

**Conditions of Service for
Teachers and Managers in
*Lancashire Adult Learning***

Section 8

**REDUNDANCY/REDEPLOYMENT
PROCEDURES AGREEMENT**

REDUNDANCY/REDEPLOYMENT PROCEDURES AGREEMENT

1. SCOPE

- a) This procedure is a collective agreement between Lancashire Adult Learning (LAL) and the recognised teacher association for Adult Education.
- b) The procedure applies to the handling of redundancies among lecturers in Lancashire Adult Learning and covers the following categories of employee:
 - (i) permanent full-time and part-time lecturers;
 - (ii) full-time and part-time lecturers employed on fixed-term contract(s);
 - (iii) part-time hourly paid lecturers. (covered by Sections 2, 3 and 4 and appendix 4 of this document only).

2. GENERAL

- a) It is the intention of Lancashire Adult Learning, by careful forward planning, to ensure, as far as possible, security of employment for its lecturers.
- b) Changes in legislation and budgetary constraints may, however, make it necessary to consider the possibility of terminating and/or discontinuing the contracts of lecturers in the institution.
- c) This agreement has been made with the recognised teacher association in the attempt to provide a procedure to ensure a fair and consistent approach to selecting staff who may be made redundant. UCU's agreement to these procedures is without prejudice to its opposition to redundancy and to reductions in budgetary provision.
- d) These procedures are designed to conform to the requirements of Section 188 of the Trade Union and Labour Relations (Consolidation) Act 1992, and to good standards of industrial relations practice. Although not legally binding, the arrangements represent an agreed procedure within the meaning of Section 59(b) of the Employment Protection (Consolidation) Act 1978. The arrangements do not, however, override the rights of lecturers under employment legislation or contracts of employment.
- e) It is accepted that, notwithstanding any clause specifying the expiry date in fixed-term contracts, each and every lecturer shall be notified with as much notice as is practicable when it is proposed to terminate or discontinue employment by reason of redundancy.
- f) It is agreed that, where a fixed-term contract is to be renewed on the same terms and conditions, the individual shall be notified in writing as soon as practicable.
- g) It is accepted that, where a fixed-term contract has not been renewed before the expiry of the old one or entered into within a period of four weeks following expiry

of a previous contract, the lecturer may regard him/herself as dismissed as redundant unless there is a written explanation from the employer to the contrary.

3. CONSULTATION

- a) Lancashire Adult Learning will keep the recognised teacher association fully informed about staffing requirements and any need for staffing reductions.
- b) In order to find ways of reducing or avoiding the possibility of dismissals among lecturers, and to mitigate the consequence of any dismissals, consultations will be held as early as possible with a view to reaching agreement with the trade unions on proposals for terminating any contracts by reason of redundancy in the foreseeable future.

To this end, the recognised teacher association will be provided with information on:

- (i) the reason for the redundancy proposal;
 - (ii) the measures taken to avoid compulsory redundancy;
 - (iii) the number and descriptions of lecturers whom it is proposed to dismiss as redundant by termination or non-renewal of contracts in the foreseeable future;
 - (iv) the total number of lecturers of any such descriptions employed in the college;
 - (v) the proposed method of selecting lecturers who may be dismissed by virtue of termination or non-renewal of their contract;
 - (vi) the proposed timing and method of carrying out dismissals and the procedure for appeal against the decision to dismiss, and;
 - (vii) the method of calculating redundancy payments.
- c) This information will be sent to the recognised teacher association's regional officials as early as possible in accordance with the statutory requirements in s188 of TULR(C)A. In the course of the ensuing consultation, the service will consider any representations made and give reasons for rejecting any of them.
 - d) Where the recognised teacher association wishes to discuss the situation with the employer, a meeting will be arranged with the Principal as soon as possible after the request is received.
 - e) Consultation under s188 will be deemed to have commenced following written notification to the regional official.
 - f) Details of redundancy proposals will also be made available to lecturers identified as being 'at risk' and written comments on these proposals will be invited.

