



John Wheatley College

Board of Management

Redundancy and Dismissal Policy

All Staff

This Policy was approved by the Board of Management on
9 December 2010

| Section | Title | Page |
|----------------|--|-------------|
| | Content | 1 |
| 1.0 | Introduction | 2 |
| 2.0 | Communication and Consultation with staff | 3 |
| 3.0 | Action to Avoid Redundancies | 5 |
| 4.0 | Handling Redundancies and Dismissals | 6 |
| 4.1 | Redeployment | 6 |
| 4.2 | Assistance with Job Seeking | 7 |
| 5.0 | Dismissal | 7 |
| 6.0 | Appeals against notices of dismissal | 7 |
| 7.0 | Redundancy Pay Calculation | 8 |
| 8.0 | Further Legislation relating to this document | 8 |
| Appendix 1 | Ready Reckoner for calculating redundancy Payments | 9 |

1.0 Introduction

- 1.1 John Wheatley College aims to provide, as far as possible, security of employment for its staff through careful forward planning of its human resource requirements, including any consequential staff development needs. The College produces an annual Workforce Plan as part of its strategic planning process. Strategic Workforce Planning ensures that the College has suitable access to talent, including skills, knowledge and ability to achieve its strategic and operational objectives.
- 1.2 However, it is recognised that there may be changes in competitive conditions, including any reduction in government spending organisational requirements and technological developments which may affect staffing needs. Examples of such changes, though not exhaustive, are recession or other economic pressures making business closure or closure/reduction of departments or reduction in staff numbers necessary, changes in the nature of services provided, internal re-organisation to make more efficient use of roles and duties or technological developments resulting in changes to some or all job functions. It is recognised that although in order to maintain effectiveness, efficiency and quality of service the College maintains a climate of security of employment, flexibility may be required from staff in adapting to new staffing requirements, working methods and organisational needs. Through effective workforce planning it is the aim of the College and its recognised Trade Unions and Professional Association to prevent situations arising which threaten job security.
- 1.3 This Policy has been introduced following consultation with recognised Trade Unions and the Professional Association. For the purpose of this Policy "staff" means all John Wheatley College staff in established posts and individuals on fixed-term or other contracts which could be terminated by the College by reason of redundancy or dismissal before the end of the fixed-term or other contract.
- 1.4 It is the College's aim to avoid the use of compulsory redundancy wherever it is practicable to do so. The College, in consultation with its recognised Trade Unions and Professional Association, will seek to minimise the effect of redundancies through the provision of support to assist in finding alternative employment for staff selected for redundancy. In cases where compulsory redundancy can not be avoided the College will handle the redundancy in a non-discriminatory, consistent and sympathetic manner.
- 1.5 The Principal has delegated responsibility under the College's Scheme of Delegation for developing and applying appropriate selection criteria for compulsory redundancy on behalf of the Board of Management.

In accordance with the College's Recognition and Procedures Agreement the selection criteria for compulsory redundancy will be developed in association with members of the its recognised Trade Unions and Professional Association.

- 1.6 For the purpose of this policy “staff representative” means the following:
- (i) an independent Trade Union recognised by the College; and
 - (ii) a Professional Association recognised by the College; and
 - (iii) an Employee Representative appointed or elected by the affected employee(s) in terms of Section 188 of the 1992 Act as amended by the Regulations of 1999 (the designations of both Acts are set out in full in paragraph 2.1).
- 1.7 A redundancy situation is defined in Section 139 of the Employment Rights Act 1996. Broadly speaking, redundancy situations fall into three categories
- Closure of the College (that is closure of the college altogether).
 - Work place closure (that is closure of one of the sites, departments or relocation to a new site).
 - Diminished requirements of the College for employees to do work of a particular kind.

The statutory definition is set out in full in Section 139 is as follows:

“an employee who is dismissed shall be taken to be dismissed by reason of redundancy if the dismissal is wholly or mainly attributable to –

- (a) the fact that his employer has ceased or intends to cease:
 - (i) to carry on the business for the purposes of which the employee was employed by him, or
 - (ii) to carry on that business in the place where the employee was so employed,
- (b) the fact that the requirements of that business –
 - (i) for employees to carry out work of a particular kind, or
 - (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.”

