

Forest Heath District Council and
St Edmundsbury Borough Council

Organisational Change &
Redundancy Policy & Procedure

xx 2014



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1. Introduction

- 1.1 This policy sets out West Suffolk's approach to dealing with potential redundancies across the two councils – Forest Heath District Council and St Edmundsbury Borough Council (collectively known as West Suffolk). For clarity, where the term "the Council" is used in this document it covers all staff with contracts of employment with Forest Heath District Council or St Edmundsbury Borough Council.
- 1.2 It does not form part of employees' terms and conditions of employment and may be subject to change at the discretion of management and in consultation with recognised Trade Unions.

2. Management Approach

- 2.1 Although the Councils' policy is to avoid redundancies wherever possible, the needs of the business may from time to time require a reduction in the overall number of staff employed or organisational changes that result in some employees being made redundant.
- 2.2 Where this is necessary, the Council will ensure that:
- the total number of redundancies made is kept to a minimum;
 - employees and, where appropriate, their representatives are fully consulted on proposals and their implementation;
 - selection for redundancy is based on clear criteria that will, as far as possible be fairly applied;
 - every effort is made to redeploy or find suitable alternative work for employees selected for redundancy; and
 - support and advice is provided to employees selected for redundancy to help them find suitable work when their employment has come to an end.

3. Consultation

- 3.1 Full and meaningful consultation with recognised Trade Unions and staff affected by planned changes will be undertaken at the earliest opportunity.
- 3.2 The minimum consultation periods, for redundancies at one establishment, are as follows:
- 30 days before any redundancy notices are issued if 20-99 employees are to be made redundant within a period of 90 days,
 - 45 days before any redundancy notices are issued if 100 or more employees are to be made redundant within a period of 90 days.
- 3.3 Where redundancies are anticipated, at an appropriate stage, statutory information will be formally notified to the relevant Trade Unions. Individual employees will also be consulted in respect of their own particular circumstances.

- 3.4 In cases where it is anticipated there are fewer than 20 employees to be made redundant the Council will as a minimum, ensure there will be meaningful individual consultation, with all affected staff, not just those who may be made redundant.
- 3.5 Employees who are absent during a restructuring process e.g. due to sickness absence or maternity leave will be included, as far as reasonably practicable, in any consultation process which takes place. They should receive the same information as their colleagues. Those who are absent should be contacted individually by the Manager, to discuss the most appropriate way of including them in the appointment process.

4. Selection pool

- 4.1 The Council will identify the number of roles to be at risk of redundancy and will determine a pool, in consultation with Unison, from which employees will be selected for redundancy or for appointment to available employment. The pool will consist of employees who carry out the same, or similar, work and perform jobs that require similar skills and competencies. The employees may not be in the same department or location or work the same shift patterns or hours. When determining the redundancy pool the following circumstances could be considered:
- the work employees carry out on a day to day basis
 - the proximity of sites
 - the location of employees
 - the skills, behaviours and competencies that need to be retained
- 4.2 In some circumstances, it will not be appropriate to determine a pool, for example, where there is only one employee whose role is affected, or where a service area is being closed down completely.

5. Selection criteria

- 5.1 Once the selection pool has been determined, the specific criteria used in selecting employees either for redundancy, or for appointment to available roles, will depend on the circumstances and the particular needs of the Council at the time. The Council will, as far as possible, use criteria that are measurable and supported by documentary records, data or other evidence, for example, attendance records. Every effort will be made to construct a fair and robust set of criteria following appropriate consultation with Unison.
- 5.2 Some examples of criteria to be considered (this is not an exhaustive list) might be:
- Knowledge and Experience
Reviewing the employees' knowledge of the role, customers and the organisation, the depth and breadth of their relevant experience

- Performance

Considering the employees' performance reviews

- Behaviour/attitudes in the workplace

Reviewing the employees' display of behaviours against the values and behaviours required in the role and by the Council.

- Attendance

Review of attendance records over a specific period (for example, 12 or 24 months) leading up to the redundancy process, discounting absences which are related to pregnancy, maternity or declared disability.

- Disciplinary records

Review of an employee's personnel file to determine any current disciplinary or capability records, or any matters of concern previously raised and discussed with the employee concerned.

6. Application and scoring of Criteria

6.1 Individual employees who are placed at risk will be informed of the fact and invited to a meeting (on a one-to-one basis where practicable) at which they will be given an opportunity to make representations. They will be advised of their individual position, for example, confirmation of whether as the proposed structure stands they are considered to be a slot-in to a post, ring-fenced etc, and there will be an explanation of the selection process. Employees can be accompanied at these meetings by a Trade Union representative or a colleague.

