GTTY OF GLASGOW COLLEGE

Board of Management

Date of Meeting	Wednesday 23 August 2017
Paper No.	BoM1-F
Agenda Item	8
Subject of Paper	Voluntary Severance Policy
FOISA Status	Disclosable
Primary Contact	Stuart Thompson
Date of production	16 August 2017
Action	For Approval

Recommendations

- The Board of Management is asked to approve this Voluntary Severance Policy.
- To endorse the opening of the Voluntary Severance Policy.

Purpose of report

To provide the Board of Management with a copy of the Severance Policy (Appendix A) and scheme rules (Appendix B), as previously agreed by the College Board, Regional Board and Scottish Funding Council, for use between 2015 and July 2017, and request approval to re open the same scheme. Under SFC guidance, Board approval is required to progress the request to the GCRB, and then the SFC.

Context

City of Glasgow College have previously utilised this Voluntary Severance scheme to facilitate and enable re structuring and re organisation processes. The scheme lapsed in July 2017.

This policy and scheme forms part of a number of measures to enable the College to create a workforce appropriate to the demand for current and future work and service requirements, that is to say, a Workforce of the Future.

The Voluntary Severance Policy and scheme would supplement existing HR Policies and Procedures as a means of achieving the required reductions in staffing and in doing so avoiding the need to make compulsory redundancies.

Matters relating to performance will not be dealt with under the Voluntary Severance scheme.

Impact and Implications

The policy and scheme have previously been approved and applied within the College.

To operate the scheme, a clear funding channel would require to be identified.

Opening a Voluntary Severance scheme can create uncertainty amongst the workforce, however use and application of the scheme would be specific and aligned with College strategic plans and aims.

It should be noted that the same scheme is currently in operation at both Clyde College and Glasgow Kelvin College.

Next Steps

If the Board approve the Policy and rules of the scheme, and the re opening of the same, then further approval will be sought from GCRB, and then subsequently the SFC.

Appendix A

GITY OF GLASGOW COLLEGE

Voluntary Severance Policy

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Charity Number: SCO 36198



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1. Introduction

1.1 This policy forms part of a number of measures to enable the College to create a workforce appropriate to the demand for current and future work and service requirements.

1.2 The Board of Management have approved the Voluntary Severance Scheme with terms which it reviews on an on-going basis. Any further scheme or change to terms would be notified to the Board and authorisation required before proceeding.

1.3 The Board of Management reserve the right to vary/withdraw the Voluntary Severance Scheme at any time.

2. Purpose and Aims

2.1 The Voluntary Severance Policy is intended to supplement existing HR Policies and Procedures as a means of achieving the required reductions in staffing and in doing so avoiding the need to make compulsory redundancies.

3. Scope

3.1 This Policy applies to all employees of City of Glasgow College during the effective period of the Policy.

3.2 Matters relating to performance will not be dealt with under the Voluntary Severance scheme.

4. Policy Statement

4.1. The terms of the Voluntary Severance Scheme will be subject to agreement by the Board of Management and the Scottish Funding Council (SFC).

Any deviations from the agreed scheme or which exceed the maximum threshold agreed will be discussed with the external auditors and be subject to Board and Scottish Funding Council (SFC) approval.

4.2. Where a reduction in staffing is necessary and it is anticipated that the required reduction in staffing cannot be achieved via staff turnover, redeployment, training etc the College may at its discretion and subject to available funding offer a voluntary severance scheme to affected staff in order avoid the need to make compulsory redundancies.

4.3. <u>Decision Making Process</u>

- 4.3.1 Applications for Voluntary Severance will be considered on an individual basis by ELT in conjunction with the relevant Director where appropriate.
- 4.3.2 Where an application for Voluntary Severance is submitted by a member of the Senior or Executive Management Team (SMT/ELT), this will be considered by the Board of Management.
- 4.3.3 In considering an application for Voluntary Severance the following factors will be taken into consideration:
 - Does the request result in a reduction in staffing within the affected areas?

