

Reorganisation – Redeployment & Redundancy

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Reorganisation, Redeployment & Redundancy Procedure

1. Introduction

a) This procedure is intended to assist anyone dealing with or affected by the process of reorganisation or may be potentially redundant. The process for redundancy handling is based on the related ACAS guide.

b) This procedure is supported by a series of guidance notes. Text printed in **bold** indicates that a guidance note is available on that topic. Where the guidance notes contain further information on specific legal requirements this will be indicated.

c) This procedure applies to all Council employees, with the exception of those employed at schools with delegated budgets where governing bodies will be recommended to adopt. Where a service is transferred to another employer (e.g. through outsourcing), TUPE regulations may apply and will be covered by advice on the related topic. Internal transfers (i.e. from one department to another) do not constitute business transfers in law and are therefore covered by this reorganisation procedure not TUPE. Apart from particular circumstances, described in the guidance notes that follow, the provisions of the procedure apply to fixed term contract staff.

2. Statement of Intent:

Management is responsible for deciding the size and most efficient use of its workforce. By careful forward planning, the Council will ensure as far as possible security of employment for its employees. It is recognised that occasions will occur nonetheless, when there is a need to change individual posts or to reduce the overall staffing numbers to meet new service needs or financial constraints. Reorganisation procedures will not be used to deal with employee capability issues. Where occurring, matters of capability should be managed using the appropriate capability procedure.

As far as possible, the Council will work with staff and their representatives to take effective measures to avoid the need for redundancies. Where inevitable the Council will first seek, from relevant staff, expressions of interest to terminate employment on the basis of voluntary redundancy. The need for compulsory redundancy should be seen as a last resort. The Council will aim to handle any redundancy in a fair, consistent and sympathetic manner, minimising any hardship that may be suffered by the employee(s) concerned.

3. Planning & Approvals

Effective planning of human resources can help to determine future staffing needs, leading to improved job security and better use of resources and should include planning for consultation and implementation. Occasionally, a far-reaching review is required leading to fundamental changes in role(s) or the establishment (i.e. the numbers and/ or fundamental nature of posts). In such circumstances it is appropriate to seek expressions of interest in voluntary redundancy, whilst recognising that the Council may not be able to agree to individual employee wishes. The Council has a duty to balance the needs of the service, the financial consequences of redundancy and the wishes of an individual employee.

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All reorganisations must use a systematic change management process that reflects the type of change being introduced. This must include appropriate consultation with the constituent trade unions and individual employees who are affected by the changes. Proper authorisation, in accordance with a department's scheme of management or by Members dependent on the type of change being proposed, must be obtained before implementation.

Reorganisations must be planned and implemented with proper regard to equality issues; mitigating adverse impact on people of protected characteristics where practical to do so.

4. Consultation

a) Effective consultation with employees and the trade unions is essential to any process of reorganisation. In circumstances of redundancy, consultation is a statutory right and where not fulfilled may be subject to financial penalty in certain circumstances.

b) Where it is proposed that any employee(s) may be dismissed as redundant, consultation will commence with the recognised trade unions at the earliest opportunity. Consultation must be undertaken *"with a view to reaching agreement with trade union representatives"* and must include ways of:

- avoiding dismissals,
- reducing the numbers to be dismissed,
- mitigating the consequences of the dismissals.

This applies whether or not the potentially redundant employees are union members.

c) Consultation should commence at the earliest opportunity. In law where an employer proposes to make redundant 20 or more employees at one establishment within a period of 90 days or less, consultation must commence in "good time" and at least 30 days before the first dismissals take effect. Where the number of employees to be dismissed is 100 or more within a period of 90 days or less, consultation, must commence at least 45 days in advance of the first dismissal taking effect. The Department for Business, Innovation and Skills (BIS) must also be notified before giving notice to dismiss the employees. The period of notification to the BIS is the same as for the requirement for consultation, as discussed above.

d) Consultation must be meaningful, providing an opportunity for all concerned to share the problems and explore the options as early as practical. Trade Unions and individual employees may be able to suggest acceptable alternative ways of tackling a problem or ways to minimise hardship where redundancies are inevitable. The range of information that must be disclosed in writing to the trade union to meet statutory requirements is given in the guidance notes that follow this procedure.

e) Throughout reorganisations, and on occasions of potential redundancy, continuing dialogue with individual staff is essential. Employees have the right to be represented or accompanied at formal meeting by a trade union representative or a work colleague, and should be so advised. Securing a representative or work colleague and informing them of the time and place of the meeting remains the responsibility of the employee concerned. Special arrangements for consultation apply to staff who are on maternity leave to ensure that they are not disadvantaged by their absence. [Further guidance is also contained in the Business Managers Handbook topic Business Managers Guide to Parental Leave (Section Managing People)]

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5. Placing Staff in the New Structure

a) The old and new structure must be compared in order to identify objectively the impact for each member of staff. Through a structured [job categorisation process](#)¹ it will be possible to identify where a substantive job has changed and a [matching process](#) used to determine whether the change is 'significant'. Depending on how the employee's job has been categorised, the Manager will individually advise each employee and confirm in writing that they are to be either: -

1. Appointed to a role in the new structure; or
2. Enter the selection pool, i.e. these staff will be in competition for a limited number of posts in the new structure; or
3. Classified as redeployees. Opportunities for redeployment beyond the affected work areas must be actively sought with the intention of avoiding redundancy.

b) Special arrangements for placing staff in the new structure apply to staff that are on maternity leave to ensure that they are not disadvantaged by their absence. [Further guidance is also contained in the Business Managers' Handbook topic Business Managers' Guide to Parental Leave (Section Managing People)]

c) People will move from the selection pool to redeployee status if they do not secure posts in the new structure through an objective process of assessment & selection.

¹ **Job categorisation process** – a method to determine whether an employee(s) can be assimilated to the posts in the structure under review by comparing jobs in the old and new structures.

6. Selection for the New Structure

a) A balanced approach will be used to assess employees in the selection pool using a range of weighted criteria. Selection will normally be paper-based assessment, (e.g. looking at individual's job description and workplan), alongside occupational assessment & interview. The overriding factor for [selection](#) is to retain those employees for the new structure who are most likely to contribute to the future success of the Council.

b) The use of unfair criteria that may lead to redundancies is likely to lead to uncertainty, and potentially time consuming litigation. [Selection](#) for redundancy is automatically unfair where it is for an "inadmissible reason", e.g. relating to protected characteristics², trade union membership or activities. It is essential that criteria are fair & free from bias.

