

Redundancy Policy

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1.0 Introduction

- 1.1 This policy and procedure applies to all employees of Rossendale Borough Council except the Chief Executive and Chief Officers who are covered by other policies and procedures.
- 1.2 This policy replaces all other compulsory, voluntary, redeployment and redundancy procedures.
- 1.3 The early forward planning of employee requirements and the control of recruitment is the surest way of establishing security of employment and the most efficient use of employee resources. The Council undertakes to endeavour to maintain security of employment as far as possible.
- 1.4 However, it is recognised that there may be changes in competitive conditions, organisational requirements and technological developments which may affect staffing needs. It is the agreed aim of the Council, and the trade union, to enhance efficiency, quality of service and competitiveness in order to safeguard the current and future employment of the Council's employees.

2.0 Consultation

- 2.1 Where it becomes necessary to consider redundancies, employees and trade unions will be notified at the earliest possible opportunity of the reasons for the potential redundancy situation and the proposals.
- 2.2 In accordance with the Trade Union and Labour Relations (Consolidation) Act 1992, consultation will be carried out over the following time periods:
 - A minimum of 90 days' consultation where 100 or more jobs are to be made redundant.
 - A minimum of 30 days' consultation where 20 or more jobs are to be made redundant.
 - As much consultation as is reasonably practical where fewer than 20 jobs are affected.
- 2.3 During consultation, full information will be provided to employees and trade union representatives about the proposed redundancies and will give adequate time to respond. Information provided will include:
 - The reasons for the proposed redundancies;

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- The posts, numbers and categories of employees who may be redundant;
 - The proposed method of carrying out any redundancy dismissals;
 - The time period over which the redundancies may be carried out;
- 2.4 The purpose of consultation is to enter into a meaningful and open dialogue with employees and trade union representatives on the proposals. The objectives of consultation will be to:
- Avoid the need for redundancies wherever possible;
 - Reduce the number of employees who are to be made redundant to a minimum;
 - Determine the criteria to be used to select employees for redundancy; and
 - Mitigate the consequences of any dismissals.
- 2.5 Some posts will be selected for redundancy on the basis that there is only one post carrying out a function which is no longer required.
- 2.6 Once provisional selections for redundancy have been made using the agreed selection criteria, individual consultation with each employee selected will take place. Each employee will have the right to be informed of the basis of their selection and invited to put forward any representations. All representations will be fully considered before a final decision will be made as to which employees are to be made redundant.

3.0 Measures to Avoid or Minimise Redundancy

- 3.1 The Council will make every effort to reduce the number of redundancies by considering the following:
- Natural wastage
 - Vacancy control management
 - Voluntary options (e.g. voluntary early retirement; voluntary redundancy; voluntary reduced working hours)
 - Redeployment including commitment to training and retraining.
- 3.2 The above methods will be considered on a case by case basis in accordance with the qualifications, skills and competencies required by the organisation, the needs of the service and budgetary constraints.

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3.3 Vacancy Match Process

3.1.1 Where a potential redundancy situation is identified, the Vacancy Match Process (VMP) will be followed. The purpose of the VMP is to ensure that vacancies are not advertised and recruited to externally before considering possible internal candidates. This process is part of vacancy control management and can create movement within the organisation which may prevent having to make redundancies. The Vacancy Match Process is contained within Appendix 1.

4.0 Selection Criteria

4.1 The Council is committed to a fair, consistent, objective and non-discriminatory selection procedure. Selection for redundancy will be made on the basis of the future skills, knowledge and experience required by the Council to continue its business effectively.

4.2 The Selection Criteria and Selection Process can be found at Appendix 2.

5.0 Suitable Alternative Employment

5.2 Redeployment

5.2.1 Where employees have been selected for redundancy they will have the right to be considered for redeployment into suitable alternative posts. Where appropriate, training and retraining will be provided to enable employees to fulfil the requirements of the alternative post. The level and amount of training provided will be decided on a case by case basis by the Head of People and Policy, taking into account the estimated length of time and cost.

5.2.2 Where an employee has expressed an interest in a suitable alternative post, the employee will be interviewed on a prior consideration basis. The purpose of the interview will be to determine whether or not the position is suitable for the employee taking into account the following information:

- The employee's qualifications, skills, experience and knowledge;
- Grade and level of seniority;
- Terms and conditions applicable to the post;
- Location.