- Can the individual's workload be absorbed by existing members of staff with little or no impact and without the need to recruit a replacement?
- Cost.
- 4.3.4 Applications for Voluntary Severance where the estimated total severance package is less than 1 year's salary, will be discussed by ELT and recommended to the Board for approval.
- 4.3.5 An authorisation for all applications granted will be signed by one member of ELT and the Principal and forwarded to the Head of HR for processing.
- 4.3.6 The Performance, Remuneration and Nominations Committee (PRNC), the Finance and Physical Resources Committee (FPRC) and the Board of Management will be provided with details of all severance packages approved by ELT.
- 4.3.7 Applications where the estimated total severance cost exceeds 1 year's salary will be subject to approval by the Board of Management and recorded in the minutes of the meeting, and as the total cost of any severance package exceeds the maximum threshold, consultation will be undertaken with the SFC Accountable Officer before any decision is made.
- 4.3.8 The College reserve the right to refuse any application for Voluntary Severance. Reasons for refusal include where the number of requests received exceed the reduction in staffing required or where the College considers that the request does not meet the Colleges objectives. These reasons are not exhaustive and the College has full discretion in relation to whether or not to refuse an application. The College decision is final and there is no right of appeal.

4.4 Payment In Lieu of Notice

Notice of termination of employment will be issued as soon as possible. Unless there are exceptional circumstances, staff will be expected to work throughout the duration of their notice period. Payment in lieu of notice will only be made in exceptional circumstances and will be in accordance with an individual's contract of employment.

4.5 Audit of Severance Scheme

The Voluntary Severance scheme will be subject to regular reviews by the College's Internal Auditor.

5. Definitions

<Definition1>

<Definition1>

<Definition1>

6. Responsibilities

6.1 The Executive Leadership team will approve any required reduction in headcount, or restructuring exercise where VS will be offered, in advance of Board approval being sought.

- 6.2 The HR department will be responsible for administering requests for VS during any such exercise, and will process any required documentation.
- 6.3 The Vice Principal, HR & Finance, will take overall responsibility for any VS process being carried out within the College.

7. References

7.1. Policy Framework

Associated Policies and Procedures	Title
Guidance	Voluntary Severance scheme rules

7.2. Other College Policies and Procedures

Policy / Procedure	Title

7.3. External References

Source	Title
Guidance	SFC guidance on seeking approval for severance schemes SFC/GD/01/2016, published February 2016

8. Document Control and Review

Approval Status	Version 1 approved by Board	of Management	t 22 April 2015
	Version 2 (Draft) to be approve	red	
Approved by			
Date Approved			
EQIA Status	EQIA Conducted?	Yes: 🛛 🏻 🗈	No:
Proposed Review Date			
Lead Department	Human Resources		
Lead Officer(s)	Human Resources Director		
Board Committee	Staff Student and Equalities C	ommittee	
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9. Revision Log

Version Date	Section of Document	Description of Revision
Version 2		



Equality Impact Assessment (EQIA)
The General Equality Duty and protected characteristics are detailed at the end of this form. Refer to the EQIA Guidance Document for more Information on how to complete this form.

Step 2: Consideration of Evidence and Information

2A. What information do you plan to use as the basis of this EQIA? (What information is available and if information is lacking, how will you address this shortfall?)

City of Glasgow College Mainstreaming Report Glasgow City Council Population Data 2011 Scotland's Colleges FTE Staff Data 2012 Historical Equalities Data from previous voluntary severance offerings 2B. Please indicate potential positive, neutral and negative impacts in relation to each protected characteristic.

(What does the information indicate about potential positive, neutral and negative impacts on people who share protected characteristics? Are the needs of people with different characteristics met? Does the policy, procedure, or relevant practice affect some groups differently?)

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Protected Characteristic	Detail the Potential Positive, Neutral, or Negative Impacts with Reference to Evidence, or Information
Age	Positive:
	The Scheme will benefit those members of staff approaching retirement age. 11% of City of Glasgow College staff are over 60 or over, compared to 9.4% of staff in Scotland's Colleges.
	Negative:
	The Scheme is not open to members of staff with less than 2 years service, therefore the most impact will be on younger employees.
	The Scheme is not open to members of staff who have already given notice of resignation or retirement. Therefore this may impact on older employees who have already made a decision to retire.
	There is no right to a severance package, and those members of staff who are eligible to access their pension funds on taking severance (50 - 55 and above age range) may not be accepted for severance due to cost of the strain on the fund not representing value for money to the College.