Such dismissals may include those emanating from reorganisations, terminating contracts and renewing on different terms, non-renewal of fixed term contracts and the termination of temporary contracts.

1.8 This policy will operate within the provisions of all current legislation. Where there is no specific policy, the statutory minimum requirements will apply.

2.0 Communication and Consultation with Staff

2.1 The College recognises its statutory obligations to consult and notify staff representatives as contained in Part IV Chapter II Section 188 of the Trade Union and Labour Relations (Consolidation) Act 1992, as amended by the Trade Union Reform and Employment Rights Act 1993, the collective Redundancies and Transfer of Undertakings (Protection of Employment) (Amendment) Regulations 1995, the Collective Redundancies and Transfer of Undertakings (Protection of Employment) (Amendment) Regulations 1999 and The Information and Consultation of Employees Regulations 2004. The College's duty to collectively consult under Section 188 of TULRCA arises where it proposes to dismiss as redundant 20 or more employees over a period of 90 days or less. Individual employees will still be consulted in respect of their own particular circumstances. In circumstances involving the dismissal of fewer than 20 employees the College will seek, where reasonably practicable, to notify and consult with staff representatives following the process outline below. Employees will have the right to representation.

2.2 The College will, as a consequence, seek to:

- a) inform staff representatives, both verbally and in writing, of staff who will be affected or who may be affected by proposals related to redundancy as soon as is reasonably practicable. It will, as a minimum, comply with the levels and periods of consultation required by statute through the College's Joint Consultative Committee(s). However, individual periods of notice due to employees to be made redundant may run concurrently with the statutory minimum consultation period;
- b) make available to staff representatives the following information in writing:
 - a general statement of the situation which makes redundancy necessary;
 - details of the action which it proposes to take;
 - the reasons for the proposals being made;
 - details of all employees, including the numbers and the descriptions, who are likely to be affected by the proposals;
 - details of the total number of employees of each description employed by the College at the establishment in question;

- the proposed method of carrying out the dismissals, with due regard to the agreed procedures contained in this policy, including the period over which the dismissals are to take effect; and
 - the proposed method of selection of the employees who will be affected by the proposals.
- c) make no change in establishment levels until the staff representatives have been consulted; and
- d) ensure that the consultation process is conducted with a view to reaching an agreement with the recognised representatives on how the redundancies can be avoided, the number to be dismissed reduced, and how the consequences of the dismissal(s) can be mitigated. The College will consider fully any representations and/or alternative proposals made by the trades unions and professional associations and respond to them, giving reasons for rejecting any proposals as appropriate in full accordance with statutory requirements.

3.0 Action to Avoid Redundancies

3.1 Where it appears that staffing levels need to be reduced the following steps will be taken with the express intention of avoiding redundancies or dismissals.

3.2 To avoid or minimise redundancies wherever practicable the following measures will be considered by the College, including:

- a) assessing the effect of normal staff turnover to make use of natural wastage;
- b) reducing or suspending recruitment in all cases other than key posts (i.e. those required to sustain the existing levels and quality of service);
- c) filling vacancies from amongst existing employees by competitive interview, redeployment, transfer and/or retraining;
- d) limiting the engagement of temporary staff where this would avoid redundancies whilst maintaining the efficiency, effectiveness and quality of the service which it provides for learners;
- e) investigating the use of alternative working arrangements, such as part-time working, reduced hours and the College's evening class provision;

- f) eliminate as far as practicable the use of overtime working;
- g) introducing short-time working or temporary layoffs;
- h) seeking volunteers for voluntary severance (subject to an assessment of the exigencies of the service) if this action meets the operational efficiency needs of the College and offers value for money in the long term;
- i) reviewing the use of agency staff, self-employed contractors and consultants; and
- j) freezing salaries for a specified period.

Trade Unions and the Professional Association accept the need to encourage staff to take advantage voluntarily of such initiatives as redeployment, retraining or transfer to prevent redundancy.

4.0 Handling Redundancies and Dismissals

a) Redeployment

4.1 The College will make every effort to redeploy those staff that are likely to be made redundant. This will include redeploying and re-training where necessary and achievable within a reasonable timescale. All staff members who are likely to be made redundant will be sent information on vacancies in the College.

