

<b>Management of Organisational Change Procedure</b>	
<b>Enabling Policy Statement; Executive Owner; Approval Route:</b>	Our Colleagues - Chief People Officer - Operations Committee
<b>Is the Procedure for internal use only (Non- disclosable)?</b>	Disclosable
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<b>Authorised Co-ordinator:</b>	Head of HR Performance Delivery
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### Approval History

<b>Version</b>	<b>Reason for review</b>	<b>Approval Route</b>	<b>Date</b>
1.0	<ul style="list-style-type: none"> <li>• Migration to POPP template</li> <li>• Changes to procedure due to legislation changes effective April 2024 (section 4.6.7)</li> </ul>	Operations Committee	18 April 2024

## 1. Purpose

The University of Surrey recognises the significant contributions made by its staff in delivering the University's objectives. The University seeks to ensure, as far as possible, stable and sustainable employment through effective planning to meet current and future needs and through use of appropriate forms of contract.

No organisation is static in its staffing structure, and the University's staffing profile is constantly evolving to adapt to the needs of its business and to external factors. Change and the need for change in the workplace can arise for a variety of reasons (such as financial, organisational, scientific, technical, market or other factors). The impact of change can vary, and in recognition of this, the University will take steps to engage and support staff, in consultation with recognised Trade Unions and other stakeholders, appropriately during any significant workplace change.

The purpose of this procedure is to reflect this commitment and provide a framework for managing change effectively, fairly and consistently, through planning, consultation and communication and in accordance with established good practice and employment legislation.

## 2. Scope and Exceptions to the Procedure

The guidance and principles set out in this procedure apply to all staff. For academic staff whose employment is governed by Ordinance 11.6, the provisions of that Ordinance, as may be amended from time to time, will also apply and take precedence where appropriate.

This procedure does not form part of any employee's contract of employment. It may be amended from time to time with appropriate consultation with recognised trade union representatives.

## 3. Definitions and Terminology

Term	Definition
At Risk	Post at risk of redundancy due to organisational change/restructuring.
Collective Consultation	Discussion with a group of staff or with trade union representatives about proposed changes/restructuring with a view to seeking feedback and considering alternative options/suggestions.
Consultation Pool	The group of employees who are affected by and will be consulted with on the proposed organisational changes. Those in the consultation pool will not necessarily be 'at risk' of redundancy but may be affected by organisational change proposed.

Job Matching	Matching of existing posts in current structure to posts in the new structure with a view to appointing staff to similar posts following organisational change/restructuring.
Legal Definition of Redundancy	<p>Dismissal by reason of redundancy, is as defined by the Employment Rights Act 1996 (section 139 (1))</p> <p>An employee who is dismissed shall be taken to be dismissed by reason of redundancy if the dismissal is wholly or mainly attributable to:-</p> <p>(a) the fact that the employer has ceased or intends to cease:</p> <p style="padding-left: 40px;">(i) to carry on the business for the purposes of which the employee was employed, or</p> <p style="padding-left: 40px;">(ii) to carry on that business in the place where the employee was so employed, or</p> <p>(b) the fact that the requirements of that business:</p> <p style="padding-left: 40px;">(i) for employees to carry out work of a particular kind, or,</p> <p style="padding-left: 40px;">(ii) for employees to carry out work of a particular kind in the place where the employee was employed by the employer, have ceased or diminished or are expected to cease or diminish.</p>
Measures to avoid redundancy	Actions which can be taken to reduce the possibility of staff being made redundant.
Redeployment	Appointment to a post following a member of staff being at risk of redundancy which may be different in terms and conditions to the current post.
Redeployment Pool	A database on which staff at risk of redundancy can be placed.
Ring-Fencing	Staff who are affected by the organisational change /restructuring will be given priority for applying for appointment to posts in the new structure.

Suitable Alternative Employment	A post which is offered to a member of staff in the new structure which is comparable to the terms and conditions of the redundant post.
Selection Criteria	Criteria which will be taken into account to appoint to posts in a new structure or to select for redundancy. Such criteria may include qualifications, skills and any current disciplinary record.
Trial Period	A period of 4 weeks whereby a member of staff appointed to a new post following organisational change/restructuring can assess and be assessed for suitability to the new role.
Voluntary Severance	Where compulsory redundancies are proposed voluntary severance may be offered for employees to express an interest in if they would like to voluntarily leave the organisation and receive an enhanced redundancy payment.

#### 4. Procedural Principles

##### 4.1 General Principles

Any managers contemplating an organisational review should engage with Strategic Planning, Human Resources and Staff Development well before starting any change. They can help managers conduct a benefits analysis at the earliest stage of the change they are considering and think widely about the impact any new structures, roles, processes, systems or changes in location might have on staff morale, motivation and their responses to change. They can also help managers identify the key outcomes of the change and ensure plans are aligned to wider University goals. At this stage a decision may be taken to involve an external reviewer.

It will also be the time to identify behaviours, skills and knowledge that are required for effective transition to changed ways of working. Identifying these factors will be essential for the identification of new job levels and team structures. The more thought and consideration given at this early planning stage the greater the likelihood of success in creating the change and engaging staff positively in the delivery of it. Advice on the development of the case for change and the process required for approval of capital bids or business cases will be provided by Finance.