2B. cont'd.	
Protected Characteristic	Defail the Potential Positive, Neutral, or Negative Impacts with Reference to Evidence, or Information
Disability	Neutral:
	We have no evidence that historically more applicants with disabilities applied for previous Voluntary Severance opportunities.
	5.7% of Clty of Glasgow staff report a disability, compared to 13% who work in the sector, and 22.7% in the City population.
Gender Reassignment	Neutral:
	We have no evidence that historically more applicants who have reassigned their gender applied for previous Voluntary Severance opportunities.

2B. cont'd.	
Protected Characteristic	Detail the Potential Positive, Neutral, or Negative Impacts with Reference to Evidence, or Information
Marriage & Civil P'ship *	Neutral:
	We have no evidence that historically more applicants who are in a marriage or civil partnership applied for previous Voluntary Severance opportunities as against those who were not in a formal relationship.
Pregnancy & Maternity	Neutral:
	We have no evidence that historically more applicants who were pregnant or on maternity leave applied for previous Voluntary Severance opportunities.

2B. cont'd	
Protected Characteristic	Detail the Potential Positive, Neutral, or Negative Impacts with Reference to Evidence, or Information
Race	Neutral:
	We have no evidence that historically more applicants of a particular race were more or less likely to apply for Voluntary Severance opportunities.
Religion or Belief	Neutral:
	We have no evidence that historically more applicants of a particular religion were more or less likely to apply for Voluntary Severance opportunities.

2B. cont'd	
Protected Characteristic	Detail the Potential Positive, Neutral, or Negative Impacts with Reference to Evidence, or Information
Sex	Positive:
***************************************	Historical evidence shows that more men occupy senior positions and were more likely to apply for voluntary severance; therefore this may positively reduce the gender pay gap.
	Negative:
	If more men apply for voluntary severance, this will further exacerbate the lower proportion of men working the the sector.
	The gender balance at City of Glasgow College is 54.9 % women and 44.4& men, and in the sector 57.6% women and 42.4% men.
Sexual Orientation	Neutral:
	We have no evidence that historically more applicants of a particular sexual orientation were more or less likely to apply for Voluntary Severance opportunities.

3C. If "No", it may be appropriate if the policy, procedure, or relevant practice affects groups differently where this is a proportionate means of achieving a legitimate aim. If this is the case, please provide explanatory details to objectively justify this decision. 3B. If "Yes", what arrangements could be implemented to reduce any potential negative impacts identified above? Due consideration is given to all applications for Voluntary Severance. 3A. Are you able to reduce any potential negative impacts identified above? The Scheme is fully consulted on with recognised unions. N/A: If N/A, go to Step 4 No:

Step 3:

Voluntary Severance is offered as an alternative to compulsory redundancies, and therefore is a proportionate means of achieving a legitimate

(Note: you may be required to obtain legal advice to verify your decision. If you suspect this may be the case, please contact Diversity & Equalities for direction.)

As the voluntary severance scheme is application based, therefore the College has no control over who applies for voluntary severance. The College reserves its right to grant or decline applications; however this is based on cases that represent value-for-money to the College or Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by the Act. Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it. Foster good relations between persons who share a relevant protected characteristic and persons who do not share it. For 4B-4D, please detail relevant groups who share a protected characteristic and refer to evidence/information. 4D. If "No", What arrangements exist, or could be implemented to better comply with the general duty? 4A. Does the policy, procedure or relevant practice comply with the three parts of the general duty: those positions that are still required to enable service levels. 4C. If "No", what are the negative impacts and the associated risks? 4B. If "Yes", how? No: Step 4:

5A. Who has been involved in the undertaking of this assessment? (Please detail the staff/student/stakeholder groups) 5B. How successful has this been, and what changes can be made to improve this process in the future? 5C. If you have further involvement to carry out, please list who you are going to involve and how? Diversity & Equality Manager City of Glasgow College Mainstreaming Report Glasgow City Council Population 2011 Data SFC Scottish Colleges Data Human Resources

