

# **Reorganisation, Redeployment and Redundancy Policy and Procedure**

## **Document Control**

Approved By:	Divisional Director Human Resources and Trade Unions
Effective From:	1 September 2010
Version:	Final
For Review:	1 July 2013



INVESTOR IN PEOPLE

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# 1. Policy

## 1.1 Aim

The policy and procedure explains how the Council will manage reorganisations and seek to avoid redundancies wherever it is possible to do so.

The Council values its employees and is committed to providing a secure and stable employment environment. The Council will manage the changing demands facing the organisation, limiting the need for reorganisations wherever possible. Where reorganisations must take place, the Council will aim to redeploy displaced staff wherever it is possible to do so.

The policy and procedure are closely aligned with the Council's values relating to **Fairness, Respect, Excellence, Service and Honesty (FRESH)**.

### Statement of Intent:

- The Council will consult with employees and the Trade Unions (TU) whenever there is the prospect of change particularly where this may result in redundancies and will aim to reach agreement with the parties involved. The purpose of this consultation will be to avoid redundancies, to reduce the number of redundancies if these cannot be avoided, and to mitigate the consequences of any redundancies which cannot be avoided.
- The following provisions of this policy and procedure shall be read and implemented in the light of this overall statement of intent.

## 1.2 Scope

This policy and procedure applies to all employees.

In relation to temporary employees whose contracts come to an end for a reason other than by reason of redundancy, (eg their contract has terminated because they were employed to undertake a specific project which has been completed or they were employed for maternity or long term sickness cover), the Council will make attempts to search for alternative suitable re-deployment, where appropriate, via the redeployment process. Where no alternative post is secured, the employee's contract will be terminated at the end of their notice period without any entitlement to any further pay or severance.

This policy and procedure does **not** apply to agency workers. Positions occupied by agency workers will be considered for employees who are "at risk" so as to maximise redeployment opportunities. Agency workers will, however, be entitled to apply for any vacant positions at the end of the reorganisation process along with external candidates or to be absorbed (where an opportunity exists) in line with any absorption procedure in place at the time.

### 1.3 General Principles

An employee is deemed to be redundant if they have been dismissed due wholly or mainly to the fact that:

- the Council has ceased to provide the services or perform the function which the employee is employed to provide or
- the place at which the employee is employed is closing or
- fewer employees are required or expected to be required to carry out the work that the employee is employed to do

An employee must have a minimum of 2 years' continuous service in order to be entitled to a redundancy payment.

Employees will be considered as redeployees from the day their role has been identified as being 'at risk' of redundancy, at the 'End of Consultation Meeting', when management announces the new structure, up until the last day of their notice period.

It is an expectation that displaced staff will actively engage in all aspects of the redeployment process. Premature Retirement / Redundancy Severance (PRS) will only be considered as a final option at the end of the notice period if the employee has been unable to secure suitable alternative employment within the Council and all other redeployment options have been exhausted.

This will be kept under review by the Council on an ongoing basis and the Council reserves the right to offer PRS at an earlier stage in the process where it considers it appropriate to do so and would reduce the risk of compulsory redundancy.

There is an ongoing requirement for both managers and employees to keep job descriptions up to date as far as it is practical to do so.

### 1.4 Responsibilities

**Employees** are responsible for:

- participating in individual consultation as they wish
- participating in collective consultation as they wish
- arranging their own individual (Trade Union or work colleague) representation
- communicating to managers any concerns they have throughout the change process
- fully engaging in each stage of the redeployment process

**Line Managers** are responsible for ensuring that:

- they manage the changing demands of the service as far as possible with minimal redundancies and with minimum costs to the council
- where organisational changes are being considered, a robust business case is provided giving full justification for the proposed changes and the impact on posts
- consultation takes place with Trade Unions and employees who are affected and that this consultation

takes place with a view to reaching agreement wherever it is possible to do so

- employees are kept informed throughout the process;
- the timescales set out in this policy and procedure are adhered to where practicable
- compulsory redundancy is only contemplated when there are no suitable alternative positions available for redeployment
- the redeployment and selection process is applied fairly, objectively justified, non-discriminatory and employees failing to secure alternative employment have the opportunity to appeal against compulsory redundancy
- all employees identified as at risk at the close of the formal consultation period are encouraged to fully engage with each stage of the assimilation and redeployment process

Managers should note that failure to properly manage the reorganisation process as required under this policy and procedure may result in disciplinary action being taken.