Any managers contemplating change need to accommodate three key stages of change:

- comprehensive planning for the change and deciding what change is needed;
- preparing staff by providing them with knowledge and training to handle change;
- transitioning through the change by providing support to staff that will enable them to move forward positively after the technical processes are completed.

The University recognises the benefit of early and meaningful consultation with staff and recognised trade unions when change is planned. This consultation will normally begin as soon as it is identified that a change to the organisation is required. Where the proposed change is significant, the JNCC (Joint Negotiating and Consultative Committee) will be informed. Any plans for significant departmental changes may be discussed at the JNCC Procedure sub-group, ahead of formal consultation.

The University shall seek to ensure, as far as possible, security of employment and avoidance of compulsory redundancies where staffing reductions are required and to mitigate their

impact should redundancies become unavoidable.

Where redundancies are necessary, selection for redundancy is based on clear criteria that will be objectively and fairly applied.

#### **4.2 Collective consultation**

Collective consultation will be in accordance with the provisions required by Part IV of the Trade Union and Labour relations (Consolidation) Act 1992 (TULR(C)A) 1992.

Consultation will be entered into as soon as is reasonably practicable. As stated in the EU Directive on Fixed Term work, the expiry of fixed term contracts which have reached their agreed termination point are excluded from statutory collective redundancy consultation obligations.

The University will inform the Department for Business, Energy and Industrial Strategy (BEIS) of any potential for redundancies of 20 or more employees within a period of 90 days or less.

In addition to collective consultation requirements, the University will consult through the management structures of the University with individual members of staff whose positions are at risk of redundancy.

#### **4.3 Time periods for consultation**

The timing and extent of consultation will be proportionate to the degree of proposed change, the number of staff affected and the impact on individuals.

Consultation will continue for a period of no less than the statutory time scales:

- Where 20 – 99 redundancies are proposed, consultation will commence at least 30 days before the first dismissal takes place.
- Where 100 or more redundancies are proposed then consultation will commence at least 45 days before the first redundancy takes place.

In an individual redundancy scenario, or where less than 20 redundancies are proposed, consultation will normally start at least 30 days before any individual notice of redundancy is given. However, consultation may be for a shorter period dependent on the situation, for example, when the individual affected requests that the consultation period be reduced.

#### **4.4 Measures to Avoid and Minimise Compulsory Redundancies**

The University, in consultation with its recognised trade unions, will take practical measures to avoid or minimise the need for compulsory redundancies which may include:

- A restriction on external recruitment within the relevant areas
- Reductions through natural wastage
- Seeking to make savings from non-staff budgets
- Seeking alternative funding e.g. where funding for a particular project has ended
- A review of any existing agency workers and possible restrictions of the engagement of agency workers in the relevant areas
- The redeployment and retraining where appropriate of existing staff into other vacancies, subject to the right to determine the suitability of candidates for redeployment and the use of the four week trial period.
- Increased use of flexible working arrangements
- Voluntary severance
- Early retirement

- A freeze on overtime/TOIL

The University will demonstrate how it has considered the above points.

#### **4.5 Managing Minor Change**

It is recognised that in order to meet changing business needs more effectively there may be occasions where managers need to implement relatively minor changes to working practice, team structures, reporting lines or content of job purposes. Such changes may be implemented without following the formal procedures in this procedure. Examples of minor change include introduction of new technology, changes in duties within the remit of the posts, changes in reporting lines, or implementation of different working methods. A minor change would not lead to redundancy for a member of staff.

As a guide, a minor change may be deemed as a change of less than 50% of the role.

While formal consultation is not required, managers will normally consult with staff about changes that have an impact on their work and to ask for views before implementation.

#### **4.6 Managing Significant Change**

Where significant change is needed, a five stage process is set out below. A glossary of useful terms is contained at Section 3.

##### **Stage One - Management planning and approval – pre-consultation**

Managers considering significant organisational change that may impact on staff roles or numbers and may put staff at risk of losing their job, must gather information to support the need for change and prepare a business case with input from Human Resources, Strategic Planning, Finance and Staff Development as appropriate. This should include:

- The current organisation position including staffing structure
- The reasons and rationale for any change
- The options which have been considered
- The proposal including staffing structures
- Any impact / changes to service
- The financial, staffing, skills requirement and workload implications of the proposal
- Draft role profiles / job purposes with indicative grades
- The number and grades of staff who may be at risk as a result of the proposal
- Proposed timescales for consultation and implementation of the proposed change
- The way in which staff will be selected for posts within the new structure
- A full consideration of measures to be taken to avoid redundancies including natural wastage, redeployment or retraining.
- Consideration of ring-fencing of vacant posts where practicable e.g. for staff within specific groups such as Cleaning Assistants.
- If available, details of any voluntary severance package and authorisation of voluntary severance budget.
- Support and training available to staff during consultation and during the transition phase of the change to ensure the benefits required by the change are achieved.
- Equality analysis of 'at risk' pool.

