



Royal College of Art

Postgraduate Art & Design

REDUNDANCY POLICY

1. Introduction

1.1. The Royal College of Art ("the College") recognises the value of retaining a skilled and experienced workforce that contributes to the achievement of its strategic plans and objectives. The College is therefore committed to developing and maintaining employment practices which promote the principles of security and diversity of employment and support the mobility of employment of staff within the College.

1.2. Although the College's policy is to avoid compulsory redundancies (CR) wherever possible, the needs of the business may from time to time require a reduction in the overall number of employees employed or organisational changes that result in some employees being made compulsorily redundant.

1.3. This policy sets out the College's approach to dealing with potential redundancies. It does not form part of employees' contractual terms of employment and thus may be subject to changes in policy from time to time. Such changes will be made and notified following consultation with the recognised trade unions (except where changes are made to comply with new or amended legislation in which case such consultation will not be required).

1.4 Significant changes to this policy will require the approval of the Planning and Resources Committee.

1.5 The Redundancy Procedure sets out processes to be followed to mitigate and reduce redundancies as well as how selection for redundancy will be handled. These arrangements are laid out in paragraphs 5-13 below.

2. Principles

2.1. This policy and procedure is underpinned by the principles laid out in the College's Statute 10, that staff of the College, whilst engaged in teaching, research or knowledge exchange, have freedom within the law to question and test received wisdom, and to put forward new ideas and controversial or unpopular opinions without placing themselves in jeopardy of losing their jobs or privileges.

2.2. Where redundancies are necessary, the College will ensure that:

- It endeavours to avoid, reduce and mitigate any compulsory redundancies (CR);
- the total number of compulsory redundancies made is kept to a minimum (see 5 below);

- employees and, where appropriate, their representatives are fully consulted on any proposals and their implementation;
- selection for redundancy is based on clear criteria that will, as far as possible, be objectively and fairly applied;
- A central, College wide redundancy Committee will be appointed (membership and terms of reference for this Committee are in **Appendix 1**);
- all reasonable efforts are made to redeploy or find suitable alternative work for employees selected for redundancy; and
- support and advice is provided to employees selected for redundancy to help them find suitable work when their employment has come to an end.

2.3. At all formal stages of the procedure the employee will have the right to be accompanied by either a representative of a trade union, or an RCA work colleague.

2.4. Where time limits are referred to in the course of this procedure they may, where reasonable, be varied by agreement between the employee and the College.

2.5. All employees will be treated in accordance with the College's policy on Equality and Diversity.

2.6. The Director of Human Resources has overall responsibility for ensuring the consistent application of this policy.

2.7. Audio and/or video recording of meetings is strictly prohibited unless with the express and written consent of all parties present.

3. Scope

3.1. This policy shall apply to all employees on permanent and fixed term contracts of employment, with the exception of the Vice-Chancellor for whom a separate procedure applies.

3.2. The policy does not include those engaged as workers or self-employed.

3.3. The policy applies in individual and collective redundancy situations albeit with appropriate modifications as may be required to meet each circumstance. (Note: statutory collective consultation requirements are not triggered by fixed term contracts ending at term or unless 20 or more employees are to be made redundant within a 90 day period).

3.4 The definitions of a 'significant' and 'less significant' organisational change / redundancy and the conditions under which the redundancy selection committee will operate are:

Less Significant

Where the potential redundancies arise out of a single School or Department level organisational restructure arising from a business case which involves a process of

competitive recruitment / selection to retain employment, the Redundancy Committee will not be initiated.

Significant

Where the potential redundancies arise out of an organisational change impacting on more than one School or several Departments or if there is a need to reduce numbers of staff across the College in order to effect savings (e.g. due to loss of income etc), the Redundancy Committee will be initiated.

These definitions are also set out in paragraphs 1 and 2 of **Appendix 1**.

