

ORGANISATIONAL CHANGE AND REDUNDANCY POLICY AND PROCEDURE

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1. Policy Statement

- 1.1 St Catharine's College (the "College") is committed to the provision of delivering education, learning, and research. Inevitably, this will involve a process of continuous service improvement and innovation which may result in the need for organisational change. The College is committed to communicating openly on such matters, save where discretion is required, and will undertake meaningful consultation with affected employees and their representatives, where applicable.
- 1.2 The College is committed to managing organisational change in a fair, consistent and legally compliant manner. This policy has been prepared, based on the University of Cambridge Organisational Change policy and with due consideration to ACAS guidance on such matters.
- 1.3 For the purposes of this policy, organisational change refers to situations in which teams or services are restructured in such a way as to impact directly on employee's terms and conditions, scope and/or nature of their job roles and functions as well as restructuring or introducing materially different working practices. In certain circumstances, the changes proposed may be significant and redundancies may be effected as a result. Organisational change does not include minor changes, such as variations to the working environment or line management structures where there is no change to contractual terms and conditions and where, substantially, the employee's working arrangements remain unchanged. In those cases, a reasonable process and consultative approach will be taken although the timeframes outlined in this policy and process document, relate to formal consultations (including when redundancy may be an outcome) and will therefore not be applied as standard.
- 1.4 The College will take all reasonable steps to support employees facing change, redundancy or redeployment to minimise the impact and to ensure that employees are provided with resources (where available and appropriate) and manage change and support their wellbeing. In turn, employees are encouraged to recognise and understand the organisational requirements and drivers for change, and we will expect all parties to be being responsive, flexible and open to the need for change.
- 1.5 The College is committed to avoiding making compulsory redundancies wherever possible. However, there will be occasions where there will be a requirement to reduce the overall number of staff employed to carry out work of a particular nature (diminution) or changes that result in some employees being made redundant (cessation) as their role function is no longer required. In the event that a redundancy situation arises, the College, in conjunction with its employees and their relevant trade union(s) will be committed to minimising and managing the impact of redundancies and will look to consider alternatives, e.g. redeployment, suitable alternative positions.
- 1.6 The lead manager will ensure the HR Committee review their proposals and updates them on the outcome of the consultation process.

2. Eligibility

- 2.1. This policy may be applied to any non-academic employee on either a permanent, or temporary (including fixed term) contract at St Catharine's College. It does not include academic, Fellows, agency or casual workers.
- 2.2. This policy will only apply to non-academic employees on secondment elsewhere, if their substantive college role is affected by a proposed organisational change or redundancy.
- 2.3. This Policy does not form part of an employee's contract of employment and may be amended from time to time as appropriate.

3. Procedure

3.1 Step 1 - Planning: Establishing the need for change

- 3.1.1 The lead manager, with support from HR, will be responsible for:
 - ensuring the establishment of a project team if appropriate
 - researching the options for change, identifying possible solutions and proposing options for how to achieve them
 - preparing a summary rationale for the proposed changes, including an outline timetable for the process and how the consultation will be managed. This information will be shared with the HR Committee or the Vacation Powers Committee, if out of term.
 - confirming who is responsible for approving proposals for the reorganisation and ensuring approval for the final structure is obtained (e.g. the HR and/or Vacation Powers Committee)
 - conducting the consultation and managing communications with staff (and trade unions where applicable), ensuring that, if required, statutory reporting notifications are met
 - undertaking an Equality Impact Assessment (EIA) and keeping it under review.

Consultation Planning

- 3.1.2 The lead manager will prepare a business case for the proposed organisational change which will include the following (where appropriate):
 - rationale for the organisational change and/or proposed redundancies
 - proposals as to how compulsory redundancies may be avoided or reduced
 - guidance on how employees can provide feedback on the proposals, including ideas for avoiding job losses or mitigating the impact
 - numbers and role descriptions of employees whom it is proposed the change will directly impact
 - total numbers of employees in roles that have been identified as at risk of redundancy
 - proposed method of selecting employees who may be dismissed, including selection pools and criteria where applicable
 - proposed method of carrying out dismissals (e.g. redundancy dismissal hearing arrangements)