If the proposals could result in redundancies of 20 or more staff the Head of Department will

submit a case with the information outlined above for approval by Executive Board. For smaller scale changes the Head of Department should gain approval from the relevant Executive Board member.

Where there is a proposal to reduce academic staff numbers by more than 10, consultation and selection processes may not take place until the business case has been presented to Council for their oversight.

#### **4.6.1 Voluntary Severance**

During a restructure a time limited severance offer may be made available to staff in order to achieve a voluntary reduction in staff numbers during organisational change. If this is applicable to the restructure then staff will be informed of the package available and the timescale for applications. There is no obligation to offer voluntary severance.

All offers of voluntary severance will include statutory redundancy payments and will be paid via either an agreement letter or a settlement agreement. For further information on this process please see Appendix 1.

#### **4.6.2 Posts At Risk**

Before the consultation process starts, the manager supported by HR will identify those posts that will be at risk because of the organisational change. The staff in these posts will be put into a pool from which selection into the new structure will be made.

There are a number of factors for the University to consider when determining the appropriate pool, but there are no legal guidelines governing redundancy pools and as such defining this pool of staff will vary with each change process. The University will work with the trade unions to look to ensure redundancy pools are no bigger than they need to be, taking account of the scale and scope of changes and legal and contractual requirements.

The University will ensure that its reasoning in relation to determining the pool is made known so that it can demonstrate the reasonableness of its decisions. Factors to consider may include the type of work that is ceasing or diminishing, the extent to which employees' are doing similar work and the extent to which employees' jobs are interchangeable.

Where there is only one employee in the affected job role there is no requirement for a selection pool.

The University recognises its responsibility to ensure that no individual suffers discrimination or is disadvantaged due to a protected characteristic under the Equality Act 2010. An equality analysis will be undertaken on the relevant risk pool. An equality analysis is a planning tool that enables the University to build equality into the change management proposals and processes and take action where appropriate.

### **Stage Two – Consultation**

#### **4.6.3 Purpose of Consultation**

Consultation is the process by which management and trade union and employees examine and discuss issues that are of mutual concern. In a redundancy situation, the aim of consultation is to ensure that there is a genuine exchange of views and information in respect of why redundancies are proposed and how they can be avoided, so that employees have an opportunity to influence the decision-making process.

In accordance with legislation and best practice the University will ensure that meaningful and appropriate consultation with trade unions and staff affected by organisational change takes

place. The purpose of consultation will be:

- to present proposals for change,
- to receive and where possible address any questions on the proposals and consultation documentation,
- to consider any comments or views expressed on the consultation documentation meaningfully, before determining any final decision to proceed.

#### 4.6.4 Consultation Process

Each member of staff whose role may be affected by the change will be invited to attend formal consultation meetings(s) during the consultation period. Depending on the scale of the change process, these may be group meetings or meetings at a team or individual level.<sup>1</sup> In the event of group redundancies, Trade Unions will be invited. Individual consultation with all staff affected will be offered in addition to the collective consultation. Individuals will be offered the right to be accompanied by a Trade Union representative or workplace colleague. Staff are deemed to be affected when their posts are placed in an “at risk pool” although other staff who may be affected by the change may wish to contribute to the consultation process.

At the first formal meeting, each member of staff whose role may be affected by the change, and each trade union, will be provided with a copy of the business case and will have confirmation via letter if their post will be at risk under the proposals. The business case should include the change proposed, reasons for the change, and the process. Staff who are absent from work (due to maternity, sickness or other leave) will be sent a copy of the business case to their home address in order that they can participate in the consultation process.

All affected staff will be offered the opportunity of individual meetings with the change lead or their nominated designate, and/or their HR representative. Staff may be accompanied by a trade union representative or workplace colleague at individual meetings. It will be the staff member’s responsibility to organise any companion.

During the consultation period the business case will be discussed and alternative proposals and comments will be sought. Consultation will be meaningful and with a view to reaching agreement on the way forward. Regular updates and frequently asked questions will be circulated to staff throughout the formal consultation period.

At the end of the consultation period feedback will be considered. If the decision is made to proceed with organisational change a final business case for change will be produced and at a post-consultation meeting, staff affected and the trade unions will receive information which contains:

- A summary of feedback received during consultation and any management response

If the restructuring continues:

- Updated timelines
- A confirmation of the new structure
- A confirmation of the posts at risk
- A description of the new positions in the structure in terms of role profile/job purpose and grading, and how applications will be received for them, or how selection criteria will be applied.

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<sup>1</sup> Unions will be sent details of individual meetings.



- Support and training available to staff during the next stage of the process and the final transition phase of the change to ensure the benefits sought by the change are actually achieved.
- In the case of academic restructuring, the relevant procedure will be applied.

Immediately following the meeting confirmation will be provided to those staff whose posts are “at risk” and those whose posts are no longer “at risk” following changes in the business case or due to achieving staff reduction through the voluntary severance route or other measures to avoid redundancy.

Exceptionally, a change in the business case may result in new posts being placed “at risk”. In these circumstances, those employees will be formally informed and consultation will commence with those individuals. Due to this the overall organisational change timetable may be delayed to enable this to happen.