Step 5: The Invol

Step 6: Making a decision and outcome	
6A. What is your decision? (Please select an option from the drop down mentions using the arrange at the distance of the dista	
D. A negative impact is unlikely, but positive impact is also unlikely.	
(Note: if select option F, you may be required to obtain legal advice to verify your decision. If you suspect this may be the case, please contact Diversity & Equalities for direction)	
6B. Are you able to introduce the policy, procedure, or relevant practice without making any changes? Yes: _ No:	
>	
Historical information on the demographic of staff applying for voluntary severance; however, better monitoring will be conducted in the future.	
6D. If "No", what changes will you make before implementation?	

			re, or relevant practice be monitored?	
Step 7: Taking action and monitoring 7A. What action will we take?	7B. Who will take that action?	7C. When will that action be completed?	7D. Once implemented, how will the policy, procedure, or relevant practi	

Additional Information (please insert any supporting information, or data here)

Sign-off, authorisation and publishing

For College records, but not for publishing publically:

- The information contained within this EQIA needs to be confirmed and approved as the completed EQIA will be published on the College web-site.
 - As such, EQIAs must be approved by a Director or above.
- Ask a Director to review and sign off the EQIA (an electronic signature will suffice, as long as a paper copy follows).
- Following completion, send an electronic copy to both the Diversity & Equalities Manager and Director of Planning and Administration.

Name:	JUBY REIN	osition:	PVAC. NIOSCON DENOUS & CALLED
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Signature:		Date:	
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Summary of the General Duty of the Equality Act 2010

A public authority must, in the exercise of its functions, have due Having due regard specifically involves taking steps to: a) Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by the Act. b) Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it. b) Take steps to meet the needs of persons who share a relevant protected characteristic and persons who share a relevant protected characteristic and persons who share a relevant protected characteristic and persons who do not share it. c) Fincurage persons who share a relevant protected characteristic and persons who share a relevant protected characteristic and persons who do not share it. c) Fincurage persons who share a relevant protected characteristic and persons who share a relevant protected characteristic and persons who do not share it. c) Foster good relations between persons who share a relevant protected characteristic and persons who do not share it. c) Fincurage persons who share a relevant protected characteristic and persons who do not share it. c) Fincurage persons who share a relevant protected characteristic and persons who do not share it. c) Fincurage persons who share a relevant protected characteristic and persons who do not share it. c) Foster good relations between persons who share a relevant protected characteristic and persons who do not share it. c) Fincurage persons who share a relevant protected characteristic and persons who do not share it. c) Fincurage persons who share a relevant protected characteristic and persons who do not share it. c) Fincurage persons who share a relevant protected characteristic and persons who do not share it.	Components	Due Regard
ho ho s	A public authority must, in the exercise of its functions, <i>have due regard</i> to the need to:	Having due regard specifically involves taking steps to:
oh o	a) Eliminate discrimination, harassment, victimisation and any othe	r conduct that is prohibited by the Act.
o C) (p)		a) Remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic *
0 9 0		 b) Take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it.
o (p)		c) Encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.
		a) Tackle prejudice.
		b) Promote understanding.

'Due regard' comprises two linked elements: proportionality and relevance. The weight that public authorities give to equality should be proportionate to how relevant a particular function is to equality, then the greater the regard that should be paid.

The protected characteristics are:

•	•	•
Marriage and Civil Partnership *	Pregnancy and Maternity	Bace
•	•	•
Age	Disability	Gender reassignment
•	•	•

Religion or Belief Sex Sexual Orientation

* Although Marriage and Civil Partnership applies to section a) in employment only, this will be considered for all stakeholders

GLASGOW COLLEGES VOLUNTARY SEVERANCE SCHEME

1. Introduction

The aim of the Voluntary Severance Scheme is to achieve reduction in staff costs by voluntary means. The details outlined below, sets out the policies to be adopted in the short term to support the strategic aims of the College strategic aims and with the assistance of Scottish Funding Council funding. Such an approach will be fair and transparent and will adhere to the following principles:

- Full account will be taken of existing employment legislation and current College policies, including our commitment to equality and diversity.
- There will be full discussion and consultation with the trade unions regarding the Voluntary Severance Scheme.
- There will be no automatic right to a severance package and only cases that represent value-for-money will be recommended for approval.