6.2 There will be some situations where it appears that there is no post in a structure suitable for an existing employee (for example if all new posts require a particular qualification or skill set). In this case the employee will be made aware of their situation as early as possible and consultation will take place with a focus on securing any available and open suitable alternative employment in the Council.

6.3 Slot-in roles:

Where there is a clear match between specific jobs in the old and the new structure, these jobs will be identified at the earliest opportunity and post holders will be slotted into what is effectively the same job in the new structure provided that during the consultation period there are no significant changes which affect the role.

6.4 Ring-fence:

Where a role in the new structure differs from the old structure the post holders at risk will be ring fenced to the new role in accordance with the selection pool identified.

6.5 Matrix:

A redundancy selection matrix may be used to score each employee. The matrix will set out the criteria against which employees will be assessed in a clear and transparent manner. It will set out the scoring ranges and how much weight, or importance, is attached to each criterion. Consultation on the selection matrix criteria will take place with Unison.

6.6 Managers will score employees against the chosen selection criteria in a reasonable, fair and consistent manner, considering documentary evidence or other knowledge obtained about the employee. Employees will not be scored by comparing them against each other. Selection criteria will not be applied in a discriminatory manner, for example, on the basis of part-time status, pregnancy or maternity leave. If an employee within the pool for selection is disabled, the Council will make reasonable adjustments to the selection procedure to remove any unfair disadvantage that the disabled employee would otherwise face.

6.7 At least two officers will be involved in applying the criteria and the scores will be totalled; this will typically be two managers or a manager and an HR Business Partner who may meet to discuss the scores.

6.8 In some cases it will be appropriate to interview employees as part of the selection process. If this is the case, clear instruction about how the selection will be made will be given and more than one officer will be involved in the interview process.

7. Staff selected for redundancy

7.1 Once the matrices have been completed, employees who have been provisionally selected for redundancy will be invited to a meeting to discuss their overall score and how they scored against each criterion. They will be able to raise any concerns, objections or challenges about their score and can be accompanied by a Trade Union representative, or a colleague.

7.2 Serious consideration will be given to any comments raised by the employee, but the ultimate decision on selection will be made by the Council. The Council will inform the employee of its decision.

7.3 An employee who has been selected for redundancy and is dissatisfied with the way in which the Council has applied the criteria, or who believes that he or she has been unfairly disadvantaged by the selection criteria or has not been given a fair opportunity to put forward representations can appeal against his or her selection for redundancy. The employee should raise the matter initially with the line manager and/or Trade Union in an effort to resolve informally. Managers should take advice from HR as soon as they are contacted by an employee in this regard. If the issue remains unresolved, an employee may raise the matter via the Council's Grievance Procedures.

8. Suitable alternative work

- 8.1 The Council will make every effort to redeploy to suitable alternative work any employee who is at risk of redundancy. Such employees will be informed of where to find all the available vacancies in the Council and will be given an opportunity to discuss with their line manager which vacancies are likely to be suitable for them. While priority will be given wherever possible to employees at risk of redundancy, the Council reserves the right to select the best available candidate in relation to any given vacancy.
- 8.2 The HR team will also seek to identify any alternative vacancies and post all vacancies on the Council's joint intranet.
- 8.3 Additionally, where a redundant employee believes there is an available post within the Council that could be suitable, he/she should raise this with his/her line manager or HR at the earliest opportunity.
- 8.4 Efforts to identify suitable alternative employment will continue throughout the employee's notice period.
- 8.5 Employees have a separate legal entitlement to be offered any suitable alternative work that is available if they are made redundant while on maternity leave.
- 8.6 Where management believes an available alternative position may be suitable for a particular employee or where an employee has expressed an interest in an advertised position, the employee will generally be interviewed, if appropriate. The key purpose of the interview will be to establish whether or not the position is suitable for the employee, taking into account the employee's background, level of seniority, skills and type/level of experience, as well as the terms and conditions applicable to the post in question and its location.
- 8.7 Where a redundant employee is considered for an available alternative position, management reserves the right to make the final decision as to whether or not to offer the employee that position. If an offer of suitable alternative employment is made, but the employee unreasonably refuses to accept it, the employee will lose his/her right to a statutory redundancy payment.
- 8.8 If it is accepted that the alternative employment offered is not entirely suitable and/or the employee's refusal of the offer is reasonable in the circumstances, he/she will be treated as having been dismissed by reason of redundancy and will retain the right to a redundancy payment.