### **Stage Three – Implementing Restructuring Plans**

#### **4.6.5 Academic restructuring**

If it is necessary to select a number of academic staff to be made redundant from a larger group of academic staff both the Trade Unions and the affected staff will be consulted with at the earliest stage possible, on the process to be followed and the selection criteria to be used.

An appropriate member of staff will oversee the redundancy process (referred to as the “Redundancy Manager”). This can be the Head of School or another member of staff at a similar management level within the University.

In certain circumstances the redundancy proposal may affect a single member of staff or may consist of a proposal to dismiss all staff in one area (e.g. the closure of a department), and in these circumstances, the selection of staff to be made redundant will not be appropriate.

Relevant selection criteria will depend on the circumstances of the organisational change but may include:

- Skills, knowledge, qualifications and experience relevant to the University’s current and future requirements (as evidenced by new job purposes)
- Attendance, Sickness (excluding disability and pregnancy-related sickness) Capability and Disciplinary Records (excluding spent action)
- Performance and potential (for example, from appraisal documentation)

The process to be followed will be that outlined in the relevant Ordinance.

#### **4.6.6 Non-Academic Restructuring**

The University will use one of three methods in selecting staff for redundancy. The method to be used will be set out in the consultation process.

##### **Method One: Using Selection Criteria**

If it is necessary to select a number of staff to be made redundant from a larger group of staff both the Trade Unions and the affected staff will be consulted with at the earliest stage possible on the process to be followed and the selection criteria to be used.

Relevant selection criteria will depend on the circumstances of the organisational change but may include:

- Skills, knowledge, qualifications and experience relevant to the University's current and future requirements (as evidenced by new job purposes)
- Attendance, Sickness<sup>2</sup> (excluding disability and pregnancy-related sickness)
- Capability and Disciplinary Records (excluding spent action)
- Performance and potential (from appraisal documentation)

Staff who are at risk of redundancy will be asked to submit a CV/application and supporting documentation (guidance will be provided) along with their preferences for roles in the new structure. The University reserves the right to limit the number of job preferences depending on the size of organisational change.

A Redundancy Committee will be selected by the University which will include:

- A chairperson (not involved in the restructuring process)
- Two other senior members of staff
- An HR representative will act as secretary to the Committee.

Senior managers are defined as staff at Grade 6 level or above.

After applying the selection criteria, individuals will then be assigned jobs in the new structure or considered for re-deployment.

In certain circumstances the redundancy proposal may affect a single member of staff or may consist of a proposal to dismiss all staff in one area (e.g. the closure of a department). In such a case it may not be appropriate to hold a Redundancy Committee.

#### **Method Two: Using an interview process**

Those at risk of redundancy will be invited to apply for the new jobs in the structure. These jobs will be ring-fenced to those at risk. Wherever possible, the staff member at risk of redundancy will be asked to submit one application and indicate the jobs they are interested in being considered for, in priority order. This may mean the application needs to cover the technical competencies of more than one job. The University reserves the right to limit the number of job preferences depending on the size of organisational change.

Affected staff will have until a closing date to apply for the posts. Then, in line with the Recruitment Guidance, shortlisting and interviews will take place, and offers made to the new posts.

#### **Method Three: A Combination of Selection Criteria and Interview Process**

A combination of the above two approaches may also be used.

At the end of either method the University will consider whether there is still a vacant post in the new structure that the unsuccessful staff member or a staff member who has chosen not to participate in the selection process could be offered – a suitable alternative post. In the University's view, if a member of staff unreasonably refuses an offer of 'suitable alternative' (e.g. an appropriate role at the equivalent grade) employment they will be deemed to have resigned from University employment and therefore forfeit the right to a statutory redundancy payment.

#### **4.6.6 Employees on maternity/adoption leave/shared parental leave**

In line with Regulation 10 of the Maternity and Parental Leave Regulations 1999 the University has a statutory obligation to offer an "at risk" employee who is on maternity/adoption/shared parental leave at the start of consultation any suitable alternative vacancy that exists within the

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<sup>2</sup> Attendance and Sickness will be considered over the period of employment and will be weighted equally.

new structure.

In these circumstances, as part of the consultation period, the staff member on maternity/adoption/shared parental leave will be offered a suitable role of equivalent terms and conditions (if available) within the new structure, and will not need to submit an application or undergo a competitive interview process. Although they have a priority right to such a post, they will still be considered as part of the overall selection process.

This protection also extends beyond the period of maternity/adoption/shared parental leave as follows:

- For pregnant employees protection from redundancy applies from the date they notify the University of their pregnancy, up until 18 months from the child's date of birth
- For employees who have suffered a miscarriage before 24 weeks of pregnancy this protection applies from the date the employee notifies the University of the pregnancy until two weeks after the end of the pregnancy (for pregnancies ending after 24 weeks the employee would be entitled to maternity leave and protection as above)
- For employees taking adoption leave protection from redundancy applies from the beginning of adoption leave until 18 months of the date of placement or, in cases of adoptions overseas, until 18 months from the date of entry into Great Britain
- For employees taking shared parental leave of six weeks or more protection from redundancy applies from the beginning of that leave until 18 months from the child's date of birth.
- For employees taking less than six weeks shared parental leave, the protected period applies from the beginning of that leave until the end of that leave

#### **4.6.8 Trial period**

An employee is subject to a 4 week trial period where they have been selected for a new post in the structure. More information about the trial period can be seen in the Redeployment Procedure at Stage Five.