4. MEASURES TO AVOID OR MINIMISE POSSIBLE REDUNDANCY

- a) Under circumstances in which staffing reductions are envisaged the service will, in an attempt to obviate the need for any redundancies and in consultation with the recognised teacher association:
- (i) consider the virement of money from other budget headings in the staffing budget;
 - (ii) assess the effect of normal staff turnover;
 - (iii) make every attempt to fill vacancies from among existing regular hourly paid lecturers or those on fixed-term contracts due to expire;
 - (iv) minimise all 'overtime' worked by existing staff in areas where redundancies have been identified, or in areas where it is possible to make immediate redeployments, and any part-time lecturing undertaken by persons otherwise in full-time employment;
 - (v) not extend the services of any lecturer beyond the end of the term in which they attain the age of 65;
 - (vi) seek volunteers for redeployment from among lecturing staff;
 - (vii) invite voluntary redundancy from among lecturing staff, whether by Premature Retirement compensation or any other method agreed between the recognised teacher associations and the employer, and utilise the Premature Retirement Compensation Regulations or any other form of compensation agreed by the recognised teacher association and the employer.

5. PROCEDURES FOR SEEKING VOLUNTEERS

- a) Upon identifying any potential redundancy among lecturing staff, and at the same time as initiating consultation with the recognised teacher association, the service will undertake an initial assessment of the likely effect of policies to avoid or minimise redundancies.
- b) If thereafter it appears necessary, and after further consultation with the recognised teacher association, all lecturing staff will be invited to indicate their willingness to consider voluntary redeployment or redundancy. Such indications will not imply any commitment on the part either of Lancashire Adult Learning or the individual lecturers making the indication.

- c) Any staff indicating willingness to consider voluntary redeployment or redundancy exceeds the need for staffing reductions, the service reserves the right to select those lecturers who will be offered redeployment or redundancy, subject to considering the following criteria:
- (i) the needs of the institution in the current year and future years;
 - (ii) availability/capability of staff for redeployment;
 - (iii) appropriate qualifications and experience;
 - (iv) age;
 - (v) any other reasonable criteria.
- d) If the number of people indicating willingness to consider voluntary redeployment or redundancy exceeds the need for staffing reductions, the service reserves the right to select those lecturers who will be offered redeployment or redundancy, subject to considering the following criteria:
- (i) the needs of the institution in the current year and future years;
 - (ii) availability/capability of staff for redeployment;
 - (iii) appropriate qualifications and experience;
 - (iv) age;
 - (v) any other reasonable criteria.

NOTE: The above are not in order of priority.

- e) Any offer of voluntary redeployment or redundancy will be formally confirmed in writing and, if the lecturer accepts, notice will be served in accordance with the contract of employment, or statutory entitlement, whichever is the greater, unless the lecturer agrees this be waived.
- f) If any request for voluntary redeployment or redundancy within the service is turned down, the Principal will give good and stated reasons why the request has been refused.
- g) If residual overstaffing is deemed to exist thereafter, the institution will give further written notification to the recognised teacher association of the numbers and proposed criteria for selection for any redundancies.

6. NOMINATION FOR REDUNDANCY

- a) The Principal will apply the selection criteria and determine the nomination(s) for redundancy. A personnel officer will offer advice and will arrange to inform the recognised teacher association of the nomination(s) made.
- b) The Principal will consider whether he/she is able to mitigate the consequences of this decision by considering, with the Head of Service, the offer of alternative employment within the Service to the potentially redundant lecturer(s).
- c) The Principal will prepare the necessary written documentation including:
 - (i) the reason for the proposed dismissal(s)
 - (ii) the selection criteria used;
 - (iii) a copy of the redundancy procedures
 - (iv) arrangements for representations/appeals.
- d) The Principal will arrange for each nominated member of staff to be seen personally to be given the written documentation set out in (c) above. The lecturer may be accompanied by a friend or representative at any such meeting.
- e) The lecturer will be advised of his/her right to make representations, including oral representation, to the Principal. The lecturer should indicate, in writing, the wish to make such representations within five working days of the meeting specified in (d) above.
- f) The Principal will meet with the lecturer within five working days of receipt of notification from the lecturer of his/her wish to make representations. A personnel officer will attend this meeting.
- g) If, having considered the lecturer's representations, the Principal confirms the proposal to make the lecturer redundant, the decision will normally be advised orally after the meeting and then confirmed in writing within two working days.
- h) Lancashire Adult Learning will, within five working days of the deadline for representations or the hearing of such representations, issue to the lecturer a Notice of Dismissal on grounds of Redundancy.