**Human Resources (HR)** are responsible for:

- providing advice and support throughout the process having particular regard to the statement of intent and the objective of avoiding redundancy wherever possible
- monitoring application of the procedure, reporting trends and non-compliance
- reviewing and quality assuring new structures and job descriptions to ensure minimum job loss
- managing the Council's redeployment process
- in conjunction with managers, ensuring that a fair and consistent approach is taken in applying this procedure

## 2 Procedure

### 2.1 Organisational Design

2.1.1 The initial step of the change process should be an assessment of the current service by the Business Unit Management which should include:

- The objectives of the service and any drivers for change;
- How the service is currently working and measuring this against the objectives;
- Consideration of different ways of delivering the service
- Ensuring that proposed structures are fit for purpose, including implementation and transition costs

2.1.2 If following the organisational design process the preference is to change the service model, a robust business case must be developed. This should include the following:

- Background and reason for change;
- Alternative solutions considered ;
- Proposed preferred solution and the reason for this;
- How the new service will operate and what it will achieve;
- Full year costs of the current structure and the projected full year cost of the new structure
- Impact on staff and options for assimilation or redeployment to avoid or minimise redundancies;

2.1.3 Once the business case has been approved the following processes and documentation needs to be in place prior to the start of formal consultation:

- The business case for the purpose of sharing with staff and the Trade Unions.
- Current Structure Chart (highlighting annual staffing costs)
- Proposed Structure Chart (highlighting estimated annual staffing costs)
- Implications on posts i.e. a list of all affected posts in the current structure indicating:
  - **Category A** – Proposed deletion
  - **Category B** – Job description remains the same, proposal to reduce number of posts in the new structure
  - **Category C** - Job description has changed and post holder has proposed assimilation to post in new structure.
  - **Category C/B Generic Reduction** – Job description has changed and post holder has proposed assimilation to post in new structure, but there are fewer new posts than old posts.
  - **Change of line management**
  - **Not Affected** – No proposed changes
- Proposed new job descriptions (with evaluated grades)
- Current job descriptions. Where an existing job description is out of date, an updated version based upon actual current practice should be prepared by the manager and the post holder(s) and signed off by the line manager prior to the start of consultation.
- Equalities Impact Assessment

- A summary of the ring fenced interview / redeployment process for dealing with displaced staff
- The proposed method of calculating the amount of redundancy payments (if any)
- An outline of the proposed time frames

It is important that Business Unit Managers in consultation with their departmental HR team include in the consultation and redeployment process, all staff who may be temporarily absent from their substantive workplace as a result of sickness, annual leave, maternity or adoption leave, sabbatical leave or secondment as well as any staff suspended from duties as a result of disciplinary or any other action.

## 2.2 Reorganisation and Redundancy Consultation

### 2.2.1 General

2.2.1.1 Meaningful consultation with employees and Trade Unions is fundamental to the success of any organisational change. Consultation adds value to management proposals and is in line with the Council's FRESH values. If **potential** redundancies are proposed, the Council also has a legal requirement to consult with individual employees. In addition there is a legal requirement under s.188 of the Trade Union and Labour Relations (Consolidation) Act 1992 to consult the Council's recognised Trade Unions where the Council is proposing to dismiss as redundant 20 or more employees within a period of 90 days or less.

2.2.1.2 The minimum periods of consultation are as follows:

Employees to be dismissed at one location over a 90 day period	Minimum consultation period before first redundancy takes effect
20-99	30 calendar days
100+	90 calendar days

In addition to consulting Trade Unions, it is necessary to notify the Secretary of State at the Department for Business, Innovation and Skills and the Insolvency Service of proposed redundancies involving twenty or more employees at any one location in a 90 day period. In this situation the Secretary of State must be informed before any redundancy notice is issued and where 20-99 employees are proposed to be made redundant, at least 30 days before the first dismissal on the grounds of redundancy takes effect, or 90 days before in the case of 100 or more employees. This exercise will be co-ordinated by the HR Division and Business Unit Managers should provide this information on the relevant forms.

2.2.1.3 There is no legal requirement to consult with the Trade Unions where redundancies involve less than 20 employees, however in these

circumstances the Council will consult the Trade Unions and will apply the minimum 30 day consultation period where practicable.

## **2.2.2 Group Consultation Meetings**

2.2.2.1 Written notification will be issued to the Trade Unions five days before the start of formal consultation about proposed organisational changes, with a meeting one day before the start of formal consultation. This will include all of the information to be shared with employees at the group consultation meeting. Managers will inform employees of the situation and set the date, providing 5 days written notice, of the first group consultation meeting to employees and the Trade Union. Those invited should include all employees likely to be affected and the relevant Trade Unions representative(s). There may be a need to hold more than one group consultation meeting for employees on different conditions of service, working patterns or at different locations.