#### **4.6.9 Salary Protection**

The University of Surrey does not offer salary protection where an individual is redeployed or selected for a post at a lower grade. However, where a manager considers that an individual has considerable relevant experience, consideration will be given to using the full range of salary points on the appropriate grade (including higher responsibility zone points) to alleviate the amount of salary reduction.

### **Stage Four – Notice of Redundancy**

Once the consultation process has ended, the selection process has taken place, and the approval of the decisions by the relevant University body has taken place, those individuals who have not secured a post in the new structure will receive a notice of redundancy dismissal. Members of staff are entitled to receive statutory notice.

An academic member of staff who is selected for redundancy shall be informed of this decision at a meeting with the Redundancy manager.

Throughout the period of notice the member of staff will be eligible for redeployment in accordance with the Redeployment Procedure. Such eligibility will continue until the date of dismissal.

For staff employed on fixed term contracts notice of dismissal is provided at the outset of the contract.

At the first Council meeting following completion of the redundancy process involving 10 or more members of Academic staff the Redundancy Manager shall report to Council the outcome of the redundancy process.

#### **4.6.10 Redundancy Payments**

Staff with two years or more of continuous service, will, on dismissal by reason of redundancy, be eligible for a redundancy payment. Staff will normally be required to work up to the date on which notice expires to receive a redundancy payment. A member of staff wishing to leave earlier to take up other employment may seek the permission of the University to do so. In these circumstances payment will only be made in respect of the proportion of the notice period worked. If notice of redundancy has been issued and the University has agreed to release the individual then the redundancy payment is still payable. Without the University's permission a member of staff leaving early will have resigned and will lose any entitlement to a redundancy payment.

#### **4.6.11 Career Assistance / Support**

Assistance will be offered to staff declared redundant. This could include career counselling or outplacement support. Members of staff will also be entitled to reasonable paid time off to seek other employment or undertake training. Requests for time off in these circumstances must be approved by the appropriate line manager, and will take operational priorities into account. Further information is contained in the Redeployment Procedure (Appendix 2)

### **Stage Five – Redeployment**

The University recognises the contribution of all staff to delivering its aim of providing outstanding teaching, research and support services. It is committed to maintaining staff in employment where this is consistent with its overall aims and statutory obligations and this procedure outlines the University's approach to supporting individuals who are subject to redeployment.

Redeployment is the process of finding suitable alternative employment for an employee at risk of redundancy or due to medical capability.

This procedure applies to all categories of University staff and aims to ensure that all staff subject to redeployment are treated in a fair and consistent manner and in accordance with relevant employment legislation.

Members of staff who need permission to work in the UK and are sponsored by the University under Tier 2 may not be eligible for redeployment due to the restrictions governing their visa. This will apply particularly where any potential redeployment would result in a change to the UKBA Standard Occupation Classification (SOC). Human Resources will provide further guidance should these circumstances apply.

#### **4.6.12 Definitions of Redeployment**

An employee can be considered for redeployment in the following circumstances:

- When, by reason of disability and/or other medical reason, the individual is no longer able to continue in their current role, despite consideration of reasonable adjustments to that role.
- When an employee's role becomes redundant in circumstances such as (not an exhaustive list) organisational restructure, end of contract, closing of site, end of funding.
- When the University of Surrey considers redeployment at its discretion e.g. breakdown of working relationships.

#### 4.6.13 Principles of Redeployment

A Redeployee Register will be established by Human Resources to record current redeployees. An employee can opt out of this register.

An individual becomes a redeployee when

- A post is confirmed as redundant or
- Occupational Health confirm that they are no longer fit to do their job and all reasonable adjustments have been considered/made or
- An individual is informed that their contract will not be extended or
- When redeployment is considered at the University's discretion.

Wherever possible, the University will seek to redeploy individuals to work of a broadly comparable nature (suitable alternative work). The following criteria will be used by the University to determine the suitability of alternative employment:

- The nature of the work
- The qualifications, skills, knowledge and experience required to carry out the work.
- The aptitude or capability of the individual to undertake the work
- Working arrangements i.e. hours of work, work patterns
- Grade of post

Redeployment opportunities will usually be restricted to posts at the same grade, although posts at a lower grade will be sought at the request of the individual. Pay protection will not be normally provided in the event of an individual accepting a post at a lower grade.

The University will not support requests for redeployment to a higher graded post, except where required to do so as a reasonable adjustment in accordance with the Equality Act 2010. Redeployees may submit applications for higher graded posts in the normal way.

Where appropriate the University will provide reasonable relevant training and development for redeployees to support them in finding alternative employment or to get them to a satisfactory skill level for a specific post within a reasonable period of time<sup>3</sup>.

All employees who are the subject of this procedure have the right to be accompanied at any formal meeting held under the procedure by a recognised trade union representative or work colleague. It is the employee's responsibility to make such arrangements.