4.2 At the point where staff members and their trade union are informed that they are likely to be considered for redundancy, the staff concerned will be advised of any posts which become vacant where the staff members concerned meet the essential criteria or in the opinion of the appropriate manager and the Human Resources Section, could do so with a reasonable amount of retraining. Relevant posts will not be externally advertised before the staff members whose posts are potentially redundant are informed of the vacancy and given the opportunity of an interview for the post.

4.3 Staff members who are likely to be made redundant and who are interested in being considered for a vacancy which is advertised should apply for it by requesting a Recruitment Pack from the Human Resources Section.

4.4 Those employees who meet the essential criteria for a vacant post in the College, or in the opinion of the manager concerned and the Human Resources Section, could do so with a reasonable amount of retraining, will be shortlisted for the post and offered an interview. The decision on their suitability for the post will rest with the interview panel, at its discretion.

- 4.5 Where alternative posts are offered to staff members whose posts have been made redundant conditions which will apply will be in accordance with the standard terms for the job in question and the salary will be at the level set for the new post.
- 4.6 Redeployed staff who accept alternative employment with the College will be entitled to a trial period of four weeks, or the college may extend the trial period with the agreement of the staff member for the purposes of re-training the staff member (up to and including four weeks the staff member is entitled in law to end their employment, if he or she wishes) without the loss of his or her redundancy pay entitlement. Should the staff member terminate his or her employment during the trial period, or on completion of the trial period, if the trial period is unsuccessful, the staff member will still be treated as redundant. The staff member will still be treated as redundant and the right of redundancy pay will be preserved.
- 4.7 To avoid a redundancy situation where a member of staff holds a substantive post in a higher grade for two years or more and the post is then downgraded as a result of a College restructure or the staff member is transferred to another post attracting a lower salary, the cash value of the salary obtaining at the time of downgrading or transfer will be conserved. Conservation will be in accordance with the College's conservation rules.
- b) Assistance with Job Seeking
- 4.8 The College will grant employees who are under notice of redundancy reasonable time off with pay to seek alternative work, or to arrange training. Employees will be permitted reasonable use of the College's office facilities such as telephone, photocopier and ICT equipment to assist with their search for employment.

5.0 Dismissal

- 5.1 Prior to any dismissal by reason of redundancy the College will hold a meeting to discuss the circumstances and enable both parties to explain their case. The employee may, for example, wish to make representations regarding their employment prior to any decision being taken. The College will subsequently inform the employee of the outcome of the meeting in writing and of his or her right to appeal, in accordance with Section 6.

6.0 Appeals against notices of dismissal

- 6.1 A member of staff who is given notice of dismissal due to redundancy has the right of appeal against the decision. Notification of an appeal must be lodged with the Human Resources Section, within one working week of the written notice of dismissal.

- 6.2 An appeal panel will be arranged by the Human Resources Manager (or nominee) within a reasonable period after receipt of the notification of the appeal. The appeal will be heard by an ad hoc committee of the Personnel and Staffing Committee, composed of a Chair, two members of the Personnel and Staffing Committee and two College Trade Union representatives recognised for negotiating purposes for the member(s) of staff in question.
- 6.3 Wherever possible the appeal panel will meet and reach a decision during the staff member's period of notice. The findings of the appeal panel will be reported to the Board of Management.
- 6.4 None of the above is intended to limit the statutory rights of staff members under current legislation.

7.0 Redundancy Pay Calculation

- 7.1 The College will provide redundancy payments in accordance with the Statutory provisions pertaining at the relevant date. The amount of the lump sum payment will depend upon length of continuous service, the relation between the years of service and the appropriate age bands and a weeks' pay as specified in the Legislation Redundancy Payments PL808 or an the employee's weekly pay if it equates to less than the statutory amount. It is calculated by multiplying a week's pay by the number of complete years of continuous service, up to a maximum of twenty (20) years. The computation is based on each year of service up to the age stated:
- Under 22 – 0.5 weeks' pay
 - 22 to 40 – 1 weeks' pay
 - 41 and older – 1.5 weeks' pay
- 7.2 Staff must have a minimum of two years continuous service before attaining entitlement to a redundancy payment. Service is counted up to the "relevant date". The relevant date is defined as the date on which the notice given to the employee expires. Non-reckonable service will be calculated in accordance with the provisions of the Employment Rights Act 1996.
- 7.3 A week's pay is subject to a maximum limit as specified by employment Legislation Redundancy Payments PL808 for redundancy pay calculation purposes. This amount is reviewed each year at 1 February. The amount of weeks' to be taken into account for calculation purposes is that to which the employee is entitled under the terms of the contract of employment at the "calculation date".
- 7.4 The calculation date is the date on which the employer gives the employee