7. NOTICE PERIOD

- a) Notice of Redundancy/Dismissal will be issued by Lancashire Adult Learning in writing to all teachers affected confirming;
 - The decision to terminate
 - The notice period
 - The last day of work
- b) The period of notice for full-time and Associate Lecturers will be four calendar months from the date on which the redundancy notice is issued.

8. SELECTION CRITERIA FOR REDUNDANCY

- a) Where compulsory redundancy becomes necessary, it is essential that a selection procedure is applied which is fair, objective, non-discriminatory and consistent in application. Selection for redundancy is a complex matter and must be undertaken in accordance with current employment protection legislation.
- b) A dismissal will be unfair if the selection is discriminatory on grounds of race, sex, disability or Trades Union membership or if it relates to health and safety matters. It will also be unfair, if the circumstances apply equally to other teachers in the service who have not been selected.
- c) Specific criteria should be developed as part of the redundancy proposal for the purpose of Trade Union consultation. A personnel officer will advise on such criteria.
- d) Selection should be undertaken on the basis of the principles set out below. Stage 1 (the needs of the service) should aim to produce the required nomination(s). Only if more than the required number of teachers are identified as a result of Stage 1 should Stage 2 be applied.

(i) **Stage 1 - The Needs of the Service**

The needs of the service are the paramount selection criteria. These needs will have been identified through a cycle of forward planning and review and will have been informed by the service's development planning and annual staffing and budgetary projections.

Selection will be determined by the fact that the requirements of the service for lecturers in particular specialist areas and/or to carry out other professional duties, have ceased or diminished or are expected to do so. At the same time consideration will need to be given to the **projected** needs of the service.

Circumstances may arise in which some lecturers who are identified as being at risk of redundancy are able to offer the skills required for some existing or future needs of the service. It will then be necessary to carry out an assessment of what those teachers are able to offer in order to decide how the continuing needs of the service can most effectively be met.

To assist in this assessment, lecturers at risk of redundancy will be asked to complete a Personal Profile setting out relevant qualifications and experience (see Appendix 5).

(ii) **Stage 2 - Other Subsidiary Selection Criteria**

If, as a result of Stage 1, more than the required number equally meet the criteria of the needs of the service, then other subsidiary criteria should be used to distinguish between the nominations. This will normally be based on the principle of 'last in first out' (LIFO).

Selection based on LIFO is often regarded as objective, easy to apply, and readily understood. If LIFO is used, it would be on the basis of the period of total service with Lancashire Education Authority.

It should be noted, however, that the application of LIFO can result in indirect discrimination on the grounds of gender or race in the case of, for example, women returners and recently appointed teachers from the ethnic minorities and for this reason total service, rather than reckonable or continuous service should be taken into account.

9. APPEAL ARRANGEMENTS

- a) The nominated lecturer(s) will be informed of the right of appeal, which must be submitted, in writing, to the Clerk to the Governing Body within 10 working days of the receipt of the Notice of Dismissal.
- b) A lecturer may appeal in respect of:
 - (i) the stated reason for the termination of the contract (or non-renewal of a temporary contract);
 - (ii) the adequacy of the consultation process;
 - (iii) the alleged failure of the employer to apply the agreed procedures.
- c) The Appeal Panel will consist of at least three Governors nominated by the Authority for that purpose and who shall be elected members of the Authority.
- d) The Clerk to Governors will convene a meeting of the Appeals Panel to be held prior to the expiration of the notice period. The CEO's representative, normally a Personnel Officer, will advise the Panel.
- e) The lecturer may be accompanied by a friend or a representative of a recognised teacher association.
- f) The Principal will prepare the necessary papers for the appeal, including the proposal for redundancy, selection criteria, and the personal profile/scoring for the appellant.
- g) The Clerk to Governors will supply the lecturer with any necessary papers relating to the appeal hearing at least five working days before the hearing.
- h) The appeals procedure to be followed is set out in full in Appendix 1.
- i) The appeal shall only deal with the decision in respect of the individual(s) under consideration.
- j) The decision of the Appeals Panel shall be final and no further rights of appeal shall be allowed under these procedures.