Where a permanent appointment cannot be found, then a suitable temporary opportunity may be offered if available.

Once redeployed, an employee will have a 4 week trial period.

A redeployee can take reasonable time off for job hunting and training during the formal notice period in order to seek new work.

An employee stops being a redeployee when:

- They are redeployed and the trial period is satisfactorily passed.
- They find alternative work within the University (e.g. at a higher grade) which is not redeployment.
- They leave the University's employment.

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<sup>3</sup> A reasonable period of time in these circumstances is defined as 2 months.

- The individual asks to leave the redeployee pool.

There is no right of appeal regarding redeployment, although the employee has the right to appeal the decision to terminate the employment.

#### **4.6.14 Roles and Responsibilities**

Individuals subject to redeployment are expected to:

- Actively review available vacancies and put themselves forward for suitable ones.
- Consider reasonable changes in working arrangements, pay and responsibilities.
- Prepare for interviews.
- Not unreasonably turn down an offer of suitable alternative employment.

Line managers are expected to:

- Provide support to individuals subject to redeployment
- Seek appropriate opportunities or alternatives for redeployees within the Department.
- Allow reasonable time off for redeployees to attend interviews or training as appropriate.
- Take a wider responsibility by responding positively to requests to consider redeployees for vacancies.

Recruiting managers are expected to:

- Ensure that redeployees who meet the essential criteria as set out in the job purpose/role profile are given an interview.
- Provide feedback when redeployee's do not meet the essential criteria for the role, or are not selected for the post.
- Determine suitability during a trial period.

The HR Department will:

- Advise staff on the redeployment process
- Maintain the redeployment register
- Liaise with the recruitment manager when redeployee's are to be considered.

Procedure for Redeployment (Flowchart at Appendix 2)

#### **4.6.15 Redeployment Register**

When an employee becomes a redeployee they will be recorded on the HR system. The employee can submit an up to date CV and supporting statement to be held centrally, and to be viewed by recruiting managers when posts become available within the University. The employee will receive email alerts of possible appropriate vacancies.

Where a redeployee subsequently decides they do not want to go on the Redeployment Register they should contact their local HR Representative.

On occasion (e.g. breakdown in working relationships, medical redeployment) the redeployment period is not driven by an 'at risk' period. In these circumstances, the University will set a redeployment period of 1-2 months. If there is no suitable alternative role identified in that period, notice will be given.

A redeployee will stay on the Register from the point at which their post is redundant until the cessation of their notice period.

#### *Advertising roles*

The Recruiting Manager assisted by the local HR representative should consider the people on the Redeployment Register prior to advertising a role, as this will help inform the decision as to whether an internal only or an internal and external recruitment campaign is needed.

The redeployee does not have priority access to vacancies.

The redeployee will have access to the vacancy page and is responsible for checking the vacancy page and highlighting to their HR representative if they decide to apply for a role. The HR representative should then inform the HR person responsible for advertising the role that a redeployee is applying.

#### **4.6.16 Selection**

Redeployee application forms should be highlighted to the recruiting manager by HR.

If the redeployee meets the essential criteria for the post at shortlisting they are guaranteed an interview.

The best candidate will be offered the job (whether a redeployee or not).

In the case of an employee on maternity/adoption/shared parental leave who is “at risk” of redundancy, they have an express statutory right<sup>4</sup> to any suitable alternative employment that exists, ahead of any other employee including “at risk” employees. If the employee accepts the suitable alternative role it must be kept open until the employee returns from maternity/paternity leave.

Similarly, in the case of an employee who is deemed incapable of performing the employee duties by reason of a disability, when considering alternative employment/reasonable adjustments, bypassing any competitive recruitment process and transferring the disabled employee to fill an existing vacancy (a suitable alternative) is likely to be viewed as a reasonable adjustment. The employee may still be required to go through a selection process to ensure suitability for the post.

If a redeployee refuses an offer of suitable alternative employment and in the University’s view the refusal is unreasonable, the right to a statutory redundancy payment may be forfeited.

#### **4.6.17 Trial Period**

An employee who is under notice of redundancy has a statutory right to a trial period of four weeks (extendable by agreement) in an alternative job where the provisions of the new contract differ from the original contract.

The trial period begins when the previous contract has ended and ends four weeks after the date on which the employee starts work under the new contract.

The effect of the trial period is to give both the University and the employee a chance to decide whether the new job is suitable.

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<sup>4</sup> Reg. 10 Maternity and Paternity Leave Regulations

If the employee works beyond the end of the four week period any redundancy entitlement will be lost because the employee will be deemed to have accepted the new employment (unless agreed otherwise).

If an offer of suitable alternative employment is made, but the employee unreasonably refuses to accept it, the employee may lose their right to a statutory redundancy payment.

If it is accepted that the alternative employment offered is not entirely suitable for the employee and/or the employee's refusal of the offer is reasonable in the circumstances, they will be treated as having been dismissed by reason of redundancy on the date that their original job came to an end. In these circumstances, the employee will retain the right to a statutory redundancy payment.

Where an employee at risk of redundancy undertakes a trial period in a new job, if it becomes apparent during the trial period that the new job is unsuitable for the employee, the University can offer an alternative. If the employee accepts this further offer, a new four-week statutory trial period will apply.