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- 5.2.3 Management reserve the right to make the final decision as to whether or not to offer the employee the post. 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 and any enhanced redundancy payment.
- 5.2.4 Redeployed employees have a statutory right to a trial period of four weeks in an alternative post where the provisions of the new contract differ from the original contract. The trial period may be extended by written agreement before the start of the trial period.
- 5.2.5 The trial period can be used by the recruiting manager to assess the employee's capability. Should the manager or the employee wish to end the new contract within the four weeks for a reason connected with the alternative post, the employee will preserve the right to a redundancy payment under the old contract. If the dismissal was due to a reason unconnected with redundancy (e.g. discipline) the employee may lose that entitlement.
- 5.2.6 The Redeployment Procedure is contained at Appendix 3.

7.0 Redundancy Payment

- 7.1 A redundancy payment will be paid to employees with at least two years' continuous service, in accordance with the statutory number of weeks per year of service. A week's pay will be paid at the actual amount and not capped at the statutory minimum.
- 7.2 The statutory number of weeks is currently calculated as:
- 0.5 week's pay per year of service in which the employee was aged 21 and under;
 - 1 week's pay per year per year of service in which the employee was aged between 22 and 40; and
 - 1.5 weeks' pay per year of service in which the employee was aged 41 and over.
- 7.3 The maximum number of years of employment that can be taken into account is 20 years, which equates to a maximum of 30 weeks' pay.

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- 7.4 A discretionary payment of an additional 4 weeks pay will be paid to all employees who are in a compulsory redundancy situation. The payment will not be applicable to anyone who voluntarily requests redundancy.
- 7.5 There is no longer any discretion to award added years on top on the Payments payable under the Local Government Pension Scheme (LGPS) for eligible employees.
- 7.6 There is no longer the discretion to award any other forms of enhanced Compensation benefits.

8.0 Support for Redundant Employees

8.1 Time off to look for work

8.1.1 Employees who have been issued with notice of redundancy with at least two years' continuous service at the effective date of termination have a statutory right to reasonable paid time off to look for new employment or to arrange training for future employment.

8.1.2 Guidelines as to what constitutes reasonable time off can be provided by the Head of People and Policy or their representative. In determining what is reasonable, the needs of the service will be taken into account, the employee's field of employment and the current employment market. It will be determined on a case by case basis.

8.2 Further Support

8.2.1 The People Team will assist employees who have been issued with notice of redundancy. Such support may include:

- Guidance on job searching;
- Advice on the recruitment and selection process;
- Provision of outplacement support;

9.0 Appeal Against Dismissal by reason of Redundancy

9.1 Appeals against dismissal by reason of redundancy are excluded from the Council's Grievance procedure.

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- 9.2 Employees who feel that they have been unfairly selected and dismissed by reason of redundancy have the right to appeal against their dismissal. Appeals should be submitted in writing to the Head of People and Policy within 5 working days of written notice of dismissal.
- 9.3 An Appeal Hearing will be convened to consider the employee's case as soon as reasonably practicable. The Appeal Panel will consist of three Council Members plus their nominated representative, and a representative from the People Team or a legal representative.
- 9.4 Employees will have the right to be represented at the hearing by either a work colleague or trade union representative.
- 9.5 The decision of the Appeal Panel will be final and will be confirmed in writing to the employee within 5 working days.

10.0 Monitoring

- 10.1 The Head of People and Policy is responsible for the monitoring of the effectiveness of this policy.

11.0 Review

- 11.1 This policy will be reviewed to meet the changing needs and demands of the Council.
- 11.2 The policy will be reviewed every three years and thereafter as necessary to reflect changes in HR policy and practices, legislation, relevant Council decisions and any other developments which impact upon redundancy.