2.2.2.2 The 'start of consultation' meeting should aim to cover:

- a. strategies to try to avoid and /or minimise redundancy;
- b. dates of any subsequent consultation meetings;
- c. the reasons for the proposed changes to the current staffing structure;
- d. budgetary information where the reason for the proposed staffing reorganisation is financial;
- e. the redundancy policy and procedure to be used;
- f. selection criteria for identifying the post(s) to be declared redundant
- g. selection criteria for suitable alternative redeployment (where available)
- h. selection criteria for identifying displaced individuals; and
- i. the timescales.

## **2.2.3 Individual Consultation**

2.2.3.1 Regular meetings between management and affected employees should also be scheduled during the consultation process to discuss each employee's individual questions and personal circumstances. All alternative redeployment options should be discussed and made available to employees identified as potentially being 'at risk'. Employees will be permitted to be accompanied by a Trade Union representative or colleague at these meetings.

2.2.3.2 When conducting individual consultation, managers should:

- be understanding and sympathetic towards employees and their concerns
- explain the situation clearly and what the proposals are
- explain how staffing reductions (if any) will be made and all alternative suitable redeployment opportunities available for displaced staff
- follow up any meeting with a written response, keeping communication as simple and clear as possible to avoid any confusion
- advise employees of their right to seek Trade Union advice and representation
- keep all employees informed throughout the consultation process (including **all** employees absent from their normal workplace)



- ensure that they communicate effectively with any employees that may have individual or specific workplace requirements including any form of disability or medical condition

#### **2.2.4 Submission of comments and management review**

2.2.4.1 All documentation will be issued to affected employees within reasonable timescales as agreed at the first consultation meeting. These will provide for a minimum of ten working days for submission of initial comments by employees and trade unions and up to ten working days for the consideration of these comments by management. Any written proposals made by the Trades Unions or affected staff will be considered by the Business Unit Manager and a written response will be given.

### **2.3 Assimilation**

#### **2.3.1 General**

2.3.1.1 Assimilation into an alternative position can occur where the main purpose and duties of a post remain substantially unaltered and/or where the current duties are broadly similar to the duties of the new post.

It is necessary to carry out an assimilation process at the earliest possible opportunity, following the management review and finalisation of the new structure and job descriptions, in order to be able to identify the posts available as alternative employment for potentially redundant employees.

#### **2.3.2 Assimilation/Job matching Exercise**

An assimilation/job matching exercise should be carried out by a panel of at least two officers and an HR representative. Having completed the assimilation exercise, it is important to record how the process was conducted and the results of the exercise. Managers should ensure that these records are kept securely in case they need to be referred to at a later stage.

Those involved in assimilation will be briefed in the council's procedures and have particular regard to the council's commitment to avoid redundancies wherever possible.

Employees will be assimilated to a post in the new structure, where their existing post is "broadly similar" to the new post, based on the existing and new job descriptions. A new job description is "broadly similar" to an existing job description if many of the duties in the existing job description appear in the new job description. "Many" are to be assessed with reference to the significance of duties to the functions of the post and to the proportion of time taken by particular duties, not simply by counting points in the job description.

### **2.3.3 Assimilation Criteria**

#### **2.3.3.1 Assimilation grades**

Assimilation will apply to posts at the same grade or one grade higher or lower than the substantive grade. A post on a lower grade may not constitute suitable alternative employment. This does not preclude an employee voluntarily accepting a broadly similar post at one grade lower, although they should be advised to seek Trade Union advice before doing so.

Where an employee is assimilated to a higher graded position they will commence on the bottom spinal point for the grade unless there is an overlap in grades. Where an employee is appointed to a post that has an overlap in grades but a higher top point than their current grade, they will receive one additional increment on appointment.

#### **2.3.3.2 Assimilation eligibility**

In the first instance all assimilations should be based upon substantive posts and grades and not on acting, interim or seconded positions regardless of the length of such temporary arrangements.

Assimilation into a permanent vacancy can be considered on the basis of an “acting” or seconded position if:

- The employee's substantive post has been deleted or was in a pool for reduction, and
- The employee has been acting up or on secondment for more than six months at the point at which consultation on the reorganisation commenced, and
- By considering the employee for assimilation on the basis of their “acting” or seconded position no further employee would be put at risk of redundancy for this position and
- The risk of redundancy or the number of redundancies, at the employee's substantive grade would be reduced.