There is no right of appeal regarding redeployment, although the employee has the right to appeal the decision to terminate the employment.

### **Stage Six – Appeals**

If the employee wishes to appeal against the formal notice of redundancy dismissal they should appeal to the Director of HR in writing, within 10 working days of receiving the written decision, stating the grounds for appeal. Appeals will be based only against the selection of an individual for redundancy, not against the decision to restructure.

The employee must be specific about the grounds of appeal; these will effectively form the agenda for the hearing. Appeals may only be raised on the grounds of:

- Procedure - a failure to follow procedure had a material effect on the decision;
- Decision - the evidence did not support the conclusion reached or is inconsistent with other decisions within the University;
- Bias/prejudice.

The Director of HR, or their designated representative, will arrange a meeting of the Appeals Committee at the earliest convenient date. This should normally be within one month after the matter has been formally raised with the Director of HR.

### **For employees not covered by Ordinance 11**

The Director of HR, or designated representative, will establish the Appeals Committee which should comprise:

- As Chair, a senior manager independent from the change process;
- One other senior manager independent from the change process.
- An HR representative

Senior managers are defined as staff at Grade 6 level or above.



### **For employees covered by Ordinance 11**

- As Chair, the Dean. If the Dean acted as the Redundancy Manager or it is not appropriate for them to hear such an appeal then a Dean of another Faculty or a member of Executive Board shall Chair the appeal.
- An HR representative.

The individual raising the appeal will be informed of the composition of the Appeal Committee. Should they have any concerns these should be raised with the Director of HR who will consider the employee's concerns and may reconstitute an agreed panel.

The Appeals Committee will invite the employee in writing to attend an appeal meeting, informing the employee of the entitlement to be accompanied by a work colleague or recognised trade union representative.

The decision of the Appeals Committee shall:

- a) confirm the original decision;
- b) revoke the original decision; or
- c) substitute a different decision.

The decision of the Appeal committee shall be final and there shall be no further right of appeal.

For academic staff, the applicable appeals process is set out in Ordinance 11.6.15 – 11.6.17.

#### **4.6.18 Right to be Accompanied**

At any formal consultation meeting the employee has the right to be accompanied to the meeting by a workplace colleague or Trade Union representative. The employee must tell their line manager who they have chosen to act as their companion in good time before any formal meeting (i.e. at least 3 working days). The employee can be required to choose an alternative if the chosen companion is unavailable for the scheduled meeting and will not be available for more than five working days.

## **5. Governance Requirements**

### **5.1. Implementation: Communication Plan**

The procedure was embedded when first published, and is available on SurreyNet (HR Procedures Page) for all staff to access.

### **5.2. Implementation: Training Plan**

The procedure was embedded when first published. Further support will be provided to colleagues implementing the procedure when required.

### **5.3. Review**

This procedure does not form part of any employee's contract of employment. It may be amended from time to time with appropriate consultation with recognised trade union representatives. This procedure will be reviewed every 3 years or sooner if required by a change in legislation or practice.

#### 5.4. Legislative Context and Higher Education Sector Guidance or Requirements

##### Applicable Legislation

This procedure complies with the following legislation.

- Trade Union and Labour relations (Consolidation) Act 1992 (TULR(C)A) 1992

#### 5.5. Sustainability

This procedure is deemed to have little to no impact on sustainability.

#### 6. Stakeholder Engagement and Equality Impact Assessment

6.1. An Equality Impact Assessment was completed on 04 April 2024 and is held by the Authorised Co-ordinator.

6.2. Stakeholder Consultation was completed, as follows:

Stakeholder	Nature of Engagement	Request EB Approval (Y/N)	Date	Name of Contact
Governance	Review of Version 1.0	N	26/03/24	Kelley Padley, Governance Officer
H&S	Review of Version 1.0	N	08/04/24	Matt Purcell, Director of Health and Safety
Sustainability	Review of Version 1.0	N	05/04/24	Martin Wiles, Head of Sustainability

## Appendix 1: Voluntary Severance

### 1 Introduction

This procedure distinguishes between voluntary severance and compulsory redundancy with more generous payments for voluntary severance. Voluntary severance is paid wholly at the discretion of the University and there is no contractual right for an employee to receive a voluntary severance payment at any time, irrespective of whether or not voluntary severance has been paid to other employees on previous occasions. Applications for voluntary severance will only be accepted by the University if it is in the interests of the University to do so.

Where compulsory redundancy is put into effect the University will only make statutory redundancy payments.

This procedure and the payments within it do not form part of any employee's contract of employment and may be amended from time to time with appropriate consultation with recognised trade union representatives.

### 2 Payments

Under current arrangements effective 1 July 2012 the University will pay for voluntary severance at the following rate:

- 2 weeks' basic salary for each year of service up to a maximum payment of 51 weeks
- Part years to be paid pro rata

Any payment of Voluntary Severance will incorporate an employee's entitlement to Statutory Redundancy Pay where applicable.