4. Definition of Redundancy

4.1. A redundancy occurs where a dismissal is wholly or mainly because:

- the employer has ceased, or intends to cease, to carry on the business for the purposes for which the employee is employed;
- the employer has ceased, or intends to cease, to carry on that business in the place where the employee was employed;
- the needs of the business for employees to carry out work of a particular kind have ceased or diminished or are expected to cease or diminish;
- the needs of the business 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.

5. Alternatives to Redundancy

5.1. The College will seek to avoid making employees compulsorily redundant wherever there are alternative measures which can accommodate the exigencies creating the redundancy situation.

5.2. Where a reduction in the need for employees is in prospect, management will first consider any possibilities of:

- seeking volunteers for redundancy (VR) from the affected employees (which may, at the discretion of the College, include time limited, enhanced severance terms); and
- normal staff turnover;
- restricting recruitment;
- retraining;
- reducing working hours, e.g. through flexible working;
- restricting the use of agency staff and casual workers.

5.3. The College aims to minimise the number of compulsory redundancy (CR) cases coming forward by seeking, where possible, to identify opportunities to redeploy qualifying employees prior to any formal redundancy situation being instigated, whilst operating at all times within a framework that assures equality of opportunity.

6. Statutory Consultation

6.1. Where there is a possibility of compulsory redundancies requiring statutory consultation (i.e. 20 or more redundancies within a period of 90 days) the College will engage in meaningful consultation with the appropriate trade union representatives on the following points:

- the reason(s) for the proposed redundancies;
- the number and description of posts likely to be affected;
- the proposed method of selecting employees who may be affected (where applicable);
- the proposed selection criteria (where applicable);
- the proposed method of carrying out the dismissals and timescales;
- the proposed method of calculating the redundancy payment;

Note: statutory consultation requirements are not triggered by the ending of fixed term contracts at term or when the number of employees to be made redundant is less than 20.¹

6.2. The College will consider alternative proposals and respond to reasonable requests for information during the consultation process with a view to reducing or avoiding the need for redundancies.

6.3. The College will not issue notices of dismissal to any employee selected as redundant before the period of consultation for that employee has expired. In exceptional circumstances, and with the agreement of the both parties, the College may grant a short extension to the consultation periods set out below:

No. of possible redundancies in a 90-day period	Period of consultation
Less than 20	30 days
Between 20 and 99	30 days
Over 100	45 days

7. Notification

7.1. In the event of any proposal to dismiss as compulsorily redundant 20 or more employees within a period of 90 days or less (a “collective redundancy”), the College will notify the Department for Business, Energy and Industrial Strategy (BEIS) in writing.

7.2. At the same time as formal notification is given to the BEIS, the College will notify the local representatives of the recognised trade unions.

7.3. There is no requirement to notify the BEIS in the event of individual redundancies, or where fewer than twenty potential redundancies are involved.

¹ The College recognises that practical and suitable arrangements for consultation around the routine ending of fixed term contracts needs to be agreed.

8. Consultation Procedure

8.1. The College will inform the recognised trade unions of the need for redundancies and the reasons for this. Where the redundancies are likely to be 20 or more, a special JNCC will normally be convened to further discuss this and the process and timetable for consultation. As is appropriate, when under 20, individual consultations may take place with staff affected.

8.2 Individual consultation will commence with a meeting of the relevant manager and recognised trade union(s). A representative from HR will normally be present at meetings held under this procedure to provide advice and guidance. A note taker may be present.

8.3. The trade union representative(s) will be provided with a copy of the case for change outlining the rationale for the proposed redundancies as soon as practicably possible and in any event 5 working days before the relevant meeting.

8.4. This will be followed by a meeting with potentially affected employees, either individually or as a group, to inform them of the redundancy situation and signal the start of the consultation period. Employees will be provided with the case for change and organisational structure chart(s) and will be invited to a formal individual consultation meeting.

8.5. Individual consultation meetings provide the employee with an opportunity to ask questions and put forward alternative proposals for management to consider as possible alternatives to redundancy. The manager will provide detail on any selection criteria / process and next steps.

8.6. Under normal circumstances a minimum of two individual meetings should take place within the consultation period with the affected member of staff.