In cases where the acting or secondment post has been deleted but the employee's substantive post still exists, the employee will return to their substantive post.

### **2.4 Announcement of New Structure**

2.4.1 At the end of the consultation period, employees will be notified of the Council's final proposals. The Business Unit Manager, in conjunction with HR, will identify any posts to be declared redundant and all suitable alternative redeployment options. Post holders will be individually notified in writing of the grounds on which the reorganisation is proceeding. All employees at risk of displacement will automatically be eligible to be considered for redeployment from the end of consultation if they have not secured a suitable alternative post through these processes.

2.4.2 Employees shall be notified of assimilation decisions and shall be advised of their rights of appeal in accordance with section 5.1 below.

## **2.5 Selection Process**

### **2.5.1 Assimilation selection and Generic Reduction Group interviews**

A selection process of generic reduction group interviews will be applied where following the announcement of the new structure:

- an existing post transfers to the new structure and the job description remains the same, however there is a reduction of posts in the new structure or
- an existing job description has changed but is broadly similar to allow assimilation rights, however there are more staff eligible for assimilation than there are posts available in the new structure

In these circumstances the process will be to determine the most appointable employees as the expectation will be that all posts will be filled because all staff will have been considered to have assimilation rights.

### **2.5.2 Ring Fenced Interview Process**

Displaced employees who remain at risk of redundancy must be encouraged by management to express an interest in any 'ring fenced' posts that remain in the new structure. Ring fenced posts are posts that may have been created or have transferred to the new structure as a result of a reorganisation, but remain vacant.

These posts will be ring fenced to staff affected by the reorganisation and who are at risk of redundancy. They will be given the first priority to express an interest and be interviewed for these posts.

- 2.5.2.1 These employees will be requested to complete an Expression of Interest form, and to state which of the vacant posts, subject to a maximum of five posts, ranked in preference, within the new structure they wish to apply for. The form should be accompanied by any essential documentation that may not have previously been provided to the Council by the employee, for example, evidence of qualifications relevant to the vacancies.

Ring fenced interviews shall be conducted in the same way as redeployment and generic reduction group interviews. This will be similar to interviews conducted under the Council's Recruitment and Selection Policy and Procedure except that there are some fundamental differences:

- Ring-fenced posts are truly vacant posts within the boundaries of a particular restructure;
- Ring-fenced posts are restricted to those displaced staff directly affected by a particular restructure and not open to external competition from non-affected staff;
- Application for a ring-fenced post is by way of a simple 'Expression of Interest' form provided by Human Resources and not by the standard application form.
- Management will aim to fill, wherever possible, all vacant ring-fenced posts within the restructure with affected staff who are considered to be appointable. Staff that can meet the core requirements of the role to a competent level given reasonable training over a reasonable period of time will be considered appointable. However priority will be given to staff 'most appointable' (by way of Assessment Centres

where appropriate) where there are more displaced employees than vacancies.

- 2.5.2.2 Any employee unsuccessful in gaining a position from their preferred list will be considered for any remaining ring fenced post or for other potentially suitable vacancies across the Council under the Redeployment process.

## **2.6 Contractual Notice**

At the conclusion of the Assimilation, Generic Reduction Group and Ring Fenced interview processes, all displaced employees potentially facing redundancy will be issued with their contractual notice. Employees will have redeployee status and be eligible to be considered for other vacancies across the council in accordance with Section 2.7 of this policy and procedure. Employees who are unable to secure suitable alternative employment before the expiry of their notice period will be dismissed by reason of redundancy.

## **2.7 Redeployment**

Only redeployment as determined by reorganisations and potential redundancy situations will be subject to the procedure set out below.

### **2.7.1 General Principles**

- 2.7.1.1 Redeployment on other grounds such as ill health and disability, expiry of a fixed term contract other than by reason of redundancy, (eg a fixed term contract to cover a maternity leave period or period of long term sickness), or in other circumstances where redeployment applies (e.g. following application of the capability or disciplinary procedure or as a result of a grievance), will not be subject to this procedure. Please refer directly to the Council's "[Manager & Employee Guidance on Redeployment](#)".
- 2.7.1.2 Employees should note that if they fail to secure alternative employment within their notice period, they will still be entitled to be considered for PRS.
- 2.7.1.3 Any redeployees who have been identified as at risk of redundancy shall be given the highest priority over other applicants. This means that a redeployee in this situation who is found appointable, as set out below, shall be appointed ahead of other applicants.
- 2.7.1.4 Following the end of consultation, employees who remain at risk of redundancy will seek an appointment with the Redeployment team who will help staff search for suitable employment opportunities. The first step is for the employee to complete the redeployment pro-forma. This form seeks to capture an individual's knowledge, skills and experience. The redeployment team will use the form as a basis to 'job match' against suitable alternative employment.