The details for calculating statutory redundancy pay is shown on the Department for Business, Innovation and Skills website. In summary, for employees who have a minimum of two year's continuous service it is as follows:

- one and a half weeks' pay for each complete year of employment in which the employee was aged 41 or over;
- one week's pay for each complete year of employment in which the employee was aged between 22 and 40; and
- half a week's pay for each complete year of employment up to the age of 21.

The maximum number of years of employment that can be taken into account is 20. Statutory Redundancy payments have a capped rate on weekly pay as detailed above. This amount is normally reviewed annually in February. An employee who wishes to put some or all of their severance payment into pension is advised to contact Pensions for further information.

### 3 Voluntary Severance Applications

3.1 The circumstances under which voluntary severance will be applied will normally be where a defined area (such as a Department or Faculty) undertakes a formal restructuring programme resulting in staffing reductions. When such a situation arises the University will notify staff employed in that area that applications for voluntary severance are being invited and the timescales for such applications. A reason will be provided to the trade unions if voluntary severance is not available in these circumstances. A request for severance will only be granted if in the University's interest to do so.

Applications for voluntary severance will usually only be considered where there is more than 1 post in the relevant redundancy pool and, in the absence of volunteers, it would be necessary to conduct a selection process in the pool to identify which posts will be subject to compulsory redundancy and which posts would remain unaffected.

The University reserves the right not to accept all applications for voluntary severance, particularly if there are more applications than the proposed number of redundancies or it considers that it is in the long-term interests of the University to retain certain employees.

It may still be necessary to effect compulsory redundancies if there are insufficient volunteers.

3.2 Applications from staff in other areas will be considered in exceptional circumstances only where it is clearly in the managerial interest. Depending on the circumstances of the case, relevant senior management reserves the right to approve cases on the basis of a voluntary severance payment which is outside the scope of the entitlement of the scheme.

3.3 Staff who wish to apply for voluntary severance should do so on the attached form. This form should be submitted to their HR Representative.

3.4 Staff will be informed of the outcome of their application. Where the application is successful, the employee has 14 calendar days to change their mind and withdraw from their successful voluntary severance application. They should do this in writing to their HR Representative, setting out their reasons for doing so.

3.5 If the request for Voluntary Severance is accepted, the university may require the individual to sign a Settlement Agreement. In this case, the voluntary severance payment will be conditional upon the university and the employee signing a settlement agreement in reasonable time in advance of the termination date. Voluntary Severance payments are intended to be compensation for loss of employment and therefore it is expected that the University would normally enter into a settlement agreement during a time period that would reflect the normal notice period. There may however be genuine business reasons for signing a settlement agreement with an extended leaving date.

If the employee ultimately decides not to sign a settlement agreement (in cases where voluntary severance has been approved by the University and the University has provided a settlement agreement within the cooling off period), the termination arrangements would revert to those of statutory redundancy.

NB: The settlement agreement provided to the employee during the cooling-off period is presented as the final version and any subsequent amendments will normally be made

at the request of the employee's legal adviser and subject to agreement by the University.

3.6 Where a voluntary severance application is successful, the employee will not be considered for posts in the ongoing restructuring programme.

3.7 There is no right to appeal an unsuccessful voluntary severance application.

3.8 If an employee applies unsuccessfully for voluntary severance but their post is subsequently selected for compulsory redundancy, the enhanced severance payment may be honoured by the University at its sole discretion. This is subject to the employee fully participating in the remainder of the restructuring process, including consideration of any suitable alternative employment.

#### 4 **Outplacement**

Staff who apply for voluntary severance and have their applications granted or are selected for compulsory redundancy, will have access to University outplacement support. Details of this can be found in the Outplacement Support guidance on the HR website.

#### 5 **Returning to the University**

Staff who take voluntary severance payments are unable to be re-employed by the University within 12 months of leaving, without repaying the enhanced severance package. In addition, they will not be eligible to register or work through Unitemps.

#### 6 **Review**

The operation of the Voluntary Severance Scheme as well as payments offered under the Voluntary Severance Procedure will be reviewed regularly by the University to ensure the scheme is financially viable.

**Request to be considered for Voluntary Severance**

This form should be used in conjunction with the Management of Organisational Change Procedure.

It should be noted that while all requests for voluntary severance will be considered thoroughly, submission of this form does not guarantee the application will be successful. Approval of voluntary severance requests will be made in the interest of the University.

All staff in the University, whether their post is at risk or not, are eligible to apply for voluntary severance.

Name: .....

Faculty/Administrative/Service Department: ..... Post Title:

.....

Date employment first started: .....

(In the case of multiple appointments within the University, please state your original start date. This information can be checked with your HR Representative)

Requested date of Departure: .....

(Please be aware that this date cannot be guaranteed)

Reason for requesting voluntary severance:

Head of Faculty/Department Comments:

I understand that if my application is successful I will be unable to work for the University for 12 months without repaying the severance package I have received.

I understand that the severance payment will be conditional upon the signing of a settlement agreement (if requested by the University) in reasonable time in advance of the termination date.

Signature of Post Holder.....Date.....

Signature of Head of Faculty/Department..... Date.....

Signature of HR Business Partner ..... Date.....

Appendix 2: Redeployment Flowchart