- proposed method for allocating any new or revised positions
- the number of agency workers working temporarily for and under the supervision and direction of the employer, the parts of the undertaking in which they are working and the type of work which they are carrying out
- proposed timescales
- the proposed method for calculating redundancy pay

Minor Changes

- 3.1.3 In cases of minor change, as defined under 1.3, a fair and reasonable process will be followed, taking a consultative approach as outlined below:
- preparation of an explanation of the operational reasons and benefits for the proposed change(s) which is shared with the affected employees
 - listening to and taking account of the views of employees
 - provision of a sufficient period of notice to the affected employees (normally no less than 1 month)

In the event of any dispute as to whether the matter is minor or whether the Organisational Change policy applies, the matter will be determined by the Chair of the HR Committee, whose decision shall be final.

3.2 Step 2 - Consultation and Communication

- 3.2.1 Early informal, confidential discussions with staff on the proposed options for change, may occur before formal consultation begins.
- 3.2.2 In the event that more than 20 redundancies are proposed, the college shall comply with the requirements outlined in section 188 of the Trade Union and Labour Relations (Consolidation) Act 1992 and will issue a formal letter of consultation both to affected employees and, where appropriate, their trade union representatives.
- 3.2.3 An appropriate communication and consultation process will be established prior to the start of consultation according to the size and scope of the proposed change. This may include a combination of individual or group meetings.
- 3.2.4 Individual employees and any representatives will be encouraged to provide feedback on the proposals so their views are considered before final decisions are made.
- 3.2.5 The consultation will be completed before employees are issued notice of redundancy. In the event that voluntary solutions are found within the consultation period, the process may be ceased and appropriate paperwork issued to conclude the matter. In that situation, all affected parties will be notified of the outcome in writing.

Consultation Requirements

3.2.6 The College's policy is to provide a minimum of 15 working days' consultation to affected employees and their representatives (where applicable), if there are less than 19 employees directly affected by the proposals. The consultation period can be less than the above timeframe, subject to early agreement by both parties.

3.2.7 Further details on change periods are outlined below:

Number of employees affected	Consultation period	Total change period (including consultation)
1-19	15 working days	30 working days
20 – 100+*	45 days	90 days

*The legal requirement to conduct collective consultation applies if it is proposed that 20 or more employees are to be made redundant within any 90-day period. The purpose of collective consultation is to inform and consult employees and their representatives with a view to reaching agreement on ways of avoiding the dismissals, reducing the number of employees to be dismissed and mitigating the effects of dismissals. It enables employees and their representatives to comment on proposals, suggest alternatives and receive a reasoned response to opinions expressed.

If more than 20 redundancies are proposed to be effected within a 90-day period, a [HR1 notification form](#) will be submitted to the Redundancy Payments Service (RPS) prior to the consultation commencing.

Conducting the Consultation

3.2.8 Formal consultation will commence at the point when the affected employees and their representatives have been provided with the consultation documents.

3.2.9 In all circumstances, the lead manager (or nominated individual) will look to hold individual consultation meetings with affected employees on an individual basis as early as possible in the change process. Individual consultation will typically include two meetings at which the employee may be accompanied by either a trade union representative or a colleague who is an employee of the college.

3.2.10 During individual consultation meetings the lead manager will:

- explain the rationale for the organisational change/proposed redundancies in detail
- seek to ensure employees fully understand the implications of the proposed changes for them personally
- discuss potential roles in the new/revised structure to which they may be matched or that might be considered for alternative employment
- explain the selection process for allocating new/revised roles where appropriate, including the selection criteria
- seek the views of the employee on the proposed changes, including any practical means of mitigating or avoiding the redundancy if the employee occupies a post at risk
- explain the redeployment and other support that is available
- carefully consider any suggestions received
- encourage staff members to comment on the proposals

