illness, that the delay involved would be unreasonable, the Panel shall have power to proceed with or continue the hearing in the absence of the office holder. If the office holder is not present at the hearing, he or she shall still have the right to be represented.

3.19.6 The decision of the Panel (by majority, if necessary) whether to terminate the period of office of an office holder shall be given in writing and sent to the office holder. If the decision of the Panel is that the office holder be removed from office, the Panel shall also determine whether or not the removal from office is with immediate effect or whether or not to suspend or continue the suspension of the office holder pending any appeal. The notification of the decision of the Panel will be sent by recorded delivery (or equivalent) to the home address of the office holder.

3.19.7 If the office holder wishes to appeal against the decision of the Panel, he or she should do so in writing to the Vice-Chancellor normally within 14 calendar days of receipt of the decision of the Panel, setting out in full the grounds of his/her appeal.

3.19.8 The appeal will be heard by a Panel ("the Appeal Panel"), convened in accordance with paragraph 9 below.

3.19.9 The Appeal Panel shall comprise three persons (being persons other than members of the Hearing Panel) designated by the Pro Chancellor or his/her nominee to hear the appeal.

3.19.10 The Appeal Panel shall have discretion to decide on the conduct of the appeal hearing in accordance with the provisions set out in paragraphs 5(iv) – (vii) above.

3.19.11 As soon as reasonably practicable after the appeal hearing, the Appeal Panel will make its decision (by a majority if necessary). The Appeal Panel shall be entitled to:

3.19.11 (a) confirm the decision to remove the office holder from office reached by the initial Panel;

3.19.11 (b) allow the appeal.

3.19.12 The decision of the Appeal Panel shall be given in writing and sent to the appellant. The decision of the Appeal Panel shall be final.

3.20 Redundancy Dismissals

The procedure for dismissing members of Staff by reason of redundancy and for the handling of appeals against such dismissals, under Statute 14 Clauses 7 and 8 shall be as follows:

<u>Part I - Application and Scope</u>

3.20.1 This Ordinance applies to members of Staff as defined by Statute 14 Clause 2(1), with the exception of those Staff excluded from the scope of Statute 14 Part II by:

3.20.1 (a) Statute 14 Clause 5(1) (Staff appointed prior to and not promoted after 20 November 1987); and

3.20.1 (b) Statute 14 Clause 2(5) (the Vice-Chancellor).

3.20.2 This Ordinance shall not apply to:

3.20.2 (a) the proposed dismissal of a member of Staff where that dismissal would arise from the expiry without renewal of a fixed term contract;

3.20.2 (b) removal from office as Pro-Vice Chancellor, Deputy Pro-Vice-Chancellor, Head of School or academic unit or such other offices as have been designated by the Council, to which a member of Staff has been elected or appointed and which is distinct from that individual's substantive post, where dismissal from the substantive post is not contemplated; and

3.20.2 (c) the proposed non-confirmation in post of a member of Staff at the end of a period of probationary service.

3.20.3 The procedure set out in this Ordinance acknowledges that the proposed dismissal of a member of Staff by reason of redundancy:

3.20.3 (a) may or may not be required to be the subject of prior consultation with appropriate representatives under Section 188 Trade Union and Labour Relations (Consolidation) Act 1992 ("TULRCA"); and

3.20.3 (b) may or may not be required to be effected by the application of selection criteria to affected members of Staff of a certain description or category and/or within a specific School, or other appropriate unit.

3.20.4 Nothing in this Ordinance shall preclude:

3.20.4 (a) the University from seeking volunteers for dismissal by reason of redundancy;

3.20.4 (b) any member of Staff agreeing to voluntary severance, early retirement (if eligible) or redeployment to another post;

at any time.

Part II – General Principles

3.20.5 This Ordinance shall be applied and construed in every case to give effect to the guiding principles set out in Statute 14, Clause 1(1).

Part III – Preliminary Stage

3.20.6 Prior to any request for Council to make a determination in respect of the proposed dismissal of a member or members of Staff by reason of redundancy, under Part IV below, the University shall discharge any legal obligations it may have in respect of collective redundancies under Section 188 of the Trade Union and Labour Relations (Consolidation) Act 1992, or

any legislation which may replace that Act. These include consultation at the earliest opportunity with the Staff concerned and, where appropriate, with the recognised trade union, namely the University and College Union, or any successor to it. The consultations, which will include setting out the reasons for the proposed redundancies, are to be with a view to reaching agreement on avoiding collective redundancies or reducing the number of Academic Staff affected, and mitigating the consequences.