the minimum notice to which they are legally entitled, or the date on which such notice should have been given to expire on the last day of the contract. Where the pay of the employee varies and it is less than the statutory maximum, the amount of a weeks pay will be calculated by averaging the 12 weeks pay prior to the calculation date.

7.5 A ready reckoner for calculating redundancy payments is denoted in Appendix 1.

8.0 Further Legislation relating to this document

Employment Rights Act 1996

Trade Unions and Labour Relations (Consolidation) Act 1992

Employment Act 2002

Equality Act 2010

| Age | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 15 | 16 | 17 | 18 | 19 | 20 |
|-----|----|----|----|----|----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|
| 17* | 1 | | | | | | | | | | | | | | | | | | |
| 18 | 1 | 1½ | | | | | | | | | | | | | | | | | |
| 19 | 1 | 1½ | 2 | | | | | | | | | | | | | | | | |
| 20 | 1 | 1½ | 2 | 2½ | - | | | | | | | | | | | | | | |
| 21 | 1 | 1½ | 2 | 2½ | 3 | - | | | | | | | | | | | | | |
| 22 | 1 | 1½ | 2 | 2½ | 3 | 3½ | - | | | | | | | | | | | | |
| 23 | 1½ | 2 | 2½ | 3 | 3½ | 4 | 4½ | - | | | | | | | | | | | |
| 24 | 2 | 2½ | 3 | 3½ | 4 | 4½ | 5 | 5½ | - | | | | | | | | | | |
| 25 | 2 | 3 | 3½ | 4 | 4½ | 5 | 5½ | 6 | 6½ | - | | | | | | | | | |
| 26 | 2 | 3 | 4 | 4½ | 5 | 5½ | 6 | 6½ | 7 | 7½ | - | | | | | | | | |
| 27 | 2 | 3 | 4 | 5 | 5½ | 6 | 6½ | 7 | 7½ | 8 | 8½ | - | | | | | | | |
| 28 | 2 | 3 | 4 | 5 | 6 | 6½ | 7 | 7½ | 8 | 8½ | 9 | 9½ | - | | | | | | |
| 29 | 2 | 3 | 4 | 5 | 6 | 7 | 7½ | 8 | 8½ | 9 | 9½ | 10 | 10½ | - | | | | | |
| 30 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 8½ | 9 | 9½ | 10 | 10½ | 11 | 11½ | - | | | | |
| 31 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 9½ | 10 | 10½ | 11 | 11½ | 12 | 12½ | - | | | |
| 32 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 10½ | 11 | 11½ | 12 | 12½ | 13 | 13½ | - | | |
| 33 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 11½ | 12 | 12½ | 13 | 13½ | 14 | 14½ | - | |
| 34 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 12½ | 13 | 13½ | 14 | 14½ | 15 | 15½ | - |
| 35 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 13½ | 14 | 14½ | 15 | 15½ | 16 | 16½ |
| 36 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 14½ | 15 | 15½ | 16 | 16½ | 17 |
| 37 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 15 | 15½ | 16 | 16½ | 17 | 17½ |
