Agreement between the University of Birmingham and BUCU on seeking to avoid compulsory redundancies arising from restructuring proposals

1 Introduction

1.1 Further to the procedure agreement which exists between the University and BUCU and in response to feedback as a result of recent consultations involving potential redundancies, the University and BUCU have jointly agreed the following document to provide guidance to managers and staff engaged in such consultations with a view to ensuring that, when similar circumstances arise in the future, there is greater clarity about how they may be handled.

1.2 The University and the Birmingham branch of the University and College Union (BUCU) agree that compulsory redundancy should be avoided where it is possible to do so.

1.3 Both sides recognize the University’s need to evolve and develop to avoid stagnation and decline, to enhance its reputation as a means of attracting high quality students and staff to the University, as a safeguard of its future and that of the staff as a whole.

1.4 The JNCC is the appropriate forum for the discussion of general matters, including systems and processes for managing potential redundancies; and prospective developments within the University.

2 Seeking to Avoid and/or Mitigate Redundancies

2.1 In carrying out strategic reviews of parts of the University’s structure, the University will seek the views of the staff concerned, where it is appropriate to do so, in order to inform any proposals which may arise from the review.

Where the University considers it necessary to bring about change through restructuring which may involve a reduction in the number of staff employed, it undertakes to present its proposals to BUCU and to the staff concerned at the earliest point at which redundancies are contemplated, before the proposals are finalised. (This is usually when a proposal by a College is accepted by the University as the basis of a consultation.) These proposals will include the rationale for the proposed changes to enable BUCU and the staff concerned to challenge assumptions and to make alternative proposals as appropriate.

2.2 For this purpose, the University will commit to a minimum consultation period of 60 days.

2.3 The University will provide an Equality Impact Assessment of the proposals at or near the start of the consultation period.

2.4 In potential redundancy situations, the University recognises the benefit of early and meaningful consultation with BUCU. The University also recognises its statutory obligations in respect of consultation. The University is therefore committed to holding regular collective consultation meetings – usually fortnightly, as appropriate - during the consultation period.

2.5 The University and BUCU agree to engage in consultation about such proposals with a view to reaching agreement on avoiding compulsory redundancy and/or mitigating the effect of the proposals with regard to the number of posts to be saved. Discussions on avoiding or mitigating redundancies will also include (but are not limited to):
i) Considering alternative proposals which may have a lesser – or no – impact on the existing number of staff employed, including non-pay reductions where appropriate and generating additional income;

ii) Making savings through natural wastage and a freeze on recruitment to the unit under consideration, recognizing the need to maintain an appropriate balance of skills and expertise;

iii) Considering applications for early retirement, voluntary severance (according to the University’s current scheme at the time of the re-organisation) or voluntary redundancy;

iv) Exploring the feasibility of part-time working and job sharing as a means of reducing the number of staff who would otherwise no longer be employed;

v) Redeployment to work elsewhere in the University under the University’s redeployment policy and procedure (see https://intranet.birmingham.ac.uk/hr/vacancies/creating-filling-vacancy/recruitment-and-selection/redeployees.aspx)

vi) Unpaid leave

vii) External networking to identify likely redeployment opportunities outside the University, particularly in neighbouring universities.

2.6 The University recognizes its obligation to continue to seek to avoid and/or mitigate redundancy – including measures set out above - throughout the process of consultation, selection and, subsequently, once notice of dismissal on grounds of redundancy has been issued, until notice expires. This will include providing support to those at risk, or under notice, of redundancy through its Employee wellbeing services (see https://intranet.birmingham.ac.uk/hr/wellbeing/yourwellbeing/index.aspx) and through its training and development services via POD (see https://intranet.birmingham.ac.uk/hr/leavers/support.aspx)

2.7 After the consultation period, the University will seriously consider the alternative proposals which have been made and adjust its plans as appropriate for implementation. Where alternative proposals have not been adopted by the University, it will provide an explanation of the reasons.

2.8 In the event that the measures outlined above fail to remove the potential redundancy situation, the University will provide BUCU with the information which is required by statute.

2.9 For academic staff, where appropriate, selection for redundancy will be in accordance with University Ordinance 3.20 (http://www.birmingham.ac.uk/Documents/university/legal/ordinances-section3.pdf). For administrative and other academic related staff, selection for redundancy will be in accordance with current ACAS guidance.