

NCG Reorganisation and Redundancy Policy



<u>Policy Title</u>	NCG Reorganisation & Redundancy Policy
<u>Policy Category</u>	Compliant
<u>Owner</u>	Director of People and Development
<u>Group Executive Lead</u>	Chief Executive Officer
<u>Date Written</u>	April 2021
<u>Considered By</u>	N/A
<u>Approved By</u>	Executive Board
<u>Date Approved</u>	May 2021
<u>Equality Impact Assessment</u>	The implementation of this policy is not considered to have a negative impact on protected characteristics and an assessment was carried out on 30 April 2019. This policy is available in alternative formats, if required.
<u>Freedom of Information</u>	This document will be publically available through the Groups Publication Scheme.
<u>Review Date</u>	April 2023
<u>Policy Summary</u>	The purpose of this policy is to manage any proposed business reorganisations in line with relevant legislation and good practice.

<u>Applicability of Policy</u>	<u>Consultation Undertaken</u>	<u>Applicable To</u>
Carlisle College	Yes	Yes
Group Services	Yes	Yes
Kidderminster College	Yes	Yes
Lewisham College	Yes	Yes
Newcastle College	Yes	Yes
Newcastle Sixth Form College	Yes	Yes
Southwark College	Yes	Yes
West Lancashire College	Yes	Yes

<u>Changes to Earlier Versions</u>	
<u>Previous Approval Date</u>	<u>Summarise Changes Made Here</u>
26/06/2019	Invite to formal meeting (10) includes reference to meetings being held virtually
	Right of appeal (22) detail included re the purpose of the appeal
	Returning to NCG (25) amended to reflect current process
	Additional section (26) included re pensions

<u>Linked Documents</u>	
<u>Document Title</u>	<u>Relevance</u>
NCG Adoption Policy	Linked Policy
NCG Maternity Policy	Linked Policy
NCG Recruitment Policy	Linked Policy
NCG Shared Parental Leave Policy	Linked Policy
NCG Sickness Absence Policy	Linked Policy

1. Scope and Purpose of Policy

This policy does not form part of colleague's contract of employment and does not confer any contractual rights. It applies to all NCG colleagues who are employed either on a permanent or temporary basis.

2. Introduction

The purpose of this policy is to manage any proposed business reorganisations in line with relevant legislation and good practice. NCG recognises the benefit of early collective consultation and its statutory obligations in respect of individual consultation.

3. Reorganisations

Where business changes are proposed that may result in potential redundancies and where a proposal is approved to progress to consultation stage, colleagues will be informed at the earliest opportunity if they are likely to be affected by the changes.

4. Redundancy situation

Redundancy is a form of dismissal from employment that occurs when a role is no longer required or when there is a need to reduce the workforce.

A colleague may be in a redundancy situation if:

- The work which they are employed to do, is proposed to cease.
- Less people are required to do the work they are employed to do.
- The work which they are employed to do, is proposed to cease, in their location.
- Less people are required to do the work they are employed to do, in their work location.

5. Mitigating redundancies

NCG will consider any appropriate measures to reduce, eliminate, or mitigate any potential redundancies. Possible measures may include, but are not limited to:

- Cessation of external recruitment activity in order to maximise redeployment opportunities arising from natural attrition.
- A review of other costs such as non-pay
- Consideration of reduced hours and job shares.
- Consideration of voluntary redundancy.

6. Consultation

Consultation is the process that will take place with all affected colleagues before any changes are implemented. During the consultation period, information regarding the proposed changes will be communicated, usually by a manager or senior manager, depending on the nature and size of the proposed change.

Throughout the consultation process, ideas and thoughts regarding ways of avoiding and/or reducing redundancies, as well as the appropriate selection criteria will be considered before any final decisions are made.

Consultation must take place across the following minimum periods:

- Meaningful period, where fewer than 20 jobs are proposed to be made redundant.
- 30 calendar days, where 20 or more jobs are proposed to be made redundant.
- 45 calendar days, where 100 or more jobs are proposed to be made redundant.

7. Collective consultation

Collective consultation is a process where consultation is carried out with trade union and elected colleague representatives. This takes place where 20 or more redundancies are contemplated in a 90-day period at any one establishment. NCG has a statutory obligation to notify Trade Union Representatives and / or elected colleague representatives of:

- The reasons for proposed redundancies.
- The numbers and categories of colleagues involved.
- The numbers of colleagues in each category.
- How the organisations plans to select colleagues for redundancy.
- The process proposed for redundancy consultation and proposed timeframes.