The College will reserve its right to grant or decline applications for Voluntary Severance.

Future windows of opportunity for Voluntary Severance **may** be made available for a defined period but no guarantee can be given.

2. Voluntary Severance Scheme

Voluntary Severance including any pension strain on the fund costs will be limited to a maximum of the employee's annual salary cost.

The Scheme will not apply where:

- a member of staff has less than 2 years' continuous service as at the date of application;
- a member of staff is in the process of leaving the College's employment due to having given or having been given notice of termination of their employment; or
- an application for retirement is already being progressed. This includes early and ill health retirement.

In considering applications for Voluntary Severance the overarching principle will be the achievement of the City of Glasgow strategic plan together with the additional areas of consideration specified in this document (see 5. below). These will be taken into consideration when the College determines whether or not an individual is granted Voluntary Severance.

Formal applications for the scheme will be accepted from 1st December 2017 up to 31st July 2019. The scheme will then close and in future may only be applied in specific areas of the college where further staff reductions are being sought by the college.

It is anticipated that all applications are serious and made in good faith. If a formal application is accepted, it cannot be withdrawn and the individual's employment with the College will terminate on a date to be determined by the College normally in agreement with the member of staff.

All applications will be treated in the strictest confidence and are private and confidential.

3. Voluntary Severance Package

The package available will be in the form of a lump sum Voluntary Severance payment. The following scale will apply by way of compensation for the termination of employment:

2 - 3 years service 3 month's salary (13 weeks)
 4 - 6 years service 6 month's salary (26 weeks)
 7 - 9 years service 9 month's salary (39 weeks)
 10 years+ years service 12 month's salary (52 weeks)

Any payments due in respect of early access to pension will be offset against the voluntary severance package and will not exceed 12 month's salary cost.

The Voluntary Severance Payment is based on complete years of continuous service. The service date will be calculated using continuous service dates as at the date of application). Such payments will be inclusive of entitlement to statutory redundancy provisions.

A week's pay is the **basic** weekly salary under contract when the employee has normal working hours and pay does not vary. Where earnings **vary** the amount will be the **average** weekly earnings during the 16 weeks prior to the application date.

No upper statutory limit will be applied when calculating a week's pay.

The expected date of exit for each application will be subject to discussion and agreement based on the operational requirements of the College and normally you will be expected to work your contractual notice period.

In the event that your employment is terminated for any reason other than voluntary severance or you resign before the agreed date, the College reserve the right to withdraw the offer of voluntary severance and the associated payment.

All voluntary severance arrangements will be subject to completing and signing a Settlement Agreement, which will be issued after the contract end date has been agreed. The severance payment will be strictly conditional upon the Settlement Agreement being signed by the Employee and their legal adviser on or immediately after the date the parties reach agreement and within 14 calendar days from the date of issue and on or immediately after the contract end date. Failure to return the signed Settlement Agreement in these timescales will result in the severance payment being withheld until the Agreement has been signed.

Staff who take voluntary severance payments are normally unable to be re-employed by the College within a 2 year period.

There is no contractual right to Voluntary Severance and the College reserves the right to vary, change or withdraw entirely the Voluntary Severance Scheme without notice.

Partial Voluntary Severance (i.e. giving up a percentage of a post) or Voluntary Severance on a phased basis will not be considered due to HMRC regulations.

Lump sum payments will be made having regard to the relevant legislation on taxation. Up to £30,000 of any Voluntary Severance payment can be paid to an employee without any deduction of tax or National Insurance Contributions where the post has been declared redundant (in accordance with the HMRC limit).

It is strongly recommended that independent financial advice is sought.

Access to Retirement Benefits

Strathclyde Pension Fund

An individual accepted for Voluntary Severance who is a member of the Strathclyde Pension Fund may be entitled to access his/her pension if they satisfy the age and service criteria. The decision to accept an application for voluntary severance will be based on the total cost to the College of the voluntary severance payment and any mandatory pension costs (known as the Mandatory Strain Cost).