8.7. Where group meetings are convened under this procedure, employees are expected to attend if given reasonable notice. Where consultation is offered on an individual basis the employee should make every effort to attend at the agreed time.

8.8. Where an employee is unable or unwilling to attend a meeting or re-arranged meetings without good reason, the meeting(s) may go ahead in their absence. The employee may provide written representations.

8.9. At the end of the consultation / selection period the manager will inform affected employees of the outcome of their deliberations / panel decisions regarding any suggestions / representations / selection decisions made:

8.9.1. If the manager considers that suggestions/representations provided are feasible he/she will lay out the conditions upon which redundancy proceedings can be stayed or withdrawn.

8.9.2. If the manager decides that no viable alternative to compulsory redundancy has been proposed, he/she will provide an explanation for the decision and issue a notice of dismissal by reason of redundancy.

8.10. Audio and/or video recording of meetings is strictly prohibited unless with the express and written consent of all parties present.

8.11 Note: Although individual consultations may take place with staff whose fixed term contracts are expiring as a matter of good practice, if the fixed term contracts are expiring at term there is no requirement for statutory consultation, even if numbers exceed 20 within a 90 day period.

9. Right to be Accompanied

9.1. Employees are entitled to be accompanied by their trade union representative or a RCA work colleague during any formal meetings relating to this procedure. The trade union representative or RCA work colleague will be allowed to put the employee's case, respond on the employee's behalf to any view expressed at the meeting, and ask questions on the employee's behalf. The companion or trade union representative and the employee will have the right to confer and / or request reasonable adjournments during any formal meeting.

9.2. Employees will be allowed adequate time to arrange representation. If a trade union representative or RCA work colleague is unavailable on the date of the formal meeting, the manager will seek to rearrange the meeting on a suitable alternative date, provided this is within a reasonable timescale e.g. within 5 working days from the date initially proposed.

10. Selection criteria

10.1. There may be situations where the post that is to be made compulsorily redundant is unique and only has a single job holder. In such situations there will not usually be any need for additional selection criteria.

10.2. Where a post is identified as being at risk of redundancy but there are other posts of the same or similar nature within a particular department/programme/school, the College may identify a 'pool' of employees for selection. The scope and extent of any pool will be proportionate and reasonable to each redundancy process.

10.3. Objective selection criteria will be considered based upon the skills required to meet the current and future needs of the College. The College is committed to the use of fair and non-discriminatory selection criteria.

10.4. The selection criteria may, as appropriate, include some of the following and must be tailored to the roles(s) in question and as far as possible, objective assessment:

- Knowledge
- Skills
- Qualifications

- Communication
- Teamwork
- Collaboration
- Teaching
- Research
- Organisational ability
- Staff management (including team leadership/supervisory ability)
- Problem-solving
- Leadership
- Productivity
- Attendance record (excluding disability/maternity/pregnancy-related absences)
- Disciplinary record (current)

10.5. The practice of applying last in, first out (LIFO) or first in, first out (FIFO) as sole selection criteria can have a discriminatory effect. Therefore, such criteria, if used, will only be used as one of a number of different criteria and will not be determinative.

11. Voluntary Severance (VS) or Voluntary Redundancy (VR)

11.1. In order to minimise the need for compulsory redundancies (CR), the College may invite and/or consider requests from employees for voluntary severance (VS) or voluntary redundancy (VR).

11.2. There will be no guarantee that any or all volunteers will be granted redundancy as business need will determine the practicality and affordability of release.

11.3. In exceptional circumstances the College may consider offering an enhanced severance or redundancy payment to incentivise volunteers. Such matters will be a matter for consultation and will depend on the circumstances.

11.4 Decisions on acceptance for voluntary severance or voluntary redundancy will be at the sole discretion of the College.

12. Employees on maternity and shared parental leave

12.1. Employees on maternity or shared parental leave will be included in any redundancy consultation process affecting their role or area of work.

12.2. Employees on maternity or adoption leave have preferential rights in relation to suitable alternative work ahead of other potentially redundant employees who are not on maternity or adoption leave.