3.20.7 Each member of Staff potentially at risk of dismissal by reason of redundancy shall be advised by the Director of Human Resources or nominee in writing of that fact and of the reasons for the proposed redundancy or redundancies and shall be given an opportunity within an identified period of time, not less than 21 calendar days, to make written representations in respect of that proposal to a person or persons nominated by the Vice-Chancellor for that purpose. Such representations may include, without limitation, suggestions as to how the proposed redundancies could be avoided or their numbers reduced.

3.20.8 A request to Council to make a determination under Part IV below shall be made by the Registrar and Secretary or the Vice-Chancellor's nominee and shall specify the reasons for the proposed redundancy or redundancies, and report the action taken under paragraphs 6 and 7 above.

3.20.9 Council may proceed to make a determination under Part IV below subject to receiving a report under paragraph 8 and Council being satisfied that the steps referred to in paragraphs 6 and 7 have been taken, including, as appropriate, consultation with the recognised Trade Union.

Part IV - Determination by Council

3.20.10 Council shall determine, having regard, where appropriate, to any report received under paragraph 8 and being satisfied in any event that the steps referred to in paragraphs 6 and 7 have been undertaken, whether the proposed redundancy or redundancies shall be effected and whether the procedures in Part V of this Ordinance should be instituted to effect the proposed redundancy or redundancies. Without prejudice to the generality of Council's powers under this paragraph, Council:

3.20.10 (a) may determine that the procedures in Part V shall be instituted to effect some or all of the proposed redundancies and direct that the Senate be informed;

3.20.10 (b) may request further information;

3.20.10 (c) may direct (as applicable or appropriate) that consultation with appropriate representatives and/or discussion with the affected members of Staff shall resume or continue until such further time as Council shall specify; or

3.20.10 (d) may decide that no further action be taken.

3.20.11 If the Council determines under clause 3.20.10 (a) above to institute the procedures in Part V, it shall establish a Panel to oversee the process:

3.20.11 (a) The Panel shall consist of five people, including Academic Staff with knowledge of the area under consideration, appointed by the Council on the Vice Chancellor's recommendation (or that of his/her nominee);

3.20.11 (b) Where the Panel is dealing with a member or members of Staff falling within Statute 14 Clause 19(1), then a representative of the National Health Service or other relevant body may be appointed to the Panel and where this occurs the Panel may consist of more than five members, but shall not exceed seven persons;

3.20.11 (c) No Panel member shall have any conflict of interest in the matter including direct line management responsibility for any of the potentially affected Staff;

3.20.11 (d) The Panel will be advised by the Director of Human Resources or a senior nominee (normally a Deputy or Assistant Director of Human Resources); and

3.20.11 (e) After the Panel has discharged its function as set out in the Council's determination, it shall be dissolved.

Part V - Consultation with Affected Staff

3.20.12 This Part shall apply where Council has determined under Part IV of this Ordinance that the procedures in this Part shall be instituted in respect of any proposed redundancy or redundancies under the circumstances set out leading to the Council's determination.

3.20.13 The member or members of Staff at risk of dismissal under this Part as a result of Council's determination shall be notified in writing:

3.20.13 (a) that Council has determined that the procedure in this Part shall be instituted;

3.20.13 (b) of the identity of the members of the Panel and its adviser appointed in accordance with paragraph 11 above;

3.20.13 (c) of the number of redundancies to be effected as a result of that determination;

3.20.13 (d) of the School or other unit and/or (as appropriate) the categories or descriptions of Staff affected by that determination; and

3.20.13 (e) that he or she is employed in a School or other unit, and/or (as appropriate) falls within a category or description of Staff affected by that determination.

and that accordingly he or she is potentially at risk of dismissal by reason of redundancy under this Part and that he or she shall be consulted individually before any decision to dismiss him/her by reason of redundancy is taken.

3.20.14 Paragraphs 16 - 25 and paragraphs 28 and 29 will apply in respect of any redundancy or redundancies to be effected under this Part by the application of selection criteria to any group of affected Staff.

3.20.15 Paragraphs 26 and 27 and paragraphs 28 and 29 will apply in respect of any redundancy or redundancies to be effected under this Part otherwise than by the application of selection criteria to any group of affected Staff.

