



## REDUNDANCY POLICY

### 1. INTRODUCTION

- 1.1 The Authority is committed to planning effectively to meet current and future staffing needs. There may, however, be occasions when financial pressures, changes in demand for services or organisational or technological developments impact on staffing requirements. In such cases the Authority will seek to minimise the effect of redundancies by considering, where available, redeployment opportunities as appropriate and by adopting a fair and consistent approach.
- 1.2 If potential redundancies should arise, Authority Members will give consideration to the proposed approach and measures taken to avoid or minimise the potential redundancies and what, if any, further enhanced redundancy payments may be made during the redundancy process.
- 1.3 This document outlines the approach to be adopted in all cases of potential redundancy and should be read in conjunction with the Redundancy Selection Criteria.
- 1.4 Nothing in this document shall preclude the Authority from seeking volunteers for redundancy or any member of staff from applying for voluntary redundancy. Selection of volunteers for redundancy shall be at the discretion of the Chief Executive and shall be determined by the Authority's requirements to retain key skills and experience to meet the present and anticipated need of the Authority. Therefore, the Chief Executive reserves the right to reject requests from volunteers where it is believed that it is in the Authority's best interest.

### 2. DEFINITION

- 2.1 A potential redundancy situation arises in the following circumstances:
  - When the Authority has ceased or intends to cease, to carry out the work for which the employee was employed in the place where the employee was so employed
  - The requirements of the Authority for employees to carry out work of a particular kind have ceased or diminished or are expected to cease or diminish

### 3. CONSULTATION

- 3.1 Where a redundancy situation arises, the Authority will consult with the relevant recognised Trade Union(s). Consultation will cover the following areas:
- The reason for the proposed redundancies
  - The definition of the area/ from which those to be dismissed are to be drawn
  - The number of employees the Authority proposes to dismiss as redundant
  - Details of the selection criteria (The Redundancy Selection Criteria)
  - The period of time over which the dismissals are to take effect
  - The method of calculating the amount of redundancy payments
- 3.2 The purpose of consultation is to seek ways of avoiding the redundancy situation, reducing the number of dismissals or mitigating the effects of the redundancies proposed.
- 3.3 Employees and relevant trade unions should be made aware of the proposals for organisational change, and the reasons, at the earliest opportunity. Failure to consult could result in a finding of unfair dismissal by and Employment Tribunal.
- 3.4 Consultation will also take place with the individuals concerned, who may be accompanied at any stage by a Trade Union representative for his/her union or a work colleague of his/her choice.
- 3.5 Consultation will also take place with employees who may be affected by any planned redundancies.
- 3.6 There are minimum statutory timescales that indicate when formal consultation should begin. Consultation should allow for further consideration of any counter-proposals and alternatives to redundancy.

No of redundancies in any 3 month period	Period of Consultation
Less than 20 possible redundancies	Management should allow a 30 day consultation prior to any redundancy notice being issued
20-99 possible redundancies	30 days statutory consultation period (including notification to the BIS)
100 +	90 days statutory consultation period (including notification to the BIS)

### 4. MEASURES TO AVOID OR MINIMISE REDUNDANCY

- 4.1 The Authority is committed to delivering services to the public with appropriate staffing. Where, however, redundancies are proposed, consideration will be given to the following:-

- Achieving reductions through natural wastage
- Freezing external advertising and filling posts from existing employees
- Seeking volunteers for early retirement/redundancy where this can be justified in the financial or managerial interest of the Authority
- To cease use of agency staff
- To reduce the use of consultancy staff
- Potential redeployment
- Provision of reasonable training or re-training of individuals for possible alternative work

## **5. SELECTION**

- 5.1 In the event that a redundancy situation cannot be avoided, the Authority will utilise the Redundancy Selection Procedure. Individuals will be selected for redundancy according to the needs of the service, on the basis of capability record, skills, qualifications, sickness absence and disciplinary record. Where multiple redundancies are proposed for a group of staff doing the same job, then the selection criteria will be applied.

