opportunity to circulate any appropriate documentation before the meeting and will be provided with copies of any other management documents to be considered. The details of the case and the framework followed will be summarised by the relevant Head of School/Service or their representative and the views of the staff side considered.

12.5 After due consideration of the facts, the Designated Senior Officer or nominee wherever possible will endeavour to speak to the employee personally regarding the redundancy situation and give his/her decision, giving appropriate notice where applicable.

12.6 Human Resources will confirm the decision and the statutory rights to notice or contractual notice period (whichever is the greater) in writing within five working days and the employee will be informed of their right of appeal (see section 14).

12.7 In addition, if they have completed two years' continuous service, they will receive a statutory redundancy pay.

### **13. Career Transition Support**

13.1 The University may offer staff who have received formal notice that their employment will be terminated by reason of redundancy access (on a time limited basis) access to career transition support to assist them with their future plans. Career Transition Support arrangements are entirely at the discretion of the University.

### **14. Appeal Against Dismissal**

14.1 The Appeal should be in writing to arrive within five working days of the date of the letter confirming the decision to dismiss and should be sent to the Human Resources outlining the specific grounds of the appeal mainly that the redundancy is

unfair and/or there is evidence of procedural irregularities. The Appeal Letter will be acknowledged within three working days of receipt.

14.2 The appeal shall be considered by the Vice-Chancellor or nominee. A member of Human Resources will be present at the appeal hearing. The member of staff appealing has the right to be accompanied by a trade union representative or a work colleague.

14.3 There is no further internal right of appeal.

## **15. Employee Wellbeing and Diversity**

15.1 It is normal University practice to undertake an Equality Check regarding any formal restructure under this framework. Any such Equality Check will be shared with the recognised Trade Unions.

15.2 The University is committed to complying with its obligations under the Equality Act 2010. If staff affected are disabled within the meaning of the Equality Act 2010, reasonable adjustments will be considered and made as appropriate.

15.3 In appropriate cases, the University may consider making adjustments to the application of this framework to accommodate disability and ill-health. Such adjustments may include extending time limits, permitting those affected additional support in meetings or arranging meetings away from the campus.

15.4 Staff are encouraged to contact their Head of School / Service or Human Resources to discuss or inform the University of any medical condition they consider relevant. Such information will be treated sensitively and confidentially by those who need to know it.

15.4 The University recognises that restructuring can impact staff in different ways. All staff affected by a restructuring under this framework shall be notified of the support available to them from the University Employee Assistant Programme provider.

15.5 The University will process the personal data of affected staff in accordance with its data protection policy and the privacy notice for employees statement at all stages of any formal redundancy.

15.6 Wherever possible departments will give due regard to employee wellbeing during any post restructure department event held.