Procedure where selection criteria are to be applied

3.20.16 The Panel established by the Council's determination in paragraph 11 of this Ordinance shall determine the provisional criteria to be applied, taking due account of the outcome of consultation (where appropriate) with the recognised trade union and representations made by Staff and by the Head of the School in which the affected Staff are employed.

3.20.17 Each member of Staff in a group of affected Staff to whom this paragraph applies will be notified in writing of:

3.20.17 (a) the relevant group of affected Staff (by School or other unit and/or by category or description) from which redundancies will be effected by the application of selection criteria;

3.20.17 (b) the total number of Staff employed in that group of affected Staff;

3.20.17 (c) the total number of Staff to be dismissed from that group by reason of redundancy;

3.20.17 (d) the provisional selection criteria to be applied by the Panel and the nature of the evidence provisionally to be used by the Panel to determine which members of Staff within the affected group are to be dismissed by reason of redundancy; and

3.20.17 (e) the date, at least14 calendar days from the date of the notification, by which comments on the provisional selection criteria must be received in the Office of the Director of Human Resources.

The Panel will also in writing and by discussion seek comments from the recognised trade union on the proposed selection criteria, specifying the time limit given under sub-paragraph (v) above for the receipt of any comments.

3.20.18 The Panel, having received and considered any comments from affected members of Staff and/or the recognised trade union, will determine the selection criteria to be applied and the nature of the evidence to be used by the Panel to determine which members of Staff within the affected group are to be dismissed by reason of redundancy and shall notify each member of Staff in the affected group in writing of:

3.20.18 (a) the selection criteria and the nature of the evidence;

3.20.18 (b) the date by which they will be informed of the outcome (noting that all the affected Staff will be notified on the same date); and

3.20.18 (c) the time period – at least 14 calendar days - within which to make written representations about and/or provide any information he or she wishes to be taken into account when and if the selection criteria are applied to them, such time period taking full account of the circumstances of the potential redundancy situation.

After the end of the period for affected members of Staff to make written representations, the assessment of affected Staff against the selection criteria shall be carried out by the Panel, which may at any stage invite written clarification relating to the evidence from the members of Staff affected and from the Head of School in which the affected Staff are employed.

3.20.19 After all members of Staff within the relevant group of affected Staff have been assessed against the selection criteria, those Staff provisionally selected for redundancy will be notified of that fact in writing, and shall be provided at least 14 calendar days in advance of the meeting referred to in paragraph 21 with full disclosure of the evidence considered by the Panel in arriving at its decision of his/her provisional selection for redundancy.

3.20.20 Those members of Staff within the relevant group of affected Staff not provisionally selected for redundancy shall be advised in writing that, although not provisionally selected at this stage, the position could change as a result of meetings with or appeals by provisionally selected members of Staff under this Part V or Part VII. If subsequently selected, they shall be informed in writing that they have the same rights to consultation and appeal as those provisionally selected under paragraph 19.

3.20.21 Each provisionally selected member of Staff shall be invited to a separate meeting (exclusive of any other provisionally selected Staff) with the Panel which carried out the assessment of that member of Staff against the selection criteria. At the meeting the application of the selection criteria to that member of Staff shall be explained and the member of Staff shall have the opportunity to challenge the application of the criteria to him/her and make oral or written representations in respect of that assessment.

3.20.22 The member of Staff will have the rights to be present and to be represented at the meeting referred to in paragraph 21 by a member of Staff or trade union representative of his/her choice and accompanied by a friend who shall be a member of Staff and who shall take no part in the proceedings.

3.20.22 (a) If the member of Staff or his or her representative is not available at the time proposed, the meeting shall be postponed to another reasonable time at which both are available being normally not later than 14 calendar days after the date first proposed for the hearing.

3.20.22 (b) The representative attending the meeting with the member of Staff may speak on the member of Staff's behalf, but may not, except with the permission of the Chair of the Panel, answer questions (relating to the issues in dispute) on the member of Staff's behalf.

3.20.22 (c) If the member of Staff fails to attend the hearing without a valid reason, or is prevented from attending for such a long period of time that the delay involved would be unreasonable in all the circumstances, the Panel shall have power to proceed with or continue the hearing in the absence of the member of Staff. If the member of Staff is not present at the hearing, he or she shall have the right to be represented at the hearing.