² **Protected characteristics** - under the Equality Act 2010 there are nine characteristics that are protected from discrimination; age, disability, gender reassignments, marriage & civil partnership, pregnancy & maternity, race, religion & belief, sex, sexual orientation. Under separate legislation, it makes it unlawful to discriminate on the grounds of Trade Union membership.

c) Following assessment, the manager should individually advise each employee in the selection pool and confirm in writing whether: -

1. They have been successfully appointed to a job in the new structure or;
2. They will be classified as redeployees.

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7. Redeployment

a) To help keep redundancies to a minimum, the Council is committed to maximising opportunities for [redeployment](#). The responsible manager must actively: -

- Seek suitable alternative employment for employees who are likely to be affected by redundancy, including those that are being covered by agency workers or other temporary staffing arrangements. Failure to take active steps is likely to be considered critically in any Employment Tribunal.
- Work with HR to register redeployees on the Council's back office recruitment system so that they are updated of suitable posts, including those that are advertised, and can make appropriate applications.
- Work with the affected employees to enhance their skills and potential to secure alternative employment within the Council.

b) Suitable alternative employment depends on a number of factors, including: pay, status, location (noting the flexibility clause within the contract of employment), working environment and hours of work, balanced to achieve a reasonable offer.

c) The search period for matching a redeployee to a new post must be 12 weeks, though in exceptional circumstances this may be extended. Employees will be given notice of dismissal (redundancy) at the point that they are placed in the pool. Where their contractual notice is less than 12 weeks this will be extended so that the whole 12-week search period is afforded, albeit contractual notice will have been satisfied earlier. By the end of the 12 weeks, the employee's notice period will have been worked and no pay in lieu owed.

d) Where alternative work is available within the Council the employee should be given sufficient details to enable him or her to decide whether to accept or not. Where suitable alternative employment is offered and unreasonably refused by the employee; redundancy payments may be forfeited. In some cases redeployees will need to apply for posts that are subject to recruitment through open recruitment. In such cases the employee's on line form will be categorised as a redeployee and recruitment panels must consider redeployees prior to the selection of other candidates.

e) Any offer of alternative employment should be put in writing and responded to in writing by the employee; managers should not assume whether offers will be taken up by the employee. (Where a post has been subject to open recruitment the recruiting department will confirm any offers made). The offer should show how the new employment differs from the old and, by law, must be made before the employment under the previous contract ends. The offer must be for the new job to start either immediately after the end of the old job or after an interval of not more than four weeks.

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8. Trial Periods:

An employee who is displaced has a statutory right to a [trial period](#) of four weeks in an alternative job where the provisions of the new contract differ from the original contract; the period to begin when the previous contract has ended. The four-week trial period can be extended for retraining purposes by written agreement.

9. Assistance in Finding Other Work

Employees who are under notice of redundancy and who qualify for a statutory redundancy payment also have a statutory entitlement to a reasonable amount of paid time off to look for another job or to arrange training. As a good employer the Council will provide a range of assistance in finding other work, e.g. access to Internet, referral to outplacement services as appropriate.

10. Redundancy – Compensation package

a) Redundancy has two different meanings for the purposes of UK employment law; one to establish entitlement to redundancy payments and one for the right to be consulted.

b) To qualify for the Council's [compensation package](#), redundancy arises when employees are dismissed because either:

- The employer has ceased, or intends to cease, to carry on the business for the purposes of which the employee was so employed; or
- The employer has ceased, or intends to cease, to carry on the business in the place where the employee was so employed; or
- The requirements of the business for employees to carry out work of a particular kind has ceased or diminished or are expected to cease or diminish; or
- The requirements of the business for the employees to carry out work of a particular kind, in the place where they were so employed, has ceased or diminished or are expected to cease or diminish.

c) The Council takes a view that as a general approach, statutory redundancy pay based on a normal week's pay represents a just and reasonable amount as compensation for loss of office.

d) In law, an employer must give an employee who is eligible for statutory redundancy payment a written statement on how the payment has been calculated. While this requirement relates to the statutory payment, good practice demands that all such payments should be explained. All employees leaving under the Council's financial package for loss of office must be issued with a statement on such payments and employee's asked to give their written agreement that this is the full and final settlement of any and all outstanding claims against the Council. A copy of the agreement to be signed in contained in the [Managers' Toolkit](#) available on the Source.

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11. Employee Appeals

- a) Staff may raise an appeal at any stage of the reorganisation process, i.e. redeployment or redundancy selection. This will be considered using the Employee Complaints procedure. Such appeals constitute part of an employee's contractual rights, if infringed; any subsequent dismissal is likely to be unfair. In redundancy situations, given that notice periods will now be running, it is particularly important to resolve appeals urgently and adhere to the laid down time-scales as fully as possible.
- b) [Appeals](#) against redundancy selection differ from other complaints. A fast track, one stage procedure applies. These must be heard by a management representative who is independent of the decision-making process within that area of service. A description of the process is given in the document; [Redundancy Appeals Process](#).

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Guidance Notes

The following guidance notes have been prepared based on best practice. They should be used to accompany and support the Reorganisation, Redeployment & Redundancy Procedure.

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- [Communications & Consultation](#)
- [Job Categorisation & Matching](#)
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Guidance Note 1 - Reorganisations, Planning & Approvals

Introduction

Part of the managerial role is to determine how best services are delivered and by whom. Normally effective performance management, through work plans and learning & development, can achieve this. Occasionally a more far reaching review is required leading to fundamental changes in role or the establishment (i.e. the numbers and/ or fundamental nature of posts). It is this type of review, which is considered here.

Any fundamental review needs to use a planned change management process that recognises the type of change being introduced adopting an appropriate style and time-scale.

Purpose

There needs to be clarity on why the reorganisation is taking place and challenge that this is the right approach. Changes in structures alone do not resolve problems of poor performance or workload capacity and they should not be used for this purpose. The actions required are normally more complex and entwined, e.g. rather than structural changes people may need learning & development, systems need to be changed, etc.

Scope

Set out who is affected by the changes and how can they be involved in the change process. This obviously affects staff within the work area (including those on long term absence, e.g. maternity) but also other work areas both within and external to the Council who are key to achieving objectives.

Impact

Consider what the impacts are on services and on staff during the change process; and what will be the medium long term affects of the change. Undertake appropriate equality analysis.

Monitoring Success

Determine what indicators will be used to determine whether changes have been successful.

It is suggested that a Project Team is assembled to drive the review, providing a range of experience and able to give professional advice and assistance throughout the reorganisation process. The Team should consist of the manager, a HR Manager* and other relevant personnel deemed appropriate.

Effective communication and consultation is essential throughout any reorganisation process, this is described in detail in guidance note [Communications & Consultation](#).

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Authorisation & Approvals

Matters that require Committee approval (Full Cabinet) are -

- Decisions regarding the strategic management of the council including decisions on major reorganisations and major reallocations of functions between departments or chief officers.
- Approval to the creation of posts at grade 17¹ and above.
- Approval of major terms and conditions of employment outside the national and provincial schemes.¹

Members must be given the opportunity to raise any well-founded and material objection to appointments at Deputy Chief Officer² level and above, prior to an offer being made. This includes assimilation and redeployment. Advice must be sought from HR team on the process to be followed in these instances.