11.0 Law Relating to this Document

- Employment Rights Act 1996
- Trade Union and Labour Relations (Consolidation) Act 1992
- Employment Act 2002
- Employment Act 2002 (Dispute Resolution) Regulations 2004
- Redundancy Payments (Continuity of Employment in Local Government, etc) Modification Order 1999
- Fixed-term Employees (Prevention of Less Favourable) Treatment Regulations 2002
- Employment Equality (Age) Regulations 1996

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- Local Government (Early Termination of Employment) (Discretionary Compensation) (England and Wales) Regulations 2006

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Appendix 1

Vacancy Match Process

Vacancy Match – Review Process

It is recognised that the Council will periodically go through periods of change which leads to a consequential review of roles and posts within our organisational structure. These reviews can lead to proposals for change being developed.

Any change is always subject to a period of consultation, during that time thoughts and ideas in relation to proposals may change. However, there is a need to balance the need to ensure continuity of employment for individuals, the consultation period prior to any final decision being taken and to fill vacancies within the Council to ensure business continuity.

Consequently, even though no decision has been made about your post, we are aware that your area is subject to review. As a review has been identified, we need to consider all vacancies prior to advertisement to ensure that any vacancies are frozen in case there are any staffing reductions within your area.

Please provide the following details so this can be considered:

Name:	
Post Title:	
Grade:	
Qualifications:	
Any Special Skills or attributes: e.g. Use of a particular IT System	

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<p>Details of Previous Experience</p>	
<p>Any special conditions: e.g. Work 18.5hpw.</p>	
<p>Any other factors which are material where vacancies are being considered. e.g. Indoors only.</p>	

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Appendix 2

Selection Criteria and Selection Process

1.0 Introduction

- 1.1 Post holders may be selected for redundancy by the nature of there being only one post, carrying out a function that the Council no longer requires.[Ref 1.4]
- 1.2 Alternatively employees within the area affected (or wider where considered appropriate such as where the duties are interchangeable) will be selected for redundancy using the criteria outlined below.
- 1.3 However, it may be that selection for redundancy will be made on the basis of the future skills, knowledge and experience required by the Council to continue its business effectively.
- 1.4 Where a specific function is to be discontinued then those employees directly related to the provision of the function will be selected for redundancy. If it is a reduction in provision of this function which continues to demand the retention of some employees, the criteria set out below will determine the selection for redundancy.
- 1.5 Where specific abilities are required for the future effective operation of the service (e.g. Solicitor, Planning Officer, Arborist etc.) those employees will be excluded from redundancy selection. Where more employees possess the ability than are needed, the criteria set out below will determine selection for redundancy.
- 1.6 The detailed factors comprising the selection criteria will be determined and evaluated by the Executive Director or nominated Officer and applied in an objective and non-discriminatory way.

2.0 Selection Criteria

2.1 Knowledge, Skills, Experience and Abilities

- 2.1.1 The fairest and most objective method of selecting employees to meet the future requirements of the service is to follow a recruitment and selection process.
- 2.1.2 Job descriptions will specify the duties and responsibilities that will be needed for retained posts.

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2.1.3 Person Specifications will specify the knowledge, skills, experience, and abilities required to perform the above duties.

3.0 Selection Process

- 3.1 Affected employees will have completed a Vacancy Match Form as part of the consultation process. This form, plus their current job description, will be used in order to select which employees will be required for the future running of the Service. Employees will be asked to identify which of the new posts they would be interested in, in order of priority.
- 3.2 The Director or their nominated Officer will compare the new job descriptions and person specifications with each affected employee's knowledge, skills, experience and abilities as detailed on their Vacancy Match Form and job description.
- 3.3 The following matrix may be adopted by the Director or their nominated Officer to score employees against the requirements for each post:

Employee:			
Current Job Title:			
Post matched to:			
Criteria as stated in Person Specification	Score (1-10)	Weighting (1-5)	Total Score
Qualifications			
Knowledge			
Experience			
Skills			
			Total Score:
			Percentage:
Signed (Manager):			
Date:			

- 3.4 Where the score for an employee equates to a percentage higher than 70% for a particular post, that employee can be redeployed into that post. Redeployment to posts will follow the Redeployment Procedure detailed in Appendix 3.
- 3.5 Where two or more employees' scores equate to a percentage higher than 70% for a particular post, those employees will be ringfenced and interviewed for that post. Selection will be made against the

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Person Specification for the post. The employee(s) who are unsuccessful at interview will remain at risk of redundancy and will be considered against remaining posts using the above matrix.