- 3.2.11 The lead manager will ensure that affected employees are able to express their views during the individual consultation process and must give genuine consideration to those views. The lead manager must make it clear that no final decision will be taken until the consultation process is completed.
- 3.2.12 Individuals potentially at risk of redundancy will be advised at the outset of the consultation exercise, so that they are fully aware of the potential outcomes and can access available support at the earliest opportunity.
- 3.2.13 Individuals who wish to receive an estimate of redundancy payment may request this during the consultation stage. Please note the college will automatically provide a redundancy package estimate to individuals who are at risk of redundancy, once that has been determined.
- 3.2.14 Employees who are absent from work, for example on sick leave, maternity leave or on secondment, will also be consulted, especially if the changes proposed put them at risk of redundancy. The lead manager will establish how these employees would like to be consulted, for example, by way of meetings at a neutral venue, online platform (e.g. Teams or Zoom), telephone or in writing, and should try to accommodate the employee's requests where reasonable. If a meeting is held off site, it is recommended that the manager be accompanied. The employee will have the right to be accompanied to formal consultation meetings by either a trade union representative or a colleague who is an employee of the College.
- 3.2.15 Following consultation meetings, the lead manager will carefully consider the feedback received from the affected employees and their representatives. A summary of key themes and reasoned responses will be prepared by the lead manager and circulated to those affected parties and representatives, as appropriate.
- 3.2.16 If it is necessary to revise the proposals significantly as a result of the feedback received, it may be necessary to undertake a further period of consultation on those revisions. The length of the additional consultation will depend on the nature and scale of the revisions.
- 3.2.17 After the conclusion of the consultation period, it will be confirmed to affected staff a) that formal consultation has now closed and b) what the new arrangements will be (e.g. the new structure), subject to any necessary college approvals. If further suggestions are brought forward by affected staff after the closure of formal consultation, the college will have discretion to consider these but this will not constitute a re-opening or extension of the consultation.
- 3.2.18 The remainder of the change period (the implementation planning period) will be used for planning the implementation of the change.

3.3 Step 3: Implementation Preparation

Job Matching and Role Allocation

3.3.19 There are specific legal requirements whereby employees at risk of redundancy are given the chance to apply for alternative roles, before they are offered more widely. If an employee holds a visa to work in the UK, advice will be sought from the HR Immigration team on the impact of a proposed change in role on their visa.

3.3.20 there are a number of considerations the lead manager will make both at the outset and during the consultation process regarding job matching and allocating roles in the new structure.

These will be outlined during the consultation process but may include one or more of the following approaches:

Assimilation	<p>May apply where:</p> <ul style="list-style-type: none">• there is little or no change between the role in the old and new structure, and• the number of roles remains the same or there are more roles available than employees matched to roles. The employee is automatically appointed to the role without an assessment process or trial period. If the employee declines the role, there is no entitlement to redundancy pay.
Ring-fencing (oversubscription)	<p>May apply where:</p> <ul style="list-style-type: none">• there is no change between the role in the old and new structure, and• there are fewer roles available than employees matched to the roles. <p>Following a successful assessment process, the employee is automatically appointed to the role without a trial period. If the employee declines the role, there is no entitlement to redundancy pay</p>
<u>Ring-fencing (suitable alternative employment)</u>	<p>May apply where:</p> <ul style="list-style-type: none">• the role in the new structure is not fundamentally the same but sufficiently similar in nature to be considered possible alternative employment. <p>A selection process is required to assess an employee's suitability for the role(s) and the appointment is subject to a trial period. If an employee unreasonably refuses an offer of suitable alternative employment, there is no entitlement to redundancy pay.</p>
<u>Restricted Competitive Selection</u>	<p>May apply where:</p> <ul style="list-style-type: none">• the role is not considered a suitable alternative employment for any employees in the affected staff group. <p>In these circumstances, employees from the affected staff group will be given an opportunity to apply for the role before it is advertised more</p>

	widely, in order to retain the employment of affected employees or as an additional way to mitigate redundancies.
<u>Open Competitive Selection</u>	<p>Applies where:</p> <ul style="list-style-type: none"> • after employees from the affected staff group have been given an opportunity to apply for the role. Any remaining vacant roles at this stage can be advertised more broadly.

Assessment and Selection

3.3.21 The lead manager will decide on the appropriate assessment method and selection criteria for allocating employees to roles in the new structure, having consulted with the affected staff and their representatives. This will be outlined in the consultation paperwork.

3.3.22 The methods for assessing employees might include:

- interviews
- relevant tests
- written submissions
- management assessments
- consideration of individual employment records e.g. live warnings or management advice regarding substantiated capability or conduct concerns.