Decisions on grading can only be taken by Corporate HR. Information on grades should not be given to staff or the Trade Unions before the job evaluation process is complete and signed off.

Outside these requirements departmental/ divisional schemes of management will set out posts' individual authority and processes to make changes to the establishment, review job descriptions etc. The [protocol for organisational change](#), sets out the steps required to make changes to the Council's staffing establishment.

The processes of matching people to posts within the new structure and dealing with potential redundancies are dealt with in the guidance notes available on the Source

Prelude to Change

In advance of the proposed changes managers should work with HR colleagues to amend the Workforce Resources plan, putting in place actions to; ensure continuity of services, to reduce the need for future redundancies, particularly occasions of compulsory redundancy, to equip the workforce to deal with changes ahead. Actions may include:-

- Seeking from relevant employees expressions of interest in voluntary redundancy. With an awareness that termination on the basis of redundancy can only occur where there is a tangible link to loss of posts. Individuals need to be able to change their minds. In taking this step managers must weigh up the benefits of early implementation plans against managing potential disruption within the staff group.
- Anticipating learning and development requirements for the future and working with OD colleagues on provision.
- Restricting recruitment opportunities to internal candidates or engagement on a fixed term basis. The use of agency workers in such circumstances may be a useful tool to fill gaps, particularly as the implementation date draws near, but should not be relied on as a default to resource service provision.

Foot notes

¹ Any such referral must only be undertaken where the HR Director has first agreed proposal.

² (Deputy Chief Officer for this purpose is defined as those who are directly accountable (for the majority) of duties to one or more Chief Officers. This excludes posts that are solely secretarial, clerical or otherwise in the nature of support services.)

Guidance Note 2 - Communication and Consultation

1. Where the need for a reorganisation is identified it is essential to discuss the proposed changes with the staff concerned and, if appropriate, to commence consultation with the constituent trade unions at the earliest opportunity.
2. HR staff will advise managers on whether the changes proposed are a subject that requires consultation with the Trade Unions. As a general guide where the changes will involve any of the following circumstances, consultation will be required: -
 - The deletion of filled posts
 - A fundamental change in the nature of the post, e.g. leading to a substantial re-writes in the job description. This may or may not lead to a change of grade, but certainly any movement of two or more grades would be considered as a fundamental change.
 - The creation of posts that substantially affect how services operate.
 - Any negative impact on terms & conditions.
 - Changes of department, outsourcing or partnership arrangements.
 - There is a statutory requirement to consult in circumstances that may lead to redundancy; this is expanded further below.

Changes in reporting lines would not generally be considered a matter for formal consultation unless the change is accompanied by one of the above circumstances.

3. Consultation involves exchanging views and opinions; it does not necessarily need to result in a mutually acceptable outcome, although all views should be considered properly. When to start consultation and with who is a matter of judgement that will depend on the circumstances.
4. Throughout reorganisations, and on occasions of potential redundancy, continuing dialogue with individual staff is essential. Employees have the right to be represented or accompanied at formal meeting by trade union representative or a work colleague, and should be so advised. Securing a representative or work colleague and informing them of the time and place of the meeting remains the responsibility of the employee concerned. Special arrangements for consultation apply to staff who are on maternity leave to ensure that they are not disadvantaged by their absence. Further guidance is contained in the [Business Managers Guide to Parental Leave](#).
5. Consultation with the Trade Unions would generally be through Departmental Local Committees (DLCs) but time-scales or circumstances may demand a separate meeting to look at an individual reorganisation. In such cases contact should be made to Branch Secretaries of the four constituent trade unions whether or not there are members at the time in the work area, (outside Education this will be UNISON, GMB & UNITE and UCATT). The Branch Secretary will determine who should attend the meeting, but if a shop steward or particular representative regularly supports the affected area, they should be invited at the same time as the Branch Secretary.
6. The Business Manager will be responsible for managing the entire consultation process with the Project Team where this has been set up to provide support and advice. To ensure a structured approach to the consultation process, a consultation and communication plan should be developed and should include: -
 - what will be consulted on;
 - those to be consulted;

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- timetable for consultation;
 - a single point of contact to ensure there is no duplication of correspondence and to avoid any misunderstandings.
7. The Trade Unions and all affected employees will be given sufficient time to provide feedback on the following and advised on how any feedback will be considered:-
 - restructuring of services, noting those areas which require formal consultation as above;
 - the categorisation of jobs in the new structure;
 - where employees have entered the selection pool, the proposed method for selecting those to be appointed to posts in the new structure and those to be categorised as redeployees.
 8. Where redundancies are likely, (i.e. employees are categorised as redeployees) there are statutory requirements to be fulfilled.
 9. Consultation should commence at the earliest opportunity. In law where an employer proposes to make redundant 20 or more employees at one establishment within a period of 90 days or less consultation must commence in “good time” and at least 30 days before the first dismissals take effect. Where the number of employees to be dismissed is 100 or more within a period of 90 days or less consultation must commence at least 45 days in advance of the first dismissal taking effect.

The requirement to consult with the trade union applies whether or not staff affected by the reorganisation are union members. Furthermore, case law has shown that dismissals have been found to be unfair where a union has been consulted but not the individual.
 10. Consultation must be undertaken by the Council with a view to reaching agreement with appropriate representatives. This duty applies even when the employees to be made redundant are volunteers. Failure to comply with the consultation requirements could lead to a claim for compensation, known as a protective award.
 11. The Council has a statutory duty to disclose in writing to the appropriate Trade Unions representatives the following information concerning proposals for redundancies so that they can play a constructive part in the consultation process. This will include: -
 - i. details of the new structure;
 - ii. details of the rationale for the change, which includes the reasons for the proposals; and the total number of employees of any such description employed at the establishment in question.
 - iii. details of current agency usage including the job roles covered.
 12. If dismissals are proposed this also will include:
 - Ways of avoiding dismissals or reducing the numbers to be dismissed. This may include; seeking volunteers for redundancy, to avoid instances of compulsory redundancy, natural wastage, restrictions on recruitment, restrictions on the use of agency workers; retraining and redeployment to other parts of the organisation, cessation of agency workers etc.

The numbers and descriptions of employees whom it is proposed to dismiss as redundant.

- The way in which employees will be selected for redundancy.
- How the dismissals are to be carried out including the period over which dismissals are to take effect.
- Mitigating the effects of dismissals.
- The method of calculating the amount of redundancy payments (other than statutory redundancy pay), the Council's compensation package provides the relevant framework and reference should be made to this.

If the Council fails to comply with the requirements to consult about proposed redundancies, a complaint may be made to an employment tribunal. The complaint must be lodged either before the last of the dismissals takes effect or within three months after the last of them. In exceptional circumstances the tribunal can allow a longer period for a complaint to be lodged.