Redeployees will be put forward for vacant posts for which

- They are job matched – where the job is broadly similar and at the same grade or one grade below or above their substantive post
- They have expressed an interest – where the job is not broadly similar and/or is more than one grade below or above their substantive post

2.7.1.5 Where several redeployees in a redundancy situation all meet the essential criteria during the selection process, an employee who is on maternity or adoption leave who has been selected for redundancy will be provided first refusal to be appointed to a suitable alternative post.

2.7.1.6 The Redeployment Team will maintain an up to date schedule of all vacant posts in the Council, including all posts covered by agency workers. This schedule will be provided to the trade unions on a weekly basis. Where a redeployee has been “job matched” to a vacant post, in agreement with the hiring manager and in consultation with senior management, they will be offered a 28 day trial period, provided the number of redeployees does not exceed the number of opportunities available. Where there are more redeployees than available posts, interviews will be necessary.

2.7.1.7 Redeployees expressing an interest in any other post more than one grade above their current post and/or to which they have not been job matched , **may**, with advice from the Redeployment Team and at the discretion of the manager, be offered an interview.

Where an interview is offered under these circumstances, redeployees shall be interviewed and assessed in accordance with the procedure below.

2.7.1.8 It is not necessary to wait for internal or external adverts to be placed by the hiring manager for redeployees to be considered for vacant posts. All redeployees must be considered for the posts up until an appointment is made to the post. Vacant posts include all established positions and those that may be currently filled by an agency worker. Subject to business unit service requirements, all managers are expected to cooperate in achieving the Council’s policy objective of avoiding redundancies by making vacant posts, including posts filled by agency workers, available for redeployment.

## **2.7.2 Redeployment Interviews**

2.7.2.1 An HR representative should attend all redeployee interviews as a panel member to ensure that it is conducted fairly and appropriately and for ensuring that, where appropriate, reasonable adjustments are made in accordance with disability legislation.

An HR representative must review the interview questions and assessments prior to redeployment interviews being conducted to ensure validity and integrity of the redeployment process.

2.7.2.2 Redeployees undergoing interviews will **not** be in direct competition with external candidates or other internal candidates not at risk of redundancies. However, competition may come from other suitably matched redeployees.

These redeployees need to demonstrate they are ‘appointable’ to the post by meeting the core requirements of the role to a competent level with a reasonable amount of training over a reasonable period of time. Priority will

however be given to staff 'most appointable' by way of Assessment Centres where applicable, where there are more redeployees than vacancies.

### **2.7.3 Redeployment trial period**

2.7.3.1 Where a redeployee is found suitable alternative employment a job offer will be made subject to satisfactory pre-employment checks and a 28 day trial period in their new role. The purpose of the statutory trial period is to give the employee the opportunity to decide whether the new job is suitable. In addition the trial period will give the manager an opportunity to determine whether the employee is able to fulfil the duties of the new post.

2.7.3.2 Consideration may be given to extending the trial period beyond 28 days with the approval of the Divisional Director of Human Resources and in consultation with the Trade Unions. The trial period can normally only be extended for training purposes, which must be set out in writing including the revised termination date and terms to be applied after that date. If the employee works beyond the revised agreed termination date, they will be deemed to have been offered and accepted the post as suitable alternative employment.

2.7.3.3 All reasonable steps will be taken during the trial period to facilitate the successful transfer of the employee into their new post. The manager and redeployee should meet weekly to discuss the progress of the trial. If it becomes apparent to the manager during the course of the trial period that the employee is not suitable for the post, the manager should initially discuss their concerns with the Redeployment Team. If those concerns can not be resolved with the employee and the trial period is not successful the employee will revert to their substantive post (should this still exist), or be offered alternative duties where possible. They will then remain on the Redeployment register until the end of their contractual notice period. If the notice period has expired, the employment contract ends automatically on the last day of the trial period. Under these circumstances, any entitlement to be considered for PRS will **not** be lost.