8. Individual consultation

Individual consultation is where a manager will meet with a colleague on an individual basis, either where 19 or fewer colleagues are affected or following the start of collective consultation. Colleagues will normally be invited to a minimum of two individual formal consultation meetings. Additional consultation meetings may be required for the purpose of discussing counter proposals or selection feedback.

9. Absent colleagues

If a colleague is at risk of redundancy whilst absent from work, the consultation manager will contact them to ensure they are notified of all communications, timeframes and will be given the opportunity to engage in consultation remotely or face to face.

10. Invite to a formal consultation meeting

Reasonable notice of a consultation meeting will be given in order to prepare. Normally this will be a minimum of 24 hours, unless otherwise agreed.

Timeframes may be adjusted at the discretion of the consultation manager to allow sufficient time for the provision of alternative formats of documents to be made available.

The invite to the meeting will confirm, that the formal procedure is being implemented, the date, time and venue of the meeting and confirm any entitlements (i.e. the right to be accompanied) and the possible outcome as a result of this procedure. Colleagues will also be provided with any relevant documentation.

Meetings may be held face to face or virtually through relevant business software, such as, Microsoft Teams. Colleagues will be given notice of how the meeting will be conducted. If the meeting is to be held virtually, the importance of privacy will be stated and confirmed before the meeting commences.

11. Right to be accompanied

At formal meetings, colleagues have the right to be accompanied by a trade union representative or an NCG colleague.

The chosen companion will be allowed to address the meeting, respond on the colleagues behalf to any view expressed and sum up the case on their behalf. However, the meeting is essentially between the colleague and the manager, and is the colleague's opportunity to provide further details, so any questions put directly to the colleague should be responded to by them and not their companion.

Colleagues should make every effort to attend. If the colleague or their companion cannot attend a meeting at the date or time arranged, they should let the manager know as soon as possible and within reason agree an alternative date and time. If a colleague fails to attend without explanation, or fails to attend a rescheduled meeting, the meeting may take place in their absence.

If a colleague has disclosed an underlying health condition, suffer from a chronic illness or disability, the manager will consider requests for a non-participating health care provider to be present during formal meetings.

12. Note taking & recording

Other colleagues attending the meeting may include a note taker and may involve a member of the HR team.

Recording equipment cannot be used at any time during meetings. Non-verbatim notes will be taken during the meeting and colleagues will be provided with a copy of the notes from their meeting. The colleague or their representative are welcome to take their own notes.

13. During the first consultation meeting

At the meeting the manager will explain the reasons for the proposed changes, talk through the consultation process which should include an overview of timeframes, the process (if applicable) for requesting voluntary redundancy, the procedure for submitting counter proposals and an overview of a colleagues statutory entitlements. No decision will be made during this meeting and this is the colleague's opportunity to provide feedback and ask questions. Further formal meetings may take place throughout the consultation process.

14. Time off to seek work

If a colleague is at risk of redundancy, they are entitled to reasonable paid time off during their notice period to look for work, or seek retraining opportunities. This is subject to business needs and in accordance with current legislation.

15. Selection method and selection criteria

Where proposed changes may result in potential redundancies, selection for redundancy will be made using the most appropriate selection method. This may include, but is not limited to, desktop selection e.g. job matching, competitive interviews or an assessment. Selection criteria will be fair, consistently applied and appropriate for each particular situation, ensuring that the required skills are retained to meet business needs.

16. Suitable alternative employment

If a colleague is at risk of redundancy, any new roles created as part of the reorganisation will be deemed as a suitable alternative, depending on but not limited to, the following factors;

- How similar it is to their current role;
- The salary and working hours;
- The working environment and location;

Where the proposed role is wholly or mainly the same as the substantive role, and if no other colleagues are displaced, the colleague will be appointed to the new role. Should the colleague unreasonably turn down an offer of suitable alternative employment, they may forfeit their right to a redundancy payment.

17. Alternative employment

Where there are significant differences and a role is deemed an alternative role, a competitive selection process will be conducted. If a colleague accepts an offer of alternative employment, they will be entitled to a trial period of usually four weeks to determine if the role is suitable. If at the end of the trial period, the post is considered unsuitable by either the colleague themselves or the manager, the colleague would be in a redundancy situation and entitled to a redundancy payment.

18. Redeployment across NCG

Redeployment opportunities may also be available across NCG. Vacancies are advertised on the NCG careers website and any application will be subject to the standard selection process. The colleague should keep their manager updated on any vacancies they have applied for.

If a colleague accepts an offer of redeployment elsewhere in NCG they will be entitled to a trial period of usually four weeks, and a transfer of continuous service. If at the end of the trial period, the role is considered unsuitable by either the colleague or the manager, the colleague will be entitled to a redundancy payment.