13. The Department for Business, Innovation and Skills (BIS) must also be notified on form HR1 as follows: -

- between 20-99 employees are to be made redundant at one establishment within 90 days or less, notification to be sent at least 30 days **before giving notice to dismiss**;
- over 100 employees are to be made redundant at one establishment within 90 days or less, notification to be sent at least 45 days **before giving notice to dismiss**;

Any notice to BIS must be cleared with the HR Director. Failure to comply with the HR1 provisions may lead to a maximum fine of £5,000.

14. The formal consultation process will cease when employees have either been appointed to the new structure, successfully redeployed or made redundant having completed their contractual notice period.

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Guidance Note 3 - Job Categorisation & Matching

- 1, The Business Manager, and where appropriate the Project Team, will be responsible for managing the job categorisation and matching processes.
2. The process involves a comparison of the old and new structures to establish on a job-by-job basis whether: -
 - jobs from the old structure are unaffected in the new structure (unaffected);
 - the same or substantially similar jobs in the old structure have been deleted or reduced in the new structure (deleted);
 - there are new posts or substantially different jobs in the new structure (new).
3. Whilst there is no absolute way of determining whether a job has significantly changed, the matching process provides a structured and systematic approach to enable more effective and objective decision-making. This is a comparison of the original job and the changed job against defined criteria. The comparison uses all relevant job documentation including a combination of: -
 - a. job description;
 - b. person specification;
 - c. workplan and learning & development plan;
 - d. contract of employment;
 - e. business plan.
4. Two sets of criteria should be used in the comparison of the original job and job in the new structure. The first set of defined criteria relates to job content and may include the following factors: -
 - job purpose;
 - key responsibilities;
 - key activities including the significance of tasks;
 - competence;
 - knowledge, skills and attributes.

Notes

Comparison is not about word for word likeness, (terminology will correctly change over time) but being able to identify and articulate the changes of substance where it is deemed jobs do not match. Examples would include (but are not limited to) amalgamation of roles, a new area of work requiring significantly different skills/ knowledge, loss of functional responsibilities.

5. The second set of defined criteria relates to the terms of employment and may include the following: -
 - salary or non salary benefits/grade;
 - status and effect on career history;
 - location, (though noting the flexibility clause in all Southwark contracts);
 - working time/ pattern.
6. A job is categorised as '**Unaffected**': where there is no change to the job profile, although the number of these jobs may stay the same or increase.

7. A job is categorised as '**Deleted**'; where either:-
- a post in the old structure is no longer in the new structure, **or**
 - the number of same or substantially similar posts in the new structure is less than the employees in post, **or**
 - a post in the new structure has changed substantially and while the overall numbers of posts may not have changed the original post has in practice been deleted.
8. A job is categorised '**New**': where either-
- the job has been newly created, **or**
 - some of the functions of an old job are evident but through the matching process it is determined that the changes are substantial and thus the post is considered new.
9. The Manager will individually advise each employee and confirm in writing, how his or her current role is categorised in the new structure and one of the following confirmed in writing: -
1. The post is unaffected and that they are appointed to a role in the new structure. In most cases, it will also be necessary to re-look at the person's workplan to ensure that it is accurate and to re-assess any learning and development needs that may result from the reorganisation.
 2. There are posts which are the same or substantially similar in the old and new structures but the number of posts have decreased below the number of existing employees. Their post is therefore deemed to have been deleted and they will be placed in the selection pool for jobs in the new organisational structure.
 3. Their post has been deleted in the new structure. Where there are posts in the new structure they will be placed in the selection pool. Where there are no posts in the new organisational structure they will be classified as redeployees.
10. The Manager will individually consult with each employee to discuss his or her personal circumstances and outline the next stage in the process. Management will actively work with those employees whose positions are categorised as 'Deleted' to look at other job opportunities. Employees classified as redeployees will commence the search period for alternative employment and notice periods will begin.
11. Special arrangements apply to staff who are on maternity leave to ensure that they are not disadvantaged by their absence. [Further guidance is contained in [Business Managers Guide to Parental Leave](#). Contact must also be made with those on employment breaks; noting that these people are not employees during this type of absence— see topic [Employment Break Scheme](#).
12. Where the number of 'Unaffected' jobs increase, these additional jobs will be recruited via the recruitment process or be open to others affected by the reorganisation through a selection process where their substantive posts are deleted.

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Guidance Note 4 – Assessment and Selection

1. Where there are posts which are the same or substantially similar in the old and new structures but the numbers of posts have decreased below the number of existing staff; employees will be placed in a selection pool for jobs in the new organisational structure. (See previous section job categorisation and matching). The overriding factor in selecting employees for the new structure is the need to retain those, who in the opinion of the Council, are most likely to contribute to the future success of the organisation, whilst supporting others to maximise their potential for future employment
2. A framework will be used to assess and select employees from the selection pool, who will then be either appointed to a job in the new structure or will be classified as redeployees. The framework will be clearly understood by both the unions and affected employees and will be applied fairly and consistently. It must be robust and justifiable and not rely excessively on potentially subjective judgements.
3. Selection criteria cannot discriminate on any unlawful grounds. Selection for redundancy is automatically unfair where it is for an inadmissible reason. Selection criteria should be reviewed to ensure that they do not directly or indirectly discriminate against any particular group of the basis of a protected characteristic¹ or trade union membership.

¹**Protected characteristics** - under the Equality Act 2010 there are nine characteristics that are protected from discrimination; age, disability, gender reassignments, marriage & civil partnership, pregnancy & maternity, race, religion & belief, sex, sexual orientation. Under separate legislation, it makes it unlawful to discriminate on the grounds of Trade Union membership.

4. The selection framework should consist of: -
 - (i) A range of selection criteria;
 - (ii) Measures of selection criteria;
 - (iii) Core requirement for 'Changed' jobs.
5. The **range of selection** criteria may include the following: -
 - Work performance;
 - Competence;
 - Sickness absence;
 - Capability or disciplinary.

Selection criteria should be weighted by their relevance to the requirements of the job in the new structure and to the service.

Previous performance appraisals may be used to assess work performance. Sickness absence should only be assessed by examining official sickness records, (noting special considerations which apply to maternity related & disability related sickness). In general, only active disciplinary or capability action should be considered in the assessment. The exception may be with safeguarding cases where the disciplinary or capability involves or has involved vulnerable children or adults. In these instances, advice must be sought from the HR Manager.

6. The **measures of selection** criteria may include a paper-based review, or the outcomes of an assessment centre &/or formal interview or a combination of these. When determining the appropriateness of selection measures, this must include consideration of the level, grade and requirements of the job, whilst ensuring that the measures enable fair and consistent assessment. Selection measures cannot discriminate on any unlawful grounds and consideration must be given to whether reasonable adjustments should be made to help overcome any adverse impact to people with a protected characteristic¹.