10. FURTHER ASSISTANCE

- a) During the period of notice, the Service will make available to lecturers given notice of redundancy:
- (i) the provisions for voluntary redeployment or voluntary redundancy as were previously available;
 - (ii) information, advice and counselling upon future employment possibilities;
 - (iii) information about the calculation of severance pay;
 - (iv) reasonable leave of absence without loss of pay to attend interviews etc, connected with future employment;
 - (v) release from their existing contracts to take up alternative employment, with the waiving of minimum notice periods by agreement.
- b) At the same time, the Service will make every effort to find alternative or new employment, for lecturers under notice of redundancy by:
- (i) identifying vacancies within the institution to which they might agree to be redeployed;
 - (ii) consulting with other colleges within the Authority;?
 - (iii) such other steps as may be of assistance;
 - (iv) if the lecturer has been issued with a redundancy notice and is offered alternative employment, he/she will be entitled to a statutory trial period of four weeks duration.

11. REDUNDANCY PAYMENTS

Redundancy payments are made in accordance with the Statutory Scheme regarding age, length of service and upper age limit. However, the 'weeks pay' element is based on the actual weekly pay of the individual and not on the statutory maximum where the actual week's pay exceeds this.

NOTES:

- (i) the term 'lecturer' throughout this document includes staff on the management salary spine and principal salary bands;
- (ii) the recognised teacher association for Adult Education is the University and College Union (UCU)

REDUNDANCY PROCEDURES

FLOWCHART

<i>ACTION</i>	<i>TIMING</i>
CONSULTATION	
Consultation with recognised teachers association on proposals for redundancy.	As soon as possible
Lecturer 'at risk' provided with copy of proposals.	As soon as possible
Meeting convened with teacher association if requested.	As soon as possible
Consideration of representations by teacher association/lecturers.	As soon as possible
Issue of s188 notice to teacher association regional official.	Once proposal confirmed.
VOLUNTARY OPTIONS	
Volunteers sought for voluntary redundancy or redeployment.	As soon as possible
Further notification to teacher association of number of redundancies and selection criteria.	Following consideration of 'volunteers'
NOMINATION FOR REDUNDANCY	
Application of selection criteria.	Following notification to Association.
Nominated staff meet with Principal (nomination confirmed in writing).	As soon as possible
Nomination staff request meeting to make representations.	Within five working days of notification
Principal convenes meeting to hear representations	Within five working days of request
Confirmation of nomination.	Within two working days of meeting
Issue of Notice of Dismissal.	Within five working days of representations (or deadline for requesting meeting)
APPEAL	
Request for appeal hearing.	Within ten working days of Notice of Dismissal.
Appeal papers to lecturer	At least five working days prior to hearing.
Appeal Hearing.	Prior to end of notice period.

APPEAL PROCEDURE

Procedure for a meeting of an Appeal Panel to consider an appeal by or on behalf of a member of staff whom the employer has decided to dismiss.

- (i) All relevant documentation to be sent to parties to the hearing and members of the panel by the Clerk to the Governing Body at least 5 working days before the date of the meeting.
- (ii) The principal or other representative to present the case. He/she may call witnesses.
- (iii) The employee (or his/her representative) to have the opportunity to ask questions of the principal (or other representative) and any witnesses.
- (iv) Members of the Panel to have the opportunity to ask questions of the principal (or other representative and any witnesses).
- (v) The employee (or his/her representative) to make representations on the dismissal proposal. He/she may call witnesses.
- (vi) The principal (or other representative) to have the opportunity to ask questions of the employee (or his/her representative) and any witnesses.
- (vii) Members of the Panel to have the opportunity to ask questions of the employee (or his/her representative) and any witnesses.
- (viii) The principal (or other representative) to have an opportunity to sum up his/her case.
- (ix) The employee (or his/her representative) to have an opportunity to sum up his/her case.
- (x) The principal (and his/her representative), the employee (and his/her representative) and witnesses to withdraw.
- (xi) The Panel to consider their decision.
- (xii) The Panel's decision to be notified to both parties.
- (xiii) The decision to be confirmed in writing to the employee.