## **6. PROCESS**

- 6.1 Individuals who are at potential risk of redundancy will be advised of the situation as soon as practically possible.
- 6.2 Where a redundancy applies to particular jobs held by one or more individuals, the post(s) would be redundant without the need for a selection process.
- 6.3 Where there are multiple redundancies or a reduction in posts within a group of employees, the 'pool' of employees from which the redundancies will be drawn must be identified. This might be one team within the service, a group of employees doing the same job, usually working to the same job descriptions or similar job description, or those performing a particular function.
- 6.4 In the case of 6.3 above, a formal selection process using the Redundancy Selection Criteria will be undertaken where there is a reduction in the need for employees to carry out work of a particular kind. (Please refer to the Redundancy Selection Criteria)
- 6.5 Individuals selected for redundancy will be given written notification to that effect and invited to a meeting with the Chief Executive to discuss their selection. The individual shall have the right to be accompanied by a Trade Union representative or work colleague and shall have the opportunity to make oral or written representations in respect of their selection. Following the meeting, and having taken into account any representations made by the individual, the individual shall be advised in writing of the decision. Individuals selected for redundancy shall be advised of their right to appeal against the decision.

## **7. FORMAL NOTIFICATION OF REDUNDANCY**

- 7.1 In accordance with this procedure, and following a period of consultation, notification of redundancy will be given, providing employees with appropriate notice of their employment being terminated:

<b>Continuous Service</b>	<b>Period of Notice</b>
One month or more but less than 2 years	4 Weeks
Two years or more but less than 12 years	1 week for each year of continuous employment (minimum of 4 weeks)
12 years or more	Not less than 12 weeks.

## **8. REDEPLOYMENT**

- 8.1 The Authority is a relatively small employer and the potential for redeployment opportunities is limited. However an individual who has been selected for redundancy will continue to be subject to any potential redeployment provisions until his/her dismissal takes effect.
- 8.2 If a redeployment opportunity should arise, individuals under notice of redundancy have a statutory right to a trial period of four weeks in any suitable alternative employment to which they have been appointed by the Authority where the contract is renewed on the basis of new terms and conditions.
- 8.4 If, during this period, the employment contract is terminated by the employee or the employer for a reason connected to the new contract, the individual will remain eligible for a redundancy payment. If however, the employee unreasonably terminates the contract, he/she will not be entitled to a redundancy payment. Eligibility for a redundancy payment may also be lost if an individual unreasonably refuses an offer of suitable alternative employment.
- 8.5 If an employee is re-deployed to a fixed-term post, which is not extended or renewed at the end of the fixed-term, the Authority will make a redundancy payment (as detailed in paragraph 11) to the employee, on the basis of total service with the Authority.

## **9. TIME OFF TO LOOK FOR NEW WORK OR TRAINING**

- 9.1 Individuals who are under notice of redundancy will be entitled to a reasonable amount of paid time off to look for work, attend interviews or to arrange training.
- 9.2 To ensure this is consistently applied, it is recommended that:
- The relevant manager should agree time off in advance
  - At least 24 hours notice should be given
  - A letter confirming the appointment or training should, as far as possible, support the request for time off.

## **10. ASSISTANCE**

- 10.1 Individuals who are subject to the provisions of this policy may seek further advice and assistance from the Authority, such assistance may include:
- Counselling – often redundancy can be a stressful time, the Authority enables the employees to undertake confidential counselling through its Occupational Health Service
  - liaison with the local Employment Agency to ensure that they know of the skills and abilities of the Authority employees who are likely to be seeking work
  - practical help to employees selected for redundancy, namely preparation of CVs, completing job applications, advice on interviewing skills.