- 3.6 Employees whose scores equate to a percentage less than 70%, and where there are no employees with a score of 70% or more for that particular post(s), will be ringfenced to the post(s) and interviewed. Selection will be made against the Person Specification for the post. The employee(s) who are unsuccessful at interview will remain at risk of redundancy and will be considered against remaining posts using the above matrix.
- 3.7 Where possible, employees' preferences for posts will be accommodated. However, there may be instances following the scoring exercise where posts are deemed suitable and offers of employment to alternative posts may be made.

4.0 Appeal Against Selection for Redundancy

- 4.1 Appeals against selection for redundancy are excluded from the Council's Grievance Procedure.
- 4.2 Employees who feel that they have been unfairly selected for redundancy have the right to appeal against selection. Appeals should be submitted in writing to the Head of People and Policy within 5 working days of written notification of selection of possible redundancy.
- 4.3 An Appeal Hearing will be convened to consider the employee's case as soon as reasonably practicable. The Appeal Panel will consist of the Chief Executive, or their nominated representative, and a representative from the People Team or a legal representative.
- 4.4 Employees will have the right to be represented at the hearing by either a work colleague or trade union representative.
- 4.5 The decision of the Appeal Panel will be final and will be confirmed in writing to the employee within 5 working days.

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Appendix 3

Redeployment Procedure

1.0 Introduction

- 1.1 This procedure covers employees who remain displaced following the Selection Process.
- 1.2 The aims of the Redeployment Procedure are:
- To enable the Council to provide efficient services which respond quickly and flexibly to the demands placed upon them by allowing the most effective deployment of staff;
 - To enable the Council to prevent redundancies;

2.0 Identification of Suitable Vacancies

- 2.1 Where it has been established that redundancies are to be made, the Council has a duty to take steps to identify any suitable alternative employment that exists for the employees who are affected. This duty continues throughout the employees' notice periods until the date of termination.
- 2.2 In general, "suitable alternative employment" means work that:
- The employee can reasonably be expected to do taking into account his or her level of seniority and skills; and
 - Is on terms and conditions that are not substantially less favourable to the employee.
- 2.3 In accordance with the Vacancy Match Process, employees identified as being at risk of redundancy will complete Vacancy Match Forms. When vacancies arise, the Vacancy Match Forms will be checked by the People Team prior to advertising.
- 2.4 Where no match is found, the vacancy will be advertised internally for one week. Where no applicants are received, the vacancy will be advertised externally in the usual way.
- 2.5 Where a match is found, the vacancy will be held until the completion of the Redeployment Process outlined above. Employees remaining displaced following the completion of the Selection Process will be entitled to an interview for vacancies that they are matched to.

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- 2.6 Where a match is made and the post is of a lower grade, the employee will be protected for a 12 month period following commencement of the post. After a 12 month period the employee's duties will be reevaluated, where the employee is undertaking the grade of duties for the post they will revert to that grade. If higher graded duties can be found for the employee for up to 24 months, protection will be allowed depending on the needs and requirements of the service.
- 2.7 Employees who remain displaced following the Selection Process who have not been successfully matched to any vacancies, or who have not successfully attained a post at interview, will continue to be matched to vacancies as appropriate as they arise in the period leading up to the issuing of notice of redundancy and during their notice period.

3.0 Offer of Suitable Alternative Employment

- 3.1 Where an employee is considered for an available alternative post, management reserves the right to make the final decision as to whether or not to offer the employee the position. If a decision is made to offer the employee the position, the employee will be redeployed into that position. This will be confirmed in writing by the People Team.
- 3.2 The offer of suitable alternative employment is subject to a trial period of four weeks in the new post. This time period may be extended by written agreement before the start of the trial period.
- 3.3 The trial period is a statutory provision enabling both the employee and the Council to assess whether or not the post is genuinely suitable for the employee. A review meeting should be convened with the employee towards the end of the trial period to discuss whether or not the new post is suitable, taking into account how the employee has performed, the amount of training required (if any), and any other relevant factors.
- 3.4 If it is established that the post is not objectively suitable for the employee, his/her employment will be terminated. Management reserves the right to make the final decision on this matter, although the views of the employee will be taken into account.
- 3.5 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 redundancy payment as detailed in Section 7.0 above. The relevant date for the purpose 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.