REDEPLOYMENT PROCEDURES

- (i) The following provisions will apply to lecturers indicating willingness to accept voluntary redeployment under circumstances of potential redundancy.
- (ii) A lecturer who is willing to consider redeployment should notify the principal of the type of vacancy in which he/she is interested. Any such lecturers will be able to discuss their position with the principal (accompanied by a friend if so wished).
- (iii) A lecturer may volunteer for redeployment within the Service
- (iv) Before any post is externally advertised, the principal will consider whether any staff having indicated willingness may be suitable for the vacant post. If more than one potentially redundant lecturer expresses interest in the same post, all will be interviewed before an offer of alternative employment is made. Confirmation of appointment will be in accordance with the institution's instruments and articles of government.
- (v) Upon any redeployment being agreed, written confirmation of the offer of alternative employment will be sent to the lecturer in such terms as will also serve to establish continuity of employment, salary safeguarding for all salary purposes, and any safeguarding of conditions of service.
- (vi) Additional travelling expenses incurred by redeployed lecturers will be reimbursed (at the approved rate in force) in excess of that previously incurred between home and work location, from which they have been redeployed, for a period of four years subject to review in individual cases, under arrangements agreed with the employer.

An employee incurring additional travelling expenses following redeployment will be paid an allowance equal to the difference between the cost of travelling (i) from his/her home to his/her new place of work; and (ii) from his/her home to his/her old place of work. This allowance will be paid for a period of four years at the full rate and will be based on either:

Standard rail and/or bus fares, or

Mileage allowance in respect of the additional mileage actually involved in the change of place of employment if the employee is an essential car user.

NOTE: This provision applies only where the difference between the cost of travelling (both ways) from home to the new place of work, and from home to the old place of work is more than £1.23 per day.

In cases where groups of employees are involved and there is lack of suitable public transport arrangements management may consider alternative transport provision

- (vii) If a lecturer has been issued with a redundancy notice and is offered alternative employment, he/she will be entitled to a statutory trial period of four weeks duration.

POLICY AND PROCEDURES FOR HOURLY PAID PART-TIME LECTURING STAFF

This procedure is a collective agreement between Lancashire Adult Learning and the Lancashire Liaison Committee of the University and College Union (UCU)

POLICY

Lancashire Adult Learning will make every effort to secure equivalent continuing employment for part-time staff on an annual basis.

PROCEDURE

1. All part-time hourly paid staff will be notified of potential redundancy prior to the end of each academic year.
2. Concurrent with 1 above, Lancashire Adult Learning will provide UCU with the information as set out in Section 188 of the Trade Union and Labour Relations (Consolidation) Act 1992.
3. The Service will make every effort in September to provide work for hourly paid part-time lecturers equivalent to that of the previous year.
4. Where part-time lecturers are offered fewer hours than in the previous year, the Service will seek to redeploy those staff to different areas of work consistent with their qualification and experience.
5. The Service will not recruit new part-time staff nor increase the hours offered to existing part-time staff until stage 4 (above) has been completed.
6. In the event that insufficient work is available within an identified subject area and that lecturers cannot be redeployed under 4 and 5 above, the following selection criteria will apply:
 - (i) The needs of the Service

Consideration will be given to the qualifications and experience of staff currently working in the identified subject area in relation to the proposed course programme.
 - (ii) Length of Service

In the event that the above criterion does not provide a sufficient degree of discrimination, consideration will be given to length of continuous local authority service.
7. Any requests for work sharing will be considered sympathetically by the employer.

8. At all stages of the above procedure, there will be full consultation between Lancashire Adult Learning and UCU.

APPENDIX 5

COLLEGES OF ADULT EDUCATION

STAFF PROFILE

Name: _____ **Date of Birth:** _____

Qualifications (list all degrees, diplomas, teaching qualifications, TDLE with dates)

Staff Training (list all staff training courses attended in the last three years)

Teaching Profile

(a) Subjects taught in previous year and weekly hours

(b) Other subjects qualified to teach (list all subjects and indicate experience with dates)

(c) Availability for teaching

	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
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Morning						
Afternoon						
Evening						

(d) Other relevant experience (include industrial, commercial and voluntary)

Current Responsibilities

(a) Within LAL

(b) Outside LAL

(c) Voluntary within LAL

Service (Service details with Lancashire Adult Learning)

Other Relevant Information

Signature: _____ **Date:** _____