3.3.23 The manager will ensure that the assessment method is fair, objective and valid for the role(s) in question and that the selection criteria are applied consistently and do not discriminate against any particular groups of staff.

3.3.25 If the number of suitable alternative posts in the old and new structures remains the same and/or there is only one candidate in a pool, then a management assessment may be sufficient.

3.3.26 If an employee is unable or unwilling to participate in a selection process or the manager is not reasonably able to adjust the approach (e.g. timescales involved prevent them from accommodating a particular individual's circumstances), the lead manager will make a decision on the most appropriate course of action based on the relevant information available. This could result in an employee being allocated to a job in the new structure or put at risk of redundancy.

3.3.27 The lead manager (or nominated individual) will inform affected employees verbally of selection outcomes and, where appropriate, any remaining options to mitigate redundancy wherever possible. The employee will also receive written confirmation of the outcome and notice of redundancy in accordance with this Policy, if appropriate, after the conclusion of the consultation period.

Redundancy Avoidance

3.3.28 In order to avoid compulsory redundancy, maximum advantage will be taken of alternative solutions, which may include:

- natural attrition
- redeployment to other parts of the organisation
- restriction on recruitment where practicable
- ceasing the employment of agency/contract staff where this would release permanent employment
- reviewing the use of temporary staff
- ceasing or reducing overtime
- seeking appropriate volunteers for redundancy
- considering suggestions from employees and/or trade unions

3.3.29 While suggestions for ways of avoiding redundancies will be welcomed during the consultation period, this does not mean that all or any suggestions will be adopted or implemented and the final decision will rest with the college, having consulted with affected employees and their trade unions.

Voluntary Redundancy

3.3.30 In order to reduce the need for compulsory redundancies, the college may invite requests from college employees within the group affected, for voluntary redundancy.

3.3.31 The College reserves the right to decline a request for voluntary redundancy at its absolute discretion. Similarly, a request made by an employee for voluntary redundancy may be withdrawn at any point, up to the start of any selection process for the employee's substantive post or a suitable alternative role.

3.3.32 Voluntary redundancy cannot be offered only to age groups eligible for an early retirement, as this could constitute unlawful discrimination. However, early retirement could be one element of a voluntary redundancy offer open to all employees.

3.4 Step 4: Concluding the Change Period (Consultation) and Next Steps

Confirmation of Redundancy and PILON (Pay in Lieu of Notice)

3.4.1 On conclusion of the change period (consultation), the lead manager will confirm the following in writing to any employees that are to be made redundant as part of the change process:

- confirmation that the employee's post is redundant (if this has not already confirmed).
- details of any entitlement to redundancy pay
- details of any entitlement to pay in lieu of notice (PILON) and any other monies owed, such as holiday pay
- details of the right of appeal

Individuals will be given the right to attend a redundancy dismissal hearing to consider the matter and will be given 5 working days' advance notice of the meeting date.

3.4.2 Notice arrangements will be in line with those outlined in the employee's contract of employment.

3.4.3 No dismissal will take effect until the day following the end of the change period (either day 31 if 1-19 employees affected, or day 91 if 20+ or more employees are affected) unless

otherwise agreed. The employee's contract may end prior to this, for example, if the employee wishes to leave their employment early.

- 3.4.4 For clarity, employment will terminate on the date specified in the notice of termination unless otherwise agreed.
- 3.4.5 The College will offer all staff under formal notice of redundancy, early release from their employment with basic pay in lieu of notice (PILON) to enable them to seek alternative employment. Such payments will be subject to tax and NI.
- 3.4.6 In certain circumstances, it may be agreed that an individual will work their notice period following the expiry of the change period.