Where a colleague has been successful in securing a role, they will need to confirm this with their manager as part of the consultation process.

19. Colleagues on maternity, adoption, paternity or shared parental leave

Colleagues on maternity, adoption, paternity or shared parental leave shall be given first refusal on any suitable alternative vacancy, appropriate to their skills. In order to preserve their right of return, they must comply with the notification requirements related to their leave.

20. End of consultation / notice of redundancy

At the end of the consultation process, where a colleague has secured a role, this will be confirmed to them in writing.

Where a colleague has not secured a role and dismissal due to redundancy is being considered, they will be invited to a final redundancy meeting by their consultation manager.

As soon as possible following the meeting, they will be informed of the outcome in writing and of any next steps. Where the outcome is dismissal due to redundancy, they will also be notified of their legal right to appeal.

21. Garden leave

NCG reserves the right to place any colleague 'at risk' of redundancy; on garden leave for all or for a proportion of their consultation and/or notice period. During a period of garden leave, it is NCG policy to suspend all system access and will request the return of all company issued property and equipment (except company car) during this time.

Garden leave is only permitted in exceptional circumstances and must be authorised by the college/training provider lead.

22. Right of appeal

Colleagues have the right to appeal if the outcome is dismissal due to redundancy. They should appeal in writing to the person identified in the outcome letter, stating the full grounds of their appeal within one calendar week of receipt of the outcome letter. If an appeal is not made within 7 calendar days, it will be assumed that the colleague accepts the decision.

Any appeal should be exercised under the relevant policy rather than raising a grievance under the NCG Grievance Policy.

An appropriate manager will be appointed and a further meeting will be held to discuss the appeal. The colleague will have the right to bring a companion in line with other formal meetings. As the meeting is formal, the same principles will apply to that of other formal meetings with regards to the meeting invitation, rights, attendees, responsibilities and expectations.

The purpose of the appeal is to consider any of the following raised by the colleague:

- Any new evidence provided.
- Specific appeal reasons.
- Procedural matters.
- Whether the decision to dismiss was appropriate.

Following the formal meeting, the outcome may be:

- The original decision is upheld.
- The original decision is overturned.

The outcome will be confirmed in writing, outlining any next steps, where appropriate. The appeal manager's decision is final and there is no further right of appeal.

23. Redundancy pay

If a colleague leaves NCG due to redundancy and have more than 2 years' service they will be entitled to a redundancy payment, conditional upon NCG's ability to pay the statutory minimum.

Redundancy payments take into account a colleagues age and continuous service. Payments are based on their normal contractual salary at the effective date of termination, capped at the statutory maximum and do not include any bonus or commission payments.

Should they have more than one contract of employment with NCG, redundancy pay will be calculated based on their length of service, specific to the particular contract for the redundant role.

24. Modification order 1999

Where a colleague has continuous service with a previous local government employer, who are part of the modification order, their previous length of service may be used when calculating their redundancy entitlement. They are responsible for bringing any previous service to the attention of their manager and for supplying the required evidence of continuous service and the reason for leaving that employment.

25. Returning to NCG

If a colleague leaves NCG due to compulsory redundancy and return within their contractual notice period, they will be required to repay a pro rata amount of notice pay if it was paid in lieu. They can retain their redundancy payment but will forfeit their continuous service.

If a colleague leaves NCG due to voluntary redundancy, they will not be able to return to NCG for a period of six months.

26. Pensions

Where a colleague is a member of a workplace pension scheme and their employment ends, no further contributions will be made into their pension plan. The workplace pension provider will write to them to advise of the benefits they have built up and their future options.

Please note that under the LGPS regulations if a colleague is aged over 55 and their contract of employment is terminated on the grounds of redundancy, including voluntary redundancy, they must take immediate payment of the benefits relating to this employment.

Colleagues should directly refer to their relevant pension scheme for more information on how redundancy may affect their NCG pension contributions or NCG pension benefits:

Teachers' Pension Scheme (TPS) – www.teacherspensions.co.uk

Local Government Pension Scheme (LGPS) – www.lgpsmember.org

Pension Resources:

The Pensions Advisory Service

<https://www.pensionsadvisoryservice.org.uk>

The Money Advice Service <https://www.moneyadviceservice.org.uk/en>

27. Variations to this policy / procedure

This procedure is intended as an overview of how a reorganisation is managed, however, it may need to be adapted to suit the needs of each situation. On occasions, it may not be appropriate to follow each of the stages in turn or in the timescales suggested. Regardless of the stage at which this procedure is started, support will be offered and implemented to assist colleagues throughout the process.