3.20.23 Whether on the application of the member of Staff or otherwise, the Panel shall hold further meetings as it, in consultation with the adviser appointed under paragraph 16 above, considers necessary, to allow the member of Staff to challenge the application of the criteria to him/her or to understand further the reasons for his/her selection and to allow those who carried out the assessment of that member of Staff to respond.

3.20.24 The member of Staff shall be informed in writing of any changes to his/her assessment against the selection criteria made as a result of the representations referred to in the meetings under clauses 3.20.21 and 3.20.23 above.

3.20.25 Following the meetings referred to in clauses 3.20.21 and 3.20.23 above, and having taken account of any representations made by the individual member of Staff, each member of Staff selected for dismissal by reason of redundancy shall be notified of that fact in writing and the reasons for their selection. The letter will specify a period of time during which alternative employment for the member of staff shall be sought and considered before proceeding further under this Part.

Procedure where selection criteria not required

3.20.26 The member or members of Staff to whom this paragraph applies shall be notified in writing of the reasons for their proposed dismissal and shall be given at least 14 calendar days notice of a separate meeting (exclusive of any other members of Staff proposed for dismissal) at which they can make oral or written representations and at which they shall have the rights set out in paragraph 22 above. Whether on the application of the member of Staff or otherwise, the Panel shall hold further meetings as it, in consultation with the adviser appointed under paragraph 16 above, considers necessary, to discuss the representations and respond to them.

3.20.27 Following the meeting(s) with each member of Staff concerned, the member or members of Staff shall be advised in writing of the decision taken and the reasons for it. The letter will specify a period of time during which alternative employment for the member of staff shall be sought and considered before proceeding further under this Part.

Notification of Dismissal

3.20.28 Clause 3.20.29 applies after the notification under clause 3.20.25 or 3.20.27 and (if appropriate) after the expiry of any period for seeking and considering the availability of alternative employment, where no such alternative employment has been made available or accepted.

3.20.29 The Vice-Chancellor (or such other person authorised to act on behalf of the Vice-Chancellor under Statute 14, Clause 7(1)(vii)) shall review the record of attempts to re-deploy the member of Staff selected for dismissal on grounds of redundancy and satisfy him/herself that the obligation to seek to secure alternative employment has been fully discharged. If the Vice-Chancellor (or nominee) is not satisfied that the obligation to seek to secure alternative employment has been fully discharged, s/he shall determine a further period during which the availability of alternative employment is sought and considered. When the Vice-Chancellor (or nominee) is satisfied that the obligation has been fully discharged, s/he shall write to the member of Staff to confirm that his or her employment is being terminated by reason of redundancy either with notice or, with the agreement of the member of Staff, with pay in lieu of notice. The Vice-Chancellor (or nominee) will at the same time inform the member of Staff of his/her right to appeal against that dismissal under Part VII, including any applicable time limits for the making of such an appeal. A dismissal will take effect on expiry of notice (or on payment in lieu of notice) whether or not the member of Staff has exhausted his/her right of appeal under Part VII. A member of Staff who is dismissed on grounds of redundancy will normally be offered honorary academic status, initially for a period of three months, during which s/he will remain on the University's redeployment register.

Part VI - Notification of Redundancy Dismissals to Council

3.20.30 Council shall be notified of all dismissals effected under Part V. Following notification to Council, a report of any dismissal will also be given to Senate. Any dismissed member(s) of Staff shall remain anonymous in any report to Council or Senate and in the minutes of meetings at which such reports are considered.

Part VII - Appeals

3.20.31 A member of Staff who wishes to appeal against his/her dismissal under Part V of this Ordinance shall do so in writing to the Registrar and Secretary normally within 28 calendar days of receipt of the written notice of dismissal under paragraph 29. The member of Staff should set out the grounds of his/her appeal.