Redundancy Pay

- 3.4.7 Employees who are made redundant following two or more years' continuous service with the College as at the date of dismissal, will be eligible for a redundancy payment based on statutory provisions (Section 162 of the Employment Rights Act 1996) which takes into account age and length of service. Where an individual's weekly pay is more than the statutory weekly pay as defined [here](#), it will be capped at the statutory rate for the purposes of calculating redundancy pay. The rate is reviewed each year by the Government.
- 3.4.8 The College reserves the right to pay a sum equivalent to redundancy if an employee has less than 2 years' continuous service, and the discretion to enhance redundancy pay, subject to a rationale that will be approved by the HR Committee.
- 3.4.9 The College will provide a redundancy package estimate to all individuals who are at risk of redundancy.
- 3.4.10 An employee whose role is redundant will not be entitled to a redundancy payment in circumstances where the employee:
 - is dismissed for reasons of misconduct, with or without notice preceding their proposed last day of service.
 - starts suitable alternative employment with the College, either as part of the restructure or through redeployment, without a break or with a break not exceeding four weeks and completes a trial period satisfactorily where relevant (the offer of alternative employment must be made before the employee's employment under the previous contract ends).
 - unreasonably refuses an offer of suitable alternative employment with the College.
 - leaves their employment before the expiry of contractual notice, unless this has been mutually agreed.

3.5 Step 5: Support for Employees

- 3.5.1 The College is committed to minimising the adverse impacts of organisational change and to ensure that employees are provided with support to cope with organisational change effectively and maintain their wellbeing.

The following resources are available and all staff are encouraged to look into these:

- Staff Counselling Service
- Wellbeing information and support via the Welfare Officer, HR Manager, College and University websites
- Redeployment support
- PPD training and development
- Trade union advice and support
- ACAS Guidance – How to manage change

- 3.5.2 The College will do all that is reasonably practicable to assist staff at risk of redundancy, as a result of organisational change, to find suitable alternative employment as early as possible.
- 3.5.3 Support in seeking redeployment will be offered to all employees who have been placed at risk of redundancy, including those employed on fixed-term contracts.
- 3.5.4 Employees at risk of redundancy will be entitled to a reasonable amount of paid time off to look for alternative employment, including outside the College, and attend interviews or training that is relevant for future employment. The employee should follow the normal processes for notifying their manager of planned time-off.

Trial Periods

- 3.5.5 Where an offer of alternative employment is made, employees under notice of redundancy have a statutory right to a trial period of four weeks. A trial period will start on the employee's first working day in the new role.
- 3.5.6 If during the trial period the employment is terminated by the College for a reason connected to the change in roles, the employee will be treated as having been dismissed by reason of redundancy on the date their original contract ended and will remain eligible for a redundancy payment based on what they would have been entitled to, had they been made redundant as at the original termination date. The same will apply if the alternative employment was not "suitable", and the employee nonetheless attempted a trial period but terminated the employment during the trial period.
- 3.5.7 If an employee unreasonably refuses an offer of suitable alternative employment (including during the trial period), they will be treated as having been dismissed but will lose their right to a statutory redundancy payment.
- 3.5.8 If a trial period is successful, employment in the role will continue and this will be confirmed in writing to the employee. The employee will no longer be entitled to redundancy pay.

Pregnancy, Maternity and Parental Leave

3.5.9 If an employee's position is made redundant during maternity adoption or shared parental leave, the employee is entitled to:

- a suitable alternative vacancy, where one is available. The new contract must be offered before the end of the original contract and it must take effect immediately on the ending of the original contract.

The work under the new contract must be both suitable and appropriate for them to do in the circumstances and the terms and conditions no less favourable than their original contract.

- any suitable alternative vacancies that exist before they are offered to other employees. The employee therefore has priority over other employees who are also at risk of redundancy.
- redundancy pay, if their post is made redundant. However, if the employee unreasonably refuses an offer of suitable alternative employment they may forfeit their right to a redundancy payment.

3.6 Step 6: Concerns and Appeals

3.6.1 Employees who feel that they have been treated unfairly under any section of the Organisational Change policy can, in the first instance, raise the matter with the, HR Manager and/or trade union.

3.6.2 Employees have a right to appeal against a decision to be dismissed on grounds of redundancy. In this situation, details of the appeal process will be provided to the individual in order for them to state their case to appeal within 5 working days of being issued with written notice of their redundancy dismissal.

Implementation, Monitoring and Review of this Policy and Procedure

The HR Manager has overall responsibility for implementing and monitoring this policy.

This policy takes effect from 1 June 2023 and will be reviewed every 3 years unless changes in legislation require that to take place sooner.

Any queries or comments about this policy should be addressed to the HR Manager.