¹The protected groups covered by the equality duty are: age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation. The duty also covers marriage and civil partnerships, but only in respect of eliminating unlawful discrimination

7. A decision should be taken on whether employees are required to complete an application form when being considered for jobs in the new structure. Such decisions should be informed to staff and the Trade Unions.
8. Employees must meet the core requirements of 'Changed' jobs in order to be considered for appointment.
9. The Manager /Project Team will advise all employees in the selection pool and the Trade Unions on the selection framework; their right to appeal the selection framework and how to submit any queries.
10. The Manager/ Project Team will individually consult each employee to discuss his or her personal circumstances and outline the next stage in the process. As appropriate, employees should be provided with information appropriate to the process to be followed, which may include; core requirements for the new jobs; the need to complete an application form; the arrangements for interview; the arrangements for occupational assessment
11. Employees in the selection pool may be required to undergo occupational assessment through the Council's assessment centre or an interview. The scope of the assessment will be dependent on the grade/ position and the assessment may be used to assess and rate the applicant against the competence selection criteria. To ensure objectivity, it is best practice that interview panels include at least one person external to the department or unit. Where possible, it is also important to have a mix of gender and ethnicity on the interview panel. All panel members should have received appropriate training in recruitment that incorporates; equality and diversity issues and safeguarding matters for posts that provide services to children and vulnerable adults.
12. The Manager/ Project Team should review the assessments of each applicant against all weighted selection criteria.
 - For jobs that have not substantially changed but their numbers have decreased in the new structure, the applicants that score the highest ratings against weighted selection criteria will be appointed to the job.
 - For a new job, the successful candidate must meet the core requirements of the job. If an applicant has not met the core requirements, the position will not be offered and will be recruited through the recruitment process, with jobs advertised in open competition.

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13. The Manager/ Project Team will review the selection decisions to ensure that selection for redundancy does not disproportionately impact on those with a protected characteristic. If a particular group of employees is disproportionately represented, selection procedures should be reassessed.
14. The manager should individually advise each employee in the selection pool and confirm in writing whether: -
 - (i) They have been successfully appointed to a job in the new structure or;
 - (ii) Will be classified as a redeployee and their right to challenge and appeal the assessment and selection decision. Support will be provided to the individual as a redeployee to secure continuing employment with the Council. This is described further in the section of this policy on Redeployment, Finding Alternative Work. It is noted, however that at the end of the redeployment period the individual will be made redundant if alternative employment is not found.

Simultaneously, the trade union will be advised in writing of the selection decisions. If applicable and where requested, occupational assessment results and feedback on the interview may be provided to the employee.

15. The terms and conditions of the appointed post will apply, including the requirement for a DBS check where the job demands. No preservation of previous terms and conditions will apply. Where required, the employee should be provided with a new contract of employment in the normal way.
16. Where employees are appointed to a post in the new structure job, both the manager and the employee must look at the requirements of the new role and establish any development and training needs. This may be achieved through a structured process such as occupational assessment, but should always include the establishment of a new work-plan and personal development plan, monitored through the performance management process.

Simultaneously, the trade union will be advised in writing of the selection decisions. If applicable and where requested, occupational assessment results and feedback on the interview may be provided to the employee.

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Guidance Note 5 – Redeployment, Finding Alternative Work

Redeployees

1. Staff are classified as redeployees either because their post has been deleted or they have been unsuccessful in obtaining a job in the new structure.
2. If applicable, redeployed staff should be provided with the rationale for the selection decision and will be advised of their right to challenge and appeal the assessment and selection decision. The employee should also be given further opportunities to put forward suggestions to avoid redundancy.

Management of Redeployed Staff

3. Redeployees are those employees who have no jobs within the Council:-
 - following the re-organisation or closure of services, and;
 - following the process of appointing staff to jobs in the new structure.
3. To help keep redundancies to a minimum, the Council is committed to maximising opportunities for redeployment to any suitable positions when staff become displaced. This is also a statutory obligation. The aim is to give staff support and practical assistance so that they may secure another job, preferably within the Council, whilst at the same time ensuring that the business can meet the objectives of the reorganisation within the necessary time-scales.
4. To successfully achieve alternative employment, the responsibility for searching rests jointly with the manager and the redeployee; this is expanded further below.
5. Management will also need to determine how best to utilise a redeployee's skills during the search period, as redeployees should be available for work, considering temporary work assignments and training, whilst appreciating the potential demand to attend interviews. Only in exceptional circumstances may employees stay at home, though in this situation, they should still be available for work, interviews and temporary assignments (etc).

Search for alternative employment:

6. The search for alternative employment should begin as early as possible once an employee is classified as a redeployee. The search period for matching a redeployee to a new post must be 12 weeks, though in exceptional circumstances this may be extended. The employee's notice period will also be concurrent with this search period (please refer to section ['Redundancy'](#) for further guidance).
7. The Manager / Project Team must work with HR to register redeployees on the Council's back office recruitment system so that they are updated of suitable posts, including those that are advertised, and make appropriate applications. This is a mandatory step for all redeployees. It is recognised that some employees will be less confident in using IT systems and one to one support will be provided to these staff to maximise the potential of their application. Other actions that the Manager and HR can explore may include:-

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- contacting areas with known vacancies or high agency usage to determine whether any suitable jobs may be recruited to;
 - funding salary in a new job for a limited period; and/or training costs;
 - allowing employees' access to suitable training or external resources (e.g. outplacement, see below) to enhance their employment opportunities.
8. The internal recruitment process provides an opportunity for redeployed staff to be considered for new jobs within the Council. Redeployees' applications will be classified separately through the recruitment back office system so that the person's redeployment status is readily identified and their application considered prior to other candidates.
- The form will capture the employee's skills, knowledge and experience and can be tailored to individual vacancies. HR teams will also work with redeployees to prepare any supplementary information to be attached to the form that would be appropriate to be considered in future applications (e.g. employee preferences on working arrangements, particular support required, evidence of occupational assessment results etc)
9. Redeployees should also be considered for suitable secondment opportunities or time limited projects as a means in which to improve their prospects of securing a permanent position through work experience and training. At the end of the secondment or project, the search for alternative employment will recommence, unless the redeployee staff member has been appointed to a permanent position.
10. The Manager/ Project Team may consider the provision of outplacement services to redeployees. Redeployees must also be awarded reasonable time off with pay during working hours to either look for another job or make arrangements for training which relates to their future employment. Training that may be provided by the Council is noted in the section; Training & Support Services.

Regular Meetings

11. Regular meetings should occur between the Manager / Project Team representative and the employee in which the suitability of jobs, including those advertised, are identified, evaluated and discussed. Complete documentation of these meetings is essential. The recruitment back office system will retain a record of positions applied for; those considered to be inappropriate and why; offers of any suitable employment; and any special circumstances regarding any of the above.