3.20.32 The appeal will be heard by a Panel (the "Appeal Panel") constituted in accordance with clause 3.20.33 below.

The Appeal Panel shall be appointed by the Pro Chancellor on a case by case basis and in accordance with the following rules:

3.20.33 (a) subject to paragraph (iv) below each Panel shall consist of three persons;

3.20.33 (b) at least one member of the Panel but no more than two shall be a lay member of the Council or an Emeritus Professor and at least one shall be a member of Academic Staff (from a different School or other unit from the appellant) drawn from a list agreed from time to time by

the Senate of the University;

3.20.33 (c) no Panel member shall have had any previous direct or active involvement in the process or decision to dismiss the member of Staff by reason of redundancy, or any conflict of interest in the matter. No person may sit on both the Panel established by the Council under clause 3.20.11 above and the Appeal Panel in a particular case;

3.20.33 (d) where the Panel is dealing with a member of Staff falling within Statute 14, Clause 19(1) then a representative of a National Health Service or other relevant body may be appointed to the Panel. Where this occurs the Panel may consist of more than three members, but shall not exceed five persons; and

3.20.33 (e) the Panel shall be advised by the Director of Human Resources or a nominee with a personnel qualification or an experienced personnel practitioner.

3.20.34 The Pro Chancellor shall determine who shall chair the Appeal Panel.

3.20.35 The Registrar and Secretary or his/her nominee shall write to the member of Staff at least 21 calendar days in advance of the appeal hearing:

3.20.35 (a) inviting the member of Staff to an appeal hearing (the "Appeal Hearing");

3.20.35 (b) naming the members of the Appeal Panel and the adviser appointed under sub-paragraph 33(v) above;

3.20.35 (c) reminding the member of Staff that s/he has an inherent right to challenge the membership of the Panel on the grounds of conflict of interest; and

3.20.35 (d) informing the member of Staff of his/her right to be represented or assisted in accordance with paragraph 36 below.

3.20.36 At the Appeal Hearing the member of Staff may be represented by any other person, who may be legally qualified and may also be accompanied by a friend who shall be a member of Staff and who shall take no part in the proceedings. If the member of Staff or his or her representative is not available at the time proposed for the Appeal Hearing, the meeting shall be postponed to another reasonable time at which they will both be available, being normally not later than 14 calendar days after the date first proposed for the Appeal Hearing. Any representative may attend the hearing with the member of Staff, may speak on the member of Staff's behalf but may not, except with the permission of the Chair of the Appeal Hearing, answer questions (relating to the issues in dispute) on the member of Staff's behalf.

3.20.37 Subject to clause 3.20.36 above, it shall be for the Appeal Panel at its discretion to determine, in consultation with the adviser appointed under sub-clause 3.20.33 (e) above, the procedure to be followed in preparation for and at the Appeal Hearing which may include without limitation:

3.20.37 (a) a right to call for additional documents;

3.20.37 (b) determining the extent to which witnesses may be called; and

3.20.37 (c) deciding whether it would be appropriate to adjourn or postpone the Appeal Hearing.

The appellant shall have the right to see, question and challenge at the Appeal Hearing any witnesses and any new evidence which may be produced.

The Appeal Hearing will be held in private and the rules of evidence or procedure applicable in a court of law need not apply.

3.20.38 The member of Staff shall indicate to the Appeal Panel whether or not s/he wishes to attend the Appeal Hearing in person. If s/he wishes to attend in person, s/he shall take all reasonable steps to attend the Appeal Hearing and/or any reconvened Hearing following an adjournment or postponement. If the member of Staff then fails to attend the Appeal Hearing or any reconvened Hearing following a postponement or adjournment of the Appeal Hearing without reasonable excuse, the Appeal Panel shall be entitled to proceed in his/her absence. If the member of Staff is not present at the Appeal Hearing, s/he shall have the right to be represented at the Appeal Hearing.

3.20.39 The Appeal Panel will make its decision and inform the member of Staff accordingly, normally not more than 14 calendar days after the conclusion of the Appeal Hearing. The Appeal Panel shall be entitled to:

3.20.39 (a) confirm the decision to dismiss the member of Staff;

3.20.39 (b) revoke the decision to dismiss and reinstate the member of Staff with no loss of service; or

3.20.39 (c) remit the decision to be considered further by such person or persons and to such extent as the Appeal Panel shall specify.

3.20.40 The decision of the Appeal Panel shall be final unless its decision falls within clause 3.20.39 (c) and the Appeal Panel decides that it shall not be final.

3.20.41 The Appeal Panel shall prepare and send to the appellant a reasoned written decision (normally within 14 calendar days of making its decision). A report of the Appeal Panel's decision will also be sent to Council. Following notification to the Council, a report will also be sent to the Senate. Any dismissed member(s) of Staff shall remain anonymous in any report to Council or Senate and in the minutes of meetings at which such reports are considered.

3.21 Disciplinary Procedure and Dismissals

Part I: General