2.7.3.4 If the employee feels during their trial period, that the new post is not suitable, they must immediately discuss this matter with the recruiting manager and the redeployment officer at the first opportunity. This discussion must take place before the date on which the trial period is due to end. In that case the employee's contract will be treated as having been terminated by reason of redundancy on the date when their original contract came to an end. Where the employee does not have satisfactory reasons for terminating the trial period or declining the post permanently, they will not be entitled to any redundancy payment.

2.7.3.5 Where an employee has genuinely and actively engaged in a search for alternative employment and is job matched to a post but the trial period would go beyond their notice period, the council will extend their notice period, to allow completion of the trial period. This will only be agreed once.

## **2.8 Suitable Alternative Employment**

- 2.8.1 Hiring managers are required to make offers of suitable alternative employment, where such employment is available, to displaced employees found appointable following a trial period, otherwise any subsequent compulsory redundancy dismissal **may** be unfair.
- 2.8.2 It is expected that redeployees will accept any offer of suitable alternative employment.

The meaning of suitable alternative employment is broadly that the employment offered must be substantially equivalent to the employment, which has been lost. In deciding what suitable alternative employment is, managers need to consider:

- the pay and grading of the new post
- the location of workplace if this has any detrimental effect on existing child care or dependents' care arrangements
- the hours of work
- the employee's particular circumstances, skills and ability
- any relevant medical considerations
- any other reasonable adjustments
- the nature of the duties of the post
- the status of the post
- any current or proposed line management responsibilities of the post

Refusal may be considered as reasonable where there are significant changes to the job.

- 2.8.3 Unreasonable refusal may arise where the differences between the new and old jobs are negligible or where the employee assumes rather than investigates the changes that the job may involve.
- 2.8.4 Where the manager feels that an offer of suitable alternative employment has been unreasonably refused, a meeting will be held with the employee to discuss the reasons for their refusal. The employee shall be entitled to be accompanied by a Trade Union Representative or a Work Colleague.
- 2.8.5 Where it is decided that the role has been unreasonably refused, the employee will lose any entitlement to a PRS payment. This ruling will also apply where an individual unreasonably refuses, having been invited, to attend an interview to determine their suitability for a vacancy that they are matched to during the assimilation, generic reduction group or redeployment processes, or if they resign during a trial period.
- 2.8.6 There will be circumstances where a manager may offer a displaced employee a post knowing in advance that this may reasonably be refused, e.g. a similar, but lower-graded post. The post would be offered to the employee with the advice that refusal would not jeopardise any subsequent consideration for a PRS payment. However by accepting such an offer, an employee will be deemed to have accepted it as suitable alternative employment, subject to their right to a statutory trial period.

## 2.9 Premature Retirement/ Redundancy Severance (PRS)

### 2.9.1 Enforced Premature Retirement & Severance

2.9.1.1 It is the aim of this policy to avoid redundancies wherever possible, whether compulsory or voluntary. There is therefore no guarantee that any individual PRS applications will be automatically approved as this will be at the discretion of the Departmental Executive Director and the Departmental Divisional Director of Resources. Each application will therefore be considered on its own merit. An employee whose request for PRS was refused would not subsequently be made redundant on less favourable terms as part of the same reorganisation.

The Council reserves the right in the interest of retaining the requisite skills, knowledge and experience within the organisation to determine whether or not to approve any volunteered applications for PRS. In respect of each reorganisation to which this policy and procedure applies the Council will consult the trade unions with a view to reaching agreement about the timing of any offers of PRS (for example, in advance of a generic reduction where this may avoid the need for a selection exercise).

2.9.1.2 Where staff work variable weekly hours, their 'weeks' pay for the calculation of any PRS redundancy pay will be based on the average weekly pay based on a prior reference period of 12 weeks. This calculation will again be repeated at the actual time of dismissal and if a higher figure is achieved, the employee's PRS will be based on the increased amount. Otherwise, the employee's PRS will be based on the previous estimated figure.

2.9.1.3 Redundancy costs are primarily attributable to the post holder's substantive unit. If staff remain on secondment in another post where their substantive post is deleted, some apportionment of costs may be required, depending on the exact circumstances.