Offers of Employment:

12. The recruiting business unit must shortlist and consider for appointment any redeployee who meets the essential criteria, taking account of any trainable skill gaps. Redeployees must be offered a position with priority over other applicants provided they meet the essential criteria.
13. Offers of suitable alternative employment should be made as closely as possible to the characteristics of the employee's current job and are likely to be considered unsuitable if:
- The salary, or non salary benefits are significantly less than the original job;
 - The status is significantly lower in terms of the effect this would have on the employee's career history;
 - The location or working time for the job involves significant domestic/personal disruption (subject to flexibility clauses in the contract of employment).

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Where the Council offers an employee suitable alternative employment and the employee unreasonably refuses it, the employee may lose their right to redundancy compensation.

Training & Support Services

14. The Manager/Project Team will work with redeployees to identify potential training opportunities to increase their potential for other employment and reduce redundancies.

Training offered and paid for by the Council will be what is reasonable taking account of; the employee skills gap, the potential that the training will lead to continuing employment with the Council and the duration of the training against the need to secure savings, budget constraints.

Staff will be encouraged to take a proactive role in developing themselves in order to increase their chances of securing another internal role. If mutually agreed, the manager may utilise Organisational Development in terms of identifying training and development needs to assist displaced staff in securing another internal post and to develop them in roles secured. Development plans may be produced to focus on the skills required for possible roles.

15. The Manager/ Project Team may commission specialist support through outplacement services and other external services to help redeployees in their job search and career development, both internally and externally. Advice must be sought from HR on the use of external services and support that may be provided through contractual arrangements with providers that are in place, e.g. Occupational Health & counselling services.
16. Where staff are placed in new posts following a reorganisation, the manager and the employee should look at the requirements of the new role and establish any development or training needs. This may be achieved through a structured process such as occupational assessment, but should always include the establishment of a new work-plan and personal development plan, monitored through the performance management process.
17. Displaced staff must also be awarded reasonable time off with pay during working hours to either look for another job or make arrangements for training for future employment.

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Guidance Note 6 – Trial Periods

1. Redeployees that are successful in finding alternative employment within the Council must have a 4-week trial period without losing their entitlement to redundancy terms. The purpose of this trial period is for both the employee and the manager to assess the suitability of the appointment.
2. The business unit that has undertaken a reorganisation will finance the individual's salary during this trial period with the employee remaining on their current terms and conditions of employment throughout the duration of the trial period, unless the terms and conditions of the new role are more favourable.
3. By mutual agreement, the trial period can be extended for up to 13 weeks for the purposes of retraining the employee; however this must be agreed in writing. This written agreement must specify the date on which the retraining is to end.
4. If the job proves unsatisfactory for the employee they will either continue as a redeployee on their original terms and conditions of employment for any remaining notice, in which time they may apply for other internal positions, or take payments arising from the Council's redundancy/severance financial package. This is providing that the job was not in fact suitable for the employee and provided that their action in refusing the job was not unreasonable. There may be more than one trial period.
5. Where an employee continues to work in the trial job beyond the trial period or beyond the jointly agreed extended period, they may lose all rights to redundancy compensation and the employee will be deemed to have accepted the new employment.

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Guidance Note 7 - Redundancy

1. The employee will be issued their notice of redundancy as soon as they are classified as a redeployee. If less than 12 weeks this will be extended accordingly. Nonetheless, a meeting must occur where formal notice of redundancy and the employee's contractual notice period are issued to staff.
2. Staff must be informed of their right to be accompanied or represented by a work colleague or trade union representative should they wish, but that it is their responsibility to organise this. At this meeting the manager should discuss the terms of the Council's redundancy/severance package with the employee.
3. If an employee has been issued notice of redundancy they may lose their entitlement to a redundancy payment if,
 - (i) Before the dismissal takes effect the employee accepts an offer of employment from a body specified in Schedule 1 of the Redundancy Payments (Continuity of Employment in Local Government, (Modification) Order 1999 (as amended); and
 - (ii) The employment is to take effect within a 4-week period of their service being terminated by the Council.
4. The Notification of Compensation for Loss of Office form should be given to the employee who must sign and return, confirming their understanding of the above and their acceptance to the payments made under the Council's financial package.
5. The maintenance of meaningful records is essential as an employee may appeal against their redundancy selection and/or may take the matter to an employment tribunal. As such the meeting must be followed up with a letter that confirms the information given in the meeting. HR may assist with this and records should be kept for a minimum of one year. The Manager/ Project Team will also provide the trade union with details of those employees who have been made redundant.
6. Whilst the employee has been given formal notice of redundancy and are serving their contractual notice period, they will still be entitled to search for alternative employment and take reasonable time off to attend interviews (both internal and external) during their notice period. If mutually agreed, employment may be extended if the displaced employee is close to being placed in a suitable job within the Council. Managers must also advise staff of their right to raise an appeal.

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Guidance Note 8 - Financial Compensation Package

Introduction

1. The Council has powers to pay compensation for loss of office to staff that in defined circumstances have to leave the Authority's service. The amount which is payable is that which on full consideration of the circumstances seem to the Council to be reasonable and just, but not exceeding amounts which staff would receive if they retire on grounds of ill health.
2. The Council takes a view that as a general approach, statutory redundancy pay represents a just and reasonable amount as compensation for loss of office. This amount would be in addition to the balance of any pay in lieu of notice not served and to any gratuity payments that a member of staff is entitled, e.g. ex ILEA staff.

Compensation packages payable

3. These are –

Redundancy: as per statutory calculator, as shown below, up to 30 weeks pay (actual pay). Increases with reckonable service

Plus if applicable: pay in lieu of notice, where appropriate. This is statutory notice based on service.

Employees over 55 years of age; a business unit manager who has a staff member aged over 55 that may be retiring early on the grounds of redundancy, efficiency or employers consent, should contact the Pensions Service to obtain an estimate of pension benefits and capital costs.

4. For financial year 2015/16, the Chief Executive has agreed two voluntary schemes where people can opt to leave on the basis of redundancy. These schemes are detailed in the **voluntary redundancy policy**. Staff who voluntarily leave on the basis of redundancy, under these scheme, will receive the compensation package noted above, plus 1 week's pay for each year of continuous service up to a maximum of 20 weeks.

Calculating benefits:

5. In calculating the benefits payable to an individual the following should be noted:

Continuous Service

For local government employees, "service" is continuous service with the employing authority, other local authorities, and bodies covered by the Redundancy Payments (Local Government) (Modification) Order 1999, as amended.

Calculation date

The “relevant date” for redundancy purposes is defined as follows: -

- ◆ If the employee’s contract is terminated with notice the relevant date is the date on which the notice expires;
- ◆ If the contract is terminated without notice the relevant date is the date on which the termination takes effect, (this would cover circumstances where pay in lieu of notice is paid);
- ◆ If the employee is employed under a fixed term contract, the relevant date is the expiry date of the contract.