| 38 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 15 | 16 | 16½ | 17 | 17½ | 18 |
| 39 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 15 | 16 | 17 | 17½ | 18 | 18½ |
| 40 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 15 | 16 | 17 | 18 | 18½ | 19 |
| 41 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 15 | 16 | 17 | 18 | 19 | 19½ |
| 42 | 2½ | 3½ | 4½ | 5½ | 6½ | 7½ | 8½ | 9½ | 10½ | 11½ | 12½ | 13½ | 14½ | 15½ | 16½ | 17½ | 18½ | 19½ | 20½ |
| 43 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 15 | 16 | 17 | 18 | 19 | 20 | 21 |
| 44 | 3 | 4½ | 5½ | 6½ | 7½ | 8½ | 9½ | 10½ | 11½ | 12½ | 13½ | 14½ | 15½ | 16½ | 17½ | 18½ | 19½ | 20½ | 21½ |
| 45 | 3 | 4½ | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 15 | 16 | 17 | 18 | 19 | 20 | 21 | 22 |
| 46 | 3 | 4½ | 6 | 7½ | 8½ | 9½ | 10½ | 11½ | 12½ | 13½ | 14½ | 15½ | 16½ | 17½ | 18½ | 19½ | 20½ | 21½ | 22½ |
| 47 | 3 | 4½ | 6 | 7½ | 9 | 10 | 11 | 12 | 13 | 14 | 15 | 16 | 17 | 18 | 19 | 20 | 21 | 22 | 23 |
| 48 | 3 | 4½ | 6 | 7½ | 9 | 10½ | 11½ | 12½ | 13½ | 14½ | 15½ | 16½ | 17½ | 18½ | 19½ | 20½ | 21½ | 22½ | 23½ |
| 49 | 3 | 4½ | 6 | 7½ | 9 | 10½ | 12 | 13 | 14 | 15 | 16 | 17 | 18 | 19 | 20 | 21 | 22 | 23 | 24 |
| 50 | 3 | 4½ | 6 | 7½ | 9 | 10½ | 12 | 13½ | 14½ | 15½ | 16½ | 17½ | 18½ | 19½ | 20½ | 21½ | 22½ | 23½ | 24½ |
| 51 | 3 | 4½ | 6 | 7½ | 9 | 10½ | 12 | 13½ | 15 | 16 | 17 | 18 | 19 | 20 | 21 | 22 | 23 | 24 | 25 |
| 52 | 3 | 4½ | 6 | 7½ | 9 | 10½ | 12 | 13½ | 15 | 16½ | 17½ | 18½ | 19½ | 20½ | 21½ | 22½ | 23½ | 24½ | 25½ |
| 53 | 3 | 4½ | 6 | 7½ | 9 | 10½ | 12 | 13½ | 15 | 16½ | 18 | 19 | 20 | 21 | 22 | 23 | 24 | 25 | 26 |
| 54 | 3 | 4½ | 6 | 7½ | 9 | 10½ | 12 | 13½ | 15 | 16½ | 18 | 19½ | 20½ | 21½ | 22½ | 23½ | 24½ | 25½ | 26½ |
| 55 | 3 | 4½ | 6 | 7½ | 9 | 10½ | 12 | 13½ | 15 | 16½ | 18 | 19½ | 21 | 22 | 23 | 24 | 25 | 26 | 27 |
| 56 | 3 | 4½ | 6 | 7½ | 9 | 10½ | 12 | 13½ | 15 | 16½ | 18 | 19½ | 21 | 22½ | 23½ | 24½ | 25½ | 26½ | 27½ |
| 57 | 3 | 4½ | 6 | 7½ | 9 | 10½ | 12 | 13½ | 15 | 16½ | 18 | 19½ | 21 | 22½ | 24 | 25 | 26 | 27 | 28 |
| 58 | 3 | 4½ | 6 | 7½ | 9 | 10½ | 12 | 13½ | 15 | 16½ | 18 | 19½ | 21 | 22½ | 24 | 25½ | 26½ | 27½ | 28½ |
| 59 | 3 | 4½ | 6 | 7½ | 9 | 10½ | 12 | 13½ | 15 | 16½ | 18 | 19½ | 21 | 22½ | 24 | 25½ | 27 | 28 | 29 |
| 60 | 3 | 4½ | 6 | 7½ | 9 | 10½ | 12 | 13½ | 15 | 16½ | 18 | 19½ | 21 | 22½ | 24 | 25½ | 27 | 28½ | 29½ |
| 61+ | 3 | 4½ | 6 | 7½ | 9 | 10½ | 12 | 13½ | 15 | 16½ | 18 | 19½ | 21 | 22½ | 24 | 25½ | 27 | 28½ | 30 |

Appendix 1