If an application is accepted by the College under the Strathclyde Pension Fund, any Mandatory Strain Cost associated with the termination of the individual's employment will be paid by the College and the Mandatory Strain Cost will be offset against the severance payment due.

Scottish Teachers' Superannuation Scheme

The College is not responsible for the payment of any strain on the fund/capitalisation costs however an individual may elect to have the actuarial reduction met from the Voluntary Severance Payment. The strain on the fund/capitalisation cost will be offset against the voluntary severance payment due.

This is a matter solely for the individual employee. If the capitalisation cost exceeds the payments due under Voluntary Severance, the College will not normally accept the application.

The College is legally unable to provide pension advice to employees and individuals are encouraged to seek independent advice in this matter.

Additional information regarding pensions can be found on the Strathclyde Pension fund and the Scottish Public Pensions Agency website or by contacting them directly.

The contact details are as follows:

Strathclyde Pension Fund Scottish Public Pensions Agency

P.O. Box 27001 7 Tweedside Park

Glasgow Tweedbank
G2 9EW Galashiels
0845-2130202 TD1 3TE

www.spfo.org.uk 01896-893000

www.sppa.gov.uk

The College will provide a range of support services, including courses in preparation for retirement, to assist staff where applications for Voluntary Severance have been approved.

4. Procedure for Applying for Voluntary Severance

- i All affected staff (or all relevant staff) will be informed of the availability of the scheme. They may note a confidential interest in the scheme and request further information by writing or emailing the Head of Human Resources.
- ii Individuals who have noted an interest in the scheme will be sent confirmation of the severance payment that would be made to them should their application be accepted.
- Having received the relevant information, the individual, if wishing to proceed, should formally apply in writing to the nominated HR representative by completing the attached pro-forma "Application for Voluntary Severance" (Appendix 1). Such requests will then be passed to the (Named person) for consideration.
- iv The relevant employee's manager and senior manger will then consider if the criteria for granting Voluntary Severance are met (see below).
- v The cases will then be considered by the College Senior Management for the decision to approve or not. These decisions then go forward to the relevant Board Committee for information and approval.
- vi Individuals will be informed by HR regarding the outcome of any application. For those being offered Voluntary Severance, at this point the individual will be offered a Settlement Agreement and required to make a final decision as to whether or not they will accept.

5. Criteria for Voluntary Severance

The College has full discretion and reserves the right throughout this process to agree or refuse any application for severance. All decisions will be transparent and the College will notify individuals of the outcome of their application in writing.

The essential criterion to be considered by the employee's manager and the College Senior Management is that their recommendation (whether this is supporting the member of staff's request for Voluntary Severance or not) is in line with the aims of the College strategic plan. Additional areas of consideration will relate to:

- the impact on the student experience.
- the scheme will apply equally to all staff groups but voluntary severance will only be approved in areas where the need for savings or reductions in staff numbers has been identified and there are no replacement costs or a cost saving can be made.
- can someone else be redeployed into the applicants role at no additional cost
- will other colleagues be affected (e.g. by additional workloads) If so, to what extent.

This is not an exhaustive list. The College decision is final and there is not right of appeal.

This scheme is not intended to address poor performance in the college and will not be used for this purpose

6. Consideration of Voluntary Severance Applications

In all cases, whether or not the case is supported by the Vice-Principal and Director, individuals' applications will be considered by the College Senior Management.

In the event that a Vice-Principal wishes to apply for Voluntary Severance the application must be made direct to the Principal.

7. Further Information

Any matters relating to information contained in this paper can be discussed with the Head of Human Resources:

STRICTLY CONFIDENTIAL

NAME

APPLICATION FOR VOLUNTARY SEVERANCE

(To be completed by the member of staff)

I wish to be considered for Voluntary Severance under the terms of the approved Voluntary Severance Scheme

Application must be submitted at least 3 months before your requested leaving date and no later than **the closing date of the scheme**

INAIVIL	
FACULTY/UNIT	
JOB TITLE	
SIGNATURE	
DATE	
Space is provided he	re for any other additional supporting statement/information:

Please return to the Head of Human Resources