- ◆ If the employee resigns during a “trial period”, as this is defined in law, the relevant date is that on which the original contract terminated;
- ◆ If the employee resigns either during the statutory or contractual notice period (whichever is longer will apply), the relevant date is the date that the employee’s notice would have expired. (In certain circumstances the employer issuing a counter notice can challenge this).

Information to Employees

6. In employment legislation an employer must give an employee eligible for statutory redundancy payment a written statement on how the payment has been calculated. While this requirement relates to the statutory payment, good practice demands that all such payments should be explained.
7. In Southwark all employees leaving under the Council’s financial package for loss of office must be issued with a statement on such payments and asked to give their written agreement that this is the full and final settlement of any and all outstanding claims against the Council.

Taxation of Benefits

8. Contemporary advice on the taxation of benefits made to an employee should always be sought from the Council’s Payroll and Pensions Service, currently only those lump sum payments in excess of £30,000 are subject to taxation.

Receipt of Benefits

9. Employees are entitled to receive payments as follows: -
 - Redundancy payments - on the Council’s next available pay date.
 - Pay in lieu, lump sum pension, outstanding annual leave (etc.) - on the Council’s next available pay date.

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10. Ready Reckoner for Redundancy Payments

Read off the employee's age and complete years of employment to determine the number of weeks payable (please continue over the page).

Service (Years)																			
Age	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20
18	1	1	1	1	-														
19	1	1	1	1	-														
20	1	1	1	1	-														
21	1	1.5	1.5	1.5	1.5	-													
22	1	1.5	2	2	2	2	-												
23	1.5	2	2.5	3	3	3	3	-											
24	2	2.5	3	3.5	4	4	4	4	-										
25	2	3	3.5	4	4.5	5	5	5	5	-									
26	2	3	4	4.5	5	5.5	6	6	6	6	-								
27	2	3	4	5	5.5	6	6.5	7	7	7	7	-							
28	2	3	4	5	6	6.5	7	7.5	8	8	8	8	-						
29	2	3	4	5	6	7	7.5	8	8.5	9	9	9	9	-					
30	2	3	4	5	6	7	8	8.5	9	9.5	10	10	10	10	-				
31	2	3	4	5	6	7	8	9	9.5	10	10.5	11	11	11	11	-			
32	2	3	4	5	6	7	8	9	10	10.5	11	11.5	12	12	12	12	-		
33	2	3	4	5	6	7	8	9	10	11	11.5	12	12.5	13	13	13	13	-	
34	2	3	4	5	6	7	8	9	10	11	12	12.5	13	13.5	14	14	14	14	-
35	2	3	4	5	6	7	8	9	10	11	12	13	13.5	14	14.5	15	15	15	15
36	2	3	4	5	6	7	8	9	10	11	12	13	14	14.5	15	15.5	16	16	16
37	2	3	4	5	6	7	8	9	10	11	12	13	14	15	15.5	16	16.5	17	17
38	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	16.5	17	17.5	18
39	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	17.5	18	18.5
40	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	18.5	19
41	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	19.5
42	2.5	3.5	4.5	5.5	6.5	7.5	8.5	9.5	10.5	11.5	12.5	13.5	14.5	15.5	16.5	17.5	18.5	19.5	20.5
43	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21
44	3	4.5	5.5	6.5	7.5	8.5	9.5	10.5	11.5	12.5	13.5	14.5	15.5	16.5	17.5	18.5	19.5	20.5	21.5
45	3	4.5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22

46	3	4.5	6	7.5	8.5	9.5	10.5	11.5	12.5	13.5	14.5	15.5	16.5	17.5	18.5	19.5	20.5	21.5	22.5
47	3	4.5	6	7.5	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23
48	3	4.5	6	7.5	9	10.5	11.5	12.5	13.5	14.5	15.5	16.5	17.5	18.5	19.5	20.5	21.5	22.5	23.5
49	3	4.5	6	7.5	9	10.5	12	13	14	15	16	17	18	19	20	21	22	23	24
50	3	4.5	6	7.5	9	10.5	12	13.5	14.5	15.5	16.5	17.5	18.5	19.5	20.5	21.5	22.5	23.5	24.5
51	3	4.5	6	7.5	9	10.5	12	13.5	15	16	17	18	19	20	21	22	23	24	25
52	3	4.5	6	7.5	9	10.5	12	13.5	15	16.5	17.5	18.5	19.5	20.5	21.5	22.5	23.5	24.5	25.5
53	3	4.5	6	7.5	9	10.5	12	13.5	15	16.5	18	19	20	21	22	23	24	25	26
54	3	4.5	6	7.5	9	10.5	12	13.5	15	16.5	18	19.5	20.5	21.5	22.5	23.5	24.5	25.5	26.5
55	3	4.5	6	7.5	9	10.5	12	13.5	15	16.5	18	19.5	21	22	23	24	25	26	27
56	3	4.5	6	7.5	9	10.5	12	13.5	15	16.5	18	19.5	21	22.5	23.5	24.5	25.5	26.5	27.5
57	3	4.5	6	7.5	9	10.5	12	13.5	15	16.5	18	19.5	21	22.5	24	25	26	27	28
58	3	4.5	6	7.5	9	10.5	12	13.5	15	16.5	18	19.5	21	22.5	24	25.5	26.5	27.5	28.5
59	3	4.5	6	7.5	9	10.5	12	13.5	15	16.5	18	19.5	21	22.5	24	25.5	27	28	29
60	3	4.5	6	7.5	9	10.5	12	13.5	15	16.5	18	19.5	21	22.5	24	25.5	27	28.5	29.5
61	3	4.5	6	7.5	9	10.5	12	13.5	15	16.5	18	19.5	21	22.5	24	25.5	27	28.5	30
62	3	4.5	6	7.5	9	10.5	12	13.5	15	16.5	18	19.5	21	22.5	24	25.5	27	28.5	30
63	3	4.5	6	7.5	9	10.5	12	13.5	15	16.5	18	19.5	21	22.5	24	25.5	27	28.5	30
64+	3	4.5	6	7.5	9	10.5	12	13.5	15	16.5	18	19.5	21	22.5	24	25.5	27	28.5	30

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Guidance Note 9 – Appeals

1. If an employee wishes to raise an appeal during the reorganisation process the appeal will be considered using the Council's Employee Complaints Procedure adhering to the following time-scales:-
 - A response to the complaint at Stage 1 within 5 working days;
 - The employee to notify management within 5 working days if she or he wishes to proceed to Stage 2;
 - The resolution of the complaint at Stage 2 within 10 working days.