9. Trial Period

- 9.1 Where alternative employment is offered and accepted in a redundancy situation, the employee is entitled to a minimum trial period of four weeks; the trial period can be extended by agreement by a further 8

weeks if training needs are identified to enable the employee to meet the full requirements of the post.

- 9.2 The trial period is a statutory provision enabling both the Council and the employee to assess whether the post is genuinely suitable. The responsibility for monitoring performance and raising concerns during the trial period lies, in equal parts, with the employee and the line manager. Once concerns are raised, it is the responsibility of the manager to contact HR to take further advice and guidance.
- 9.3 If it is established the post is not suitable for the employee, his/her employment will be terminated for reasons of redundancy. Management reserves the right to make the final decision on this matter, although the views of the employee will be taken into account.
- 9.4 In the event that the Council decides to terminate the employee's employment at the end of the trial period, he/she will retain the right to a statutory redundancy payment. The relevant date for the purposes of calculating redundancy pay in these circumstances will be the date on which the employee's original job ended and not the date that marked the end of the trial period.

10. Support through the process

- 10.1 The Council understands that redundancy can be a traumatic experience for an employee. Human Resources can support employees and managers throughout any restructure process. Employees can also contact and liaise with their recognised trade union for advice and support.
- 10.2 The Council will provide available support through the Learning and Development team, and employees will be signposted at the appropriate times.
- 10.3 Where an employee has been continuously employed for 2 years by the date his/her notice period ends, the employee is entitled to a reasonable amount of paid time off to look for alternative work and attend interviews and training. Employees wishing to take advantage of this opportunity should make the appropriate arrangements with their line manager. The amount of time taken should be reasonable and will be dependent upon individual circumstances.

11. Entitlement to redundancy payments:

- 11.1 The calculation of redundancy payment is based on your age, length of continuous local government service, and your actual pay.
- 11.2 The Local Government (Early termination of Employment) Discretionary Compensation) (England and Wales) Regulations 2006 give LGPS Employers discretionary powers to pay lump sum compensation up to 104 weeks pay to employees who are eligible to join the LGPS and whose employment is terminated :

By reason of redundancy
 In the interests of efficiency or
 In the case of a joint appointment because the holder of the other appointment has left.

The Council will award 1.5 times the redundancy payment described in 11.1 above as the total compensation in cases of redundancy for all employees with over 2 years local government service.

- 11.3 You can calculate your entitlement at [INSERT LINK](#) on the Councils' intranet.

Qualification	Under age 55	Aged 55 and over
<i>All employees:</i>		
Less than 2 years continuous service	No entitlement	No entitlement
More than 2 years continuous service	Redundancy payment	Redundancy payment
<i>PLUS - for pension scheme members only:</i>		
Less than 3 months scheme membership	Refund of pension contributions	Refund of pension contributions
More than 3 months scheme membership	Preserved pension benefits	Immediate payment of pension benefits

12. **Voluntary redundancy**

- 12.1 In order to minimise the need for compulsory redundancies, the Council may consider requests from employees for voluntary redundancy.
- 12.2 The Council reserves the right at its absolute discretion to offer or decline requests for voluntary redundancy, and to offer discretionary terms for voluntary redundancy appropriate at the time.
- 12.3 Pension entitlements are the same for redundant employees whether the redundancy is compulsory or voluntary.

13. **Termination of employment**

- 13.1 Managers will meet with an employee to confirm the decision to terminate their employment for reasons of redundancy. An employee can be

accompanied by a Trade Union representative, or colleague. Following this meeting the decision will be followed up in writing setting out:

- full details of the notice period, clearly stating the actual leaving date
- the amount of the redundancy payment
- confirmation that the sum will be paid with the employee's final salary payment
- confirmation of arrangements with regard to annual leave
- pension details, if applicable

14. Appeal

14.1 Any employee who has been dismissed for reasons of redundancy may appeal against the decision. The appeal must be made in writing within 10 working days of the date of the dismissal letter and must clearly state the grounds on which the appeal is based. The Appeal will be heard in accordance with the Councils Appeals Procedures.

15. Enquiries and Change Control

15.1 All enquiries relating to this document should be directed to Human Resources.

15.2 This policy will be subject to a review every two years and will be initiated by the Head of Human Resources and Organisational Development. Suggestions for any changes to this document should also be forwarded to the Head of Human Resources and Organisational Development.

15.3 Further information on organisational change & redundancy is available from Human Resources and on the Councils' intranet.

Revisions

Date of review or revision	Reason	Author
December 2013	Aligning FHDC and SEBC policies	Wendy Canham