13. Redeployment

13.1. The College's policy on redeployment applies to all employees who are impacted by redundancy. This includes any employees on fixed term contracts.

13.2. Where an employee has been selected or identified for dismissal on the grounds of redundancy the College will explore the possibility of redeployment to suitable alternative employment.

13.3. The College will make every effort to redeploy staff where possible. The College will continue to explore redeployment opportunities for affected employees who are working their period of notice up to their anticipated date of leaving. Further details on how this is achieved is set out in the Redeployment policy.

13.4. The College's Redeployment Policy provides further detail on the nature of the redeployment process, including trial periods in any suitable alternative posts.

14. Notice of dismissal

14.1. Where selection for redundancy has been confirmed, employees will receive confirmation of the reason for dismissal along with notice of dismissal in accordance with contractual and statutory entitlements.

15. Redundancy payment

15.1. An employee who has at least two years' continuous service and who is dismissed by reason of redundancy is entitled to a statutory redundancy payment (SRP).

15.2. The SRP is calculated according to the employee's length of service, weekly salary and age. Estimates may be calculated using the [Government's statutory redundancy entitlement calculator](#).

15.3. In considering an offer of redeployment, employees should be aware that a redundancy payment may be withheld if he/she unreasonably refuses an offer of suitable alternative employment.

15.4 Where the College has agreed enhanced redundancy arrangements these will be applied as appropriate, in addition to any statutory payments.

15.5 Employees will be given a written statement / explanation of how the sums have been calculated.

16. Employee Support

16.1. Employees under notice of redundancy and who have at least two years' continuous employment by the time their notice ends have a right to reasonable time off during working hours to look for work or make arrangements for training in respect of future employment.

16.2. Employees should give their managers as much notice as possible of their intended absence. Subject to this condition, requests for time off will not normally be refused.

16.3. Human Resources will provide or arrange individual support and advice to employees under notice of redundancy upon request.

16.4. Employees can access free, professional and confidential advice and support from the College's Employee Assistance Programme (EAP) provider details of which can be found on the College's intranet.

17. Appeals

17.1. The College's appeal procedure applies, a copy of which is available at **appendix 2**.

18. Review

This policy will be reviewed after 12 months of operation.

Human Resources

1 November 2021

Appendix 1

Membership and Terms of Reference for Redundancy Committee

Terms of Reference

1. Where the potential redundancies arise out of a single School or Department level organisational restructure arising from a business case which involves a process of competitive recruitment / selection to retain employment, the Redundancy Committee will not be initiated.
2. Where the potential redundancies arise out of an organisational change impacting on more than one School or several Departments or if there is a need to reduce numbers of staff across the College in order to effect savings (e.g. due to loss of income etc), the Redundancy Committee will be initiated.
3. The objectives of the Redundancy Committee will be to;
 - a) assess and ratify recommendations for redundancy put forward by Schools / Directorate.
 - b) Ensure fairness and consistency of application of redundancy criteria across the College;
 - c) Make any necessary decisions around 'pools' and fair selection with advice from HR / lawyers, as required.
 - d) If possible, to use internal knowledge, expertise and creativity to minimise any necessary permanent loss of talent from the organisation.
 - e) Take into account discussions / consultations held with the relevant trade unions

Standing Membership

Membership of the Redundancy Selection Committee will be:

The Dean of the School impacted by the changes

A Dean or senior academic from another School not impacted by the changes

A member of the Senior Management Team not impacted by the changes

A senior representative of HR

The Head of Equity and Inclusion

Head of OD

The Redundancy Committee will appoint a chair.

Co-option

The Redundancy Committee may temporarily co-opt additional managers or Council members if particular circumstances so require.

Appendix 2

For common appeal arrangements please see appeals process on HR intranet.

Document History

Policy

Version	Date
1.0	Draft circulated to TUs by email 24/07/19 and 22/01/20
2.0	04 February 2020 (JCM)
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Approval

Version	Approved By	Date
5.0	Planning and Resources Committee	27/10/21
5.0	Chair of Council	29/10/21
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