2.9.1.4 PRS costs will be calculated at the amount equivalent to "a **contractual** week's pay" based on statutory guidance rather than the statutory amounts defined by the government at that time. The calculation of a week's pay in this way is not considered by the Council to be a contractual right and the Council may at any time revert to redundancy payments based upon the minimum amount set by government at that time, subject to the provisions of Section 6.1. This is currently set at the following levels, up to a maximum of 20 years:

- ½ week's pay for each full year of service where the employee's age was under 22
- 1 week's pay for each full year of service where the employee's age was 22 or above, but under 41
- 1 ½ week's pay for each full year of service where the employee's age was 41 or above



## **3 Support for Staff**

### **3.1 Advice**

Employees at risk of redundancy can seek confidential advice from their trade unions representatives and Departmental Human Resources team, about the redeployment and redundancy process. Advice may also be obtained via the [Employee Assistance Programme](#).

### **3.2 Time off to look for other employment**

- 3.2.1 'At risk' employees who are seeking alternative employment and who are under notice of redundancy have a statutory right to a reasonable amount of paid time off to look for work both inside and outside of the Council and/or arrange training for new employment.
- 3.2.2 Any time off needs to be approved in advance by the employee's manager. What is reasonable will depend on all the circumstances including for example, how much advance notice of the need for time off has been provided against the needs of the service at that time and how far the employee needs to travel. Managers should not unreasonably refuse such requests and should seek advice from the Redeployment Team when in doubt.

## **4 Special considerations**

### **4.1 Equal Opportunities considerations**

- 4.1.1 It is important that in every change situation, full consideration is given to equal opportunities for all employees, regardless of their gender, ethnicity, religion or belief, disability, age, marital status, sexual orientation or gender identity. The impact upon employees of change proposals is therefore an important factor to be taken into account in the Equalities Impact Assessment.

### **4.2 Disability**

- 4.2.1 In the context of a change programme, it is important to ensure that nothing is done that contravenes the provisions of disability legislation and that reasonable adjustments are made, whether in applying a selection criteria, in the consultation process, or in the consideration of suitable alternative employment. Managers should refer to the Council's [Disability guidance](#).
- 4.2.2 When setting criteria for redundancy selection, the Council will consider whether any proposed criterion would unjustifiably adversely impact upon a disabled employee. If so, the Council will make any necessary reasonable adjustments.

### **4.3 Maternity/Adoption**

- 4.3.1 An employee on maternity/adoption leave, who fulfils the relevant conditions set out in the Employment Rights Act (1996), has the right to return to the job in which they were employed on no less favourable terms and conditions. Please refer to the Council's Maternity and Adoption Policy.

- 4.3.2 If the employee on maternity / adoption leave is unable to return to their previous job, they are entitled, where there is a suitable available vacancy, to be offered alternative employment. The provisions of the alternative employment must not be substantially less favourable than if they had returned to the original job.
- 4.3.3 Where an employee on maternity / adoption leave is at risk of redundancy, managers must ensure that the employee is provided with all necessary information, in particular in relation to vacancies, and that they are consulted. If necessary, there should be home visits with the agreement of the employee. These provisions should also apply to an employee otherwise absent for a pregnancy-related reason.
- 4.3.4 Every effort should be made to ensure that employees are not made compulsorily redundant during any period of maternity / adoption leave. However this will be dependent on the service needs of the department and the individual circumstances of the employee.
- 4.3.5 Managers should take all reasonable steps to facilitate the automatic redeployment of employees whose posts have been deleted during maternity / adoption leave.
- 4.3.6 An offer of alternative employment cannot be withheld only on the basis that the employee cannot take up the post immediately. The post should be held for the employee until their period of maternity / adoption leave ends, and if necessary, covered on a temporary basis.
- 4.3.7 If no suitable alternative employment has been found during the period of maternity/adoption leave then notice of redundancy will be served with effect from the date on which the employee is due to return to work. In these circumstances, the Council will not expect the repayment of any payments made under the occupational maternity scheme.

#### **4.4 Employees Absent from Work**

- 4.4.1 Where employees are absent from their normal workplace due to authorised leave of absence such as long term sickness, secondment or sabbatical leave, their manager should ensure that they are kept informed of all proposed changes.

All efforts must be taken to facilitate their participation, including attendance at meetings, interviews and planned assessments wherever possible.

- 4.4.2 Where an 'absent' employee is at risk of redundancy, managers should ensure that the employee is provided with all necessary information, in particular in relation to vacancies, and that they are consulted. If necessary, there should be home visits for employees on long term sick leave who should be managed in line with the Council's Sickness procedures.
- 4.4.3 Managers should take all reasonable steps to facilitate redeployment of employees being made redundant during periods of absence.
- 4.4.4 An offer of alternative employment cannot be withheld only on the basis that the employee cannot take up the post immediately. The post should be held

for the employee until their temporary period of absence ends and if necessary covered on a temporary basis.