## **11. REDUNDANCY PAYMENTS**

- 11.1 Employees who are made redundant following two or more years' continuous service with this Authority or who have previous continuous service with local authorities and other organisations specified within the Redundancy Payments (Local Government) (Modification) order 1983 and the Transfer of Undertakings (Protection of Employment) Regulations 1981, at the date of dismissal will be eligible for a redundancy payment based on the following:-
- For years of service between the ages of 18 and 22, half a week's pay for each year of service
  - For service between the ages of 22 and 41, one week's pay for each year of service
  - For service between the ages of 41 and 64, one and a half week's pay for each year of service
- 11.2 For the purpose of calculating redundancy pay, a week's pay will be based on the employee's gross weekly pay (which excludes any non-contractual payments).
- 11.3 The maximum service which can be taken into account is 20 years, and the greatest amount of redundancy pay which is payable is 30 weeks.
- 11.4 Redundancy payments may be made to an individual in lieu of the contractual notice.

## **12. WITHHOLDING REDUNDANCY PAYMENTS**

- 12.1 If an employee, under notice of redundancy, receives an offer of work outside the Local Government Service, they can either work their notice with the Authority and receive their redundancy payment or, if they wish to start prior to the end of the notice period, resign from their post (counter notice). In this case they will forgo the remainder of their notice pay but will be entitled to their redundancy pay calculated to the date they leave their employment.
- 12.2 If an employee, under notice of redundancy, receives and accepts an offer of work within the Local Government Service, as covered by the redundancy modification order, before their employment with the Authority ends they will not be entitled to a redundancy payment. Their continuity of service will not be broken if they commence their new job before the 5<sup>th</sup> Monday following the date of termination of employment.

- 12.3 If an employee is made redundant and after their termination date obtains employment with another Local Authority they are entitled to retain any monies paid to them by their former employer in respect of notice and redundancy payments but cannot commence their new job until 4 weeks after termination date
- 12.4 If the Authority is aware that an employee under notice of redundancy has received an offer of employment with another Local Authority prior to their finishing date, then no redundancy payments will be made.

### **13 APPEALS**

- 13.1 All employees have the right to the Authority against dismissal for redundancy reasons. The grounds for appeal will concern the application of procedures, consultation and fairness of selection. The decision of the Authority to declare redundancies will not be grounds for appeal.
- 13.2 If the employee decides to appeal against their redundancy he/she must do so in writing, stating the grounds and enclosing relevant documents, within the redundancy period. The notice of appeal must be sent to the Chief Executive.
- 13.3 The Employment Appeals Committee shall hear the appeal not later than 20 working days after the receipt of the notice of appeal from the employee, unless a later date for the Hearing is mutually agreed. The employee shall be given at least five working days notice of the hearing, in writing, stating the time and location.
- 13.4 The employee shall be in attendance at the hearing when the appeal is being heard and he/she may be represented by a work colleague or Trade Union Representative.
- 13.5 When the Employment Appeals Committee has reached a decision, it will announce the decision, which will be confirmed in writing within seven working days.
- 13.6 An employee who has completed a minimum one year of continuous service with the Authority on the effective date of his/her termination of employment may complain of unfair dismissal to an Employment Tribunal. An employee who wishes to do so should, therefore, register and appeal with the Employment Tribunal within three months of dismissal, with a request that it should be held in abeyance until his/her rights under this procedure have been exhausted.

### **14. ENHANCED REDUNDANCY**

- 14.1 The Authority may give redundancy payments that are more generous than the statutory minimum. The Employment Equality (Age) Regulations set out three variations that are lawful under the Regulations:-
1. Removal of or raising the cap on weekly pay – paying actual weeks pay
  2. Applying a multiplier of more than one to the appropriate amount – e.g.: two weeks pay rather than one, for each completed year of service

3. Applying a multiplier of more than one to the overall figure after 1 and/or 2 above has been applied.
- 14.2 A different formula to the above could be applied but would need to be 'objectively justified'.
- 14.3 The Authority makes enhanced redundancy payments within this policy for the purpose of calculating redundancy payments by electing to pay the employees actual weeks pay as opposed to the statutory minimum as identified in point 1 above.
- 14.4 In terms of any further enhancements, specifically covered by those in point 2 and 3 above, Members could consider applying these based on the needs and circumstances of the Authority at the time of any redundancy situation.