

FURTHER EDUCATION NEGOTIATING COMMITTEE

PROCEDURE FOR HANDLING REDUNDANCIES IN INSTITUTIONS OF FURTHER EDUCATION

1. This agreement sets out the procedure to follow when it is proposed that the full-time permanent teaching complement within an institution of further education (referred to as a "college") should be reduced by reason of redundancy. Its initial objective is to ensure that all possible alternative methods of achieving the reduction are explored before compulsory redundancy is considered.
2. The college governing body shall consult with representatives of the recognised lecturers' unions, normally by the end of October each year, on matters such as student enrolments and planned college provision anticipated to have implications for the teaching complement of the college for the ensuing academic year.
3. Where, as a result of an appraisal by the governing body, it appears to it that there is a need for a staffing reduction in the college, the governing body shall immediately advise in writing the full-time officials (or nominees) of the recognised lecturers' unions setting out the information as specified in paragraph 5.
4. The consultation and notification with regard to potential redundancies shall be in accordance with the Employment Rights (Northern Ireland) Order 1996, or other statutory requirements in force, and shall take place prior to any individual notice of redundancy being issued.
5. The governing body shall supply the recognised lecturers' unions concerned with information as required by Article 216 of the Order referred to in paragraph 4. That information shall state:
 - a. the reasons for its proposals;
 - b. the numbers and descriptions of lecturers whom it is proposed to dismiss as redundant;
 - c. the total number of lecturers of any such description employed at the college in question;
 - d. the proposed method of selecting the lecturers who may be dismissed due to redundancy;
 - e. the proposed method of carrying out the dismissals with due regard to this agreed procedure, including the period over which the dismissals due to the redundancy are to take place;
 - f. the proposed method of calculating the amount of non-statutory payments.
6. The governing body shall:
 - a. consider representations made by the lecturers' union with a view to reaching agreement; and
 - b. reply in writing to those representations and, if they are rejected, state the reasons for such rejection.
7. The governing body shall attempt to secure redeployment within the college, compatible with the aims and needs of the college, taking into account any natural reduction that may occur.

8. If a proposed redundancy cannot be dealt with by redeployment within the college, the governing body shall explore the possibility of voluntary redundancy taking into account the statutory provisions for compensation for redundancy and premature retirement.

9. If redeployment within the college, or voluntary redundancy, does not avoid compulsory redundancy, the relevant employing authority shall make every reasonable effort, as is compatible with the aims and needs of its colleges and controlled schools and within current statutory provisions, to secure voluntary redeployment of the lecturers to another college or controlled school in its area. The employing authority shall consult with other similar employing authorities in an effort to secure suitable alternative employment.

10. The employing authority shall consider the possibility of enabling the lecturer(s) to be retained in post while undertaking a period of retraining for service in the education sector. The question of retraining may arise in connection with redeployment within the college or to another college or to a school but will also have regard to the individual capacity of the lecturer concerned to satisfy the requirements of the vacant post after a suitable period of retraining.

11. If the foregoing arrangements fail to prevent the need for compulsory redundancy, the lecturer(s) to be made redundant shall be selected by the governing body on the basis of the curriculum needs of the college. Prior to the decision being made, the governing body shall indicate in writing to the recognised lecturers' unions the specific criteria being used for the needs of the college in selecting the lecturer(s) to be made redundant. Where all other considerations are equal, the criterion of "last in, first out" shall apply, provided that the posts of principal, vice-principal and head of department are excluded. In applying these criteria, the "needs" of the college should be specified in sufficient detail to enable meaningful consultation to take place.

12. A lecturer whose contract is to be terminated by reason of redundancy may appeal against this decision, to be heard by a panel established for the purpose by the governing body.

13. Where compulsory redundancy occurs the lecturer(s) concerned shall be given the maximum possible notice of redundancy in writing. However, the employing authority cannot undertake to give more than the statutory period of notice but it shall endeavour to ensure that the period from the initial consultation as required under paragraph 2. to the dismissal of the lecturer(s) will not normally be less than 10 months. The governing body will be prepared to release any lecturer so involved without his or her having given the required notice of resignation, and without prejudice to financial entitlement for the period of service, if during this period the lecturer secures another job.