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- 3.6 If an offer of suitable alternative employment is made, but the employee unreasonably refuses to accept it, the employee will lose their right to a redundancy payment.

4.0 Training

- 4.1 Reasonable training will be provided where appropriate to enable the employee to fulfil the duties of the new post.
- 4.2 Training could be provided on the job, or could be provided through an external supplier.
- 4.3 When making offers of redeployment, the training needs of the employee concerned will be taken into account.

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Appendix 4

Redundancy Process Map

To be used as a guide only.

Meeting with employees in the Service Area to outline the potential changes to the service and reasons.

Employees to provide feedback.

Formal consultation meeting with employees and trade union representatives to provide the following information:

- Reason(s) for the proposed redundancies;
- Proposed changes;
- Possible Numbers and categories of employees who may be redundant;
- Selection process as detailed in this procedure;
- Vacancy Match Forms;
- Proposed time period;
- Explore voluntary options.

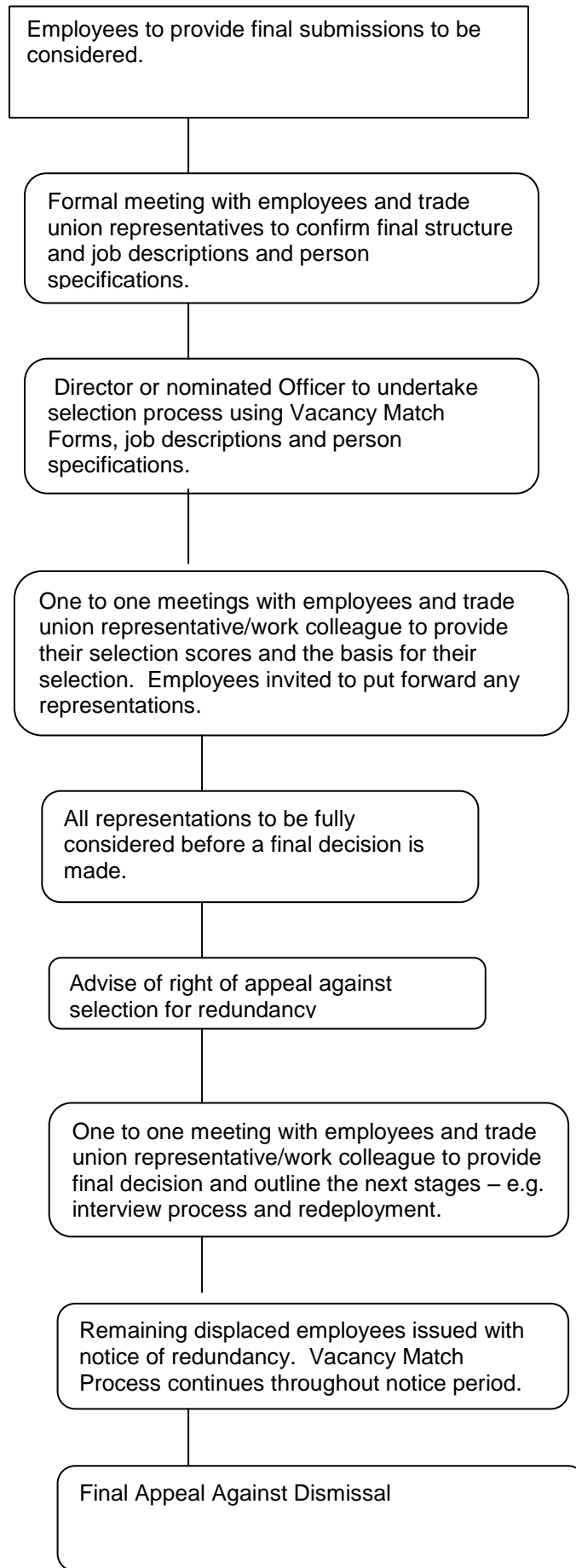
Employees to consider proposals and provide written feedback.

Reasonable time for employees to consider and formulate a response.

Formal consultation meeting with employees and trade union representatives to discuss and consider their feedback and enable employees to put forward any submissions.

Formal consultation meeting with employees and trade union representatives to provide feedback to employees on their submissions and explain why they are/are not feasible.

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