## **5 Appeals**

### **5.1 Assimilation appeals**

- 5.1.1 Employees will be advised at the announcement of the new structure whether or not they have assimilation rights to position(s) in the new structure. Employees will be given the opportunity of appeal to the relevant Executive Director against the decision. This should be done within **five working days** of the decision being notified to them. The grounds of appeal should state clearly both the reasons why the employee challenges the decision and the outcome sought.
- 5.1.2 Employees can appeal on the following grounds where they believe that the individual circumstances surrounding their particular case do not support the following decisions by management :
- Non-assimilation to a particular post
  - Offer of assimilation to a post which is considered not to be appropriate
- 5.1.3 If requested, documentation from the original assimilation panel will be provided to the Employee on receipt of an assimilation appeal.
- 5.1.4 The Executive Director or nominated Appeal Manager shall, in the first instance, consider whether or not the appeal is in accordance with the grounds of appeals. If it is decided that the appeal is invalid the Executive Director shall write to the employee advising him/her of the decision, giving a full explanation as to why the appeal has been declined.
- 5.1.5 If it is decided that the appeal has merit, the relevant Executive Director or nominated appeal manager should arrange for consideration of the appeal. A panel of two managers and an HR Representative not involved in the original decision will consider the written submissions relating to the grounds of the appeal against the assimilation decision and the assimilation documents for the original panel. The appeal panel shall bear in mind the Council's intention to avoid redundancies wherever possible, in accordance with paragraph 1.1.
- 5.1.6 The employee will be informed in writing of the decision of the appeal panel which is final.

### **5.2 Redundancy appeals**

- 5.2.1 An employee who wishes to appeal against their dismissal on grounds of redundancy should write to their Executive Director within 5 working days of receipt of notice of redundancy setting out the grounds for appeal. An employee may appeal on the following grounds:
- Unfair selection for redundancy
  - That the Reorganisation, Redeployment and Redundancy Policy and Procedure was incorrectly applied

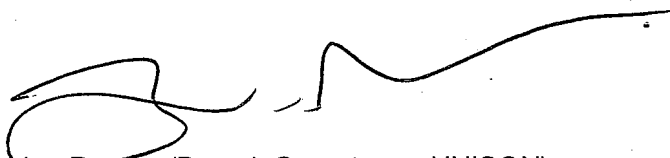
- 5.2.2 Upon receipt of a notification of appeal, the Executive Director shall appoint a panel of two managers and an HR Representative to hear the appeal, at least one of whom shall not be in the management line of the employee. The employee shall receive five working days notice of the date and time for the hearing, at which they may be represented by a work colleague or trade union representative.
- 5.2.3 The formal meeting shall be attended by:
- the panel consisting of two managers (including a Chair who shall not be in the management line of the employee)
  - an HR representative
  - the line manager
  - the employee, with a representative, if they so wish
- 5.2.4 The panel may invite others to attend as witnesses where, in their opinion, this is necessary. The employee or their representative may request the attendance of witnesses where they believe that their evidence may be relevant. Such a request shall not unreasonably be refused.
- 5.2.5 The hearing shall be conducted as follows:
- The employee and/or their representative shall set out the grounds of appeal. The manager, the panel and/or the HR representative may question the employee/representative.
  - The manager shall set out the basis on which the employee is to be dismissed on grounds of redundancy. The employee and/or their representative, the panel and/or the HR representative may question the manager.
  - At the conclusion of the hearing the manager and the employee shall have an opportunity to summarise their case.
- 5.2.6 The panel shall then deliberate, with the assistance of the HR representative, and arrive at a decision. The panel's decision, which may be to uphold the proposed redundancy dismissal or to order that the employee may not be dismissed as redundant is final and may be notified to the employee verbally but shall in any case be confirmed in writing to the employee and their representative.

## **6 Details of approval and variation process**

- 6.1 Where the Council wishes to amend or terminate this policy and procedure, it will consult with the relevant trade unions with a view to reaching agreement over the proposed amendment(s)/termination. This procedure may be amended or terminated by agreement with the relevant trade unions at any time. Where agreement has not been reached with the relevant trade unions arising from consultation, the Council reserves the right to implement its proposed amendment(s)/termination by giving one month's notice to employees of its proposal(s).
- 6.2 This policy and procedure is approved and signed by:



Nana Amoa Buahin  
**Divisional Director Human Resources**



Jon Rogers (Branch Secretary – UNISON)  
**On behalf of Trade Unions**