2. [Appeals](#) against redundancy selection differ from other complaints. A fast track, one stage procedure applies. These must be heard by a management representative who is independent of the decision-making process within that area of service. A description of the process is given in the document; [Redundancy Appeals Process](#). Those involved in making the selection decisions on redundancy must be present at the appeal to explain the basis of the decision. The employee must also be present at the appeal hearing when the reasons for redundancy are clarified. Appeals against redundancy are a substantial reason for the complaint to continue beyond termination of the contract i.e. the complaint does not cease because the contract has ended. As far as practical complaints should be dealt with before the termination date

Guidance Note 10 - Records

1. In order to respond to any claims for unfair dismissal, or protection orders, the following records must be maintained by the Manager /Project Team and be readily accessible for a minimum of one year after the last dismissal has occurred:
 - Copies of written notification to the trade unions of potential redundancies;
 - Copies of written notification to BIS (if applicable);
 - Evidence of action to avoid potential redundancies – this may include referral to the Council's redeployment arrangements;
 - Copies of redundancy termination letters to employees, including the calculation of the compensation package;
 - Copies of an employee's written acceptance to payments made under the Council's financial package as compensation for loss of office;
 - Evidence of the use of objective redundancy selection;
 - Evidence of all other consultation;
 - Comprehensive information on any appeals raised through the complaints process, including: -
 - The basis of appeal;
 - Dates of hearings;
 - Contemporaneous notes of interviews;
 - Information considered by management in considering the employee's appeal;
 - Clarification of the decision making process; and
 - Notification of the outcome.

Guidance Note 11 - Staff on Maternity / Adoption Leave, Fixed Term Contracts & Secondments, “Medical Redeployments”

Staff on Maternity or Adoption Leave

1. Appropriate consultation on proposed re-organisations or redundancy must be undertaken with employees on maternity and adoption leave. Special arrangements will be made with these employees to ensure that they are not disadvantaged and receive the same treatment as any other employee would receive. Nonetheless, the Manager/Project Team will ensure that correspondence with employees on maternity or adoption leave is handled with sensitivity so as to maintain respect for their private and family life as required under the Human Rights Act.
2. Selection procedures for redundancy cannot discriminate on any unlawful grounds. It is unlawful to select a woman for redundancy in preference to other comparable employees during her pregnancy, or her ordinary or additional maternity leave for reasons connected with:
 - Her pregnancy;
 - Childbirth;
 - Maternity suspension on health and safety grounds;
 - Taking or seeking to take ordinary or additional maternity leave;
 - Taking or seeking to take any of the benefits of ordinary maternity leave.
3. Where an employee is affected by a reorganisation whilst on maternity or adoption leave, they retain their right to return to work. It is recommended therefore, that where the candidate(s) for a position in the new structure include employees on maternity or adoption leave, the selection decision on appointments to these positions are suspended until these employees return to work. This may also affect other employees involved in the reorganisation.
4. Where redundancy occurs before maternity leave commences but after the qualifying week for SMP purposes, (i.e. the 15th week before the EWC), SMP as well as any redundancy is payable. [Further advice is contained in the [Business Managers Guide to Parental Leave](#)]

Staff on Fixed Term Contracts

5. Employment legislation determines that the expiry of a fixed term contract is a dismissal and the reason for the dismissal may be defined as redundancy. Since July 2002 fixed term employees entering into contracts of two or more years are not able to waive their statutory right to receive redundancy payments.

Staff on Secondment & Employment Breaks

6. Appropriate consultation or communication must be undertaken with staff on secondment or employment break schemes [for more details please refer to the appropriate topics in the [Flexible Working](#) section of the Business Managers Handbook].

Medical Redeployment

7. The need for medical redeployment normally arises from a capability decision when the medical fitness of an employee prevents their continuing in their existing occupation. Some of the principles of the reorganisation – redeployment & redundancy procedure apply, i.e. efforts will be made to look for suitable vacancies, opportunities for re-training should be explored. The staff are not however in a redundancy situation and will not be given preferential treatment for job applications or be entitled to the redundancy compensation package. Where medical redeployment is not successful the decision on the individual's future employment with the Council is normally passed back to a capability panel to decide.

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Guidance Note 12 -

Staff with Disabilities, Making Reasonable Adjustments During Reorganisations

1. Bringing about equality for disabled people may mean changing the way in which work is structured, the removal of physical barriers or providing extra support for an employee with a disability. It also means looking at the need to change the implementation of policy/ procedure to remove or reduce barriers that would place a disabled person at a substantial disadvantage. This legal responsibility holds good for all reorganisation processes.
2. Managers have a duty to undertake an [equality analysis](#) when making recommendations for the reorganisation of services. Such analysis must consider the impact of the proposals on users of the service and on those employees affected by the changes. Where possible to do so, actions must be taken to mitigate any adverse impact. This will mean specific identification and resolution of the implications for people with disabilities.
3. As well as thinking through potential issues for people with disabilities; at each stage of the reorganisation managers must consider the specific needs of individual employees with disabilities who are captured by the review. Managers should encourage all staff impacted by the review to notify them if they considered that they have a disability so that the plans can be put in place to provide appropriate support.
4. In employment, a person is disabled if they have a physical or mental impairment which has a substantial and long-term adverse affect on their ability to carry out normal day-to-day activities. A person's disability may develop, or become known to the council, at any stage of their employment and as such at any point during implementation of a reorganisation. To ensure that appropriate support is provided the fact that the employee has a disability must be recorded on the council's HR system.
5. Throughout the reorganisation process managers are encouraged to work, as much as possible, with the disabled person to identify the kind of disadvantages or problems that they face and also the potential solutions in terms of adjustments. For example, the impact of a person's disability may mean that they find it difficult to participate in staff meetings to consult on proposals, so individual feedback over a longer timescale may facilitate better engagement. If the disabled employee does not know what to suggest, the manager must still consider what adjustments may be needed to address the impact of the person's disability and should seek advice and support in determining this. The employer's responsibility for making reasonable adjustments cannot be relinquished. For example an employee who has been absent from the workplace for a significant period due to disability related sickness may find the process of an interview particularly daunting. This may prompt a re-think on whether interviews are necessary or whether judgments can be formed through another route. It is not sufficient to simply treat everyone the same.
6. Where a person is classified as a redeployee, the person will be expected to work with HR and their manager to consider future employment options. Adjustments must be effective in helping to remove or reduce any disadvantage the disabled worker is facing. As such the response should be tailored, as far as practical, to the presenting needs of that person and not a simply a tick-list of potential actions. This may include, at the end of the 12 week redeployment period, allowing the person to continue to be employed for up to a further 12 weeks where the impact of a person's disability justifies this. For example, where the impact of the person's disability is such that job choices are limited by geographical location or job tasks and a longer timescale may be seen to reasonably improve job opportunities. Similarly with job trials. During this extended

period the person would continue to be considered as a redeployee and paid on existing terms and conditions.

- 7, Where appropriate employees expected to work with other services, e.g. the council's occupational health services, and other external services such as the Access to Work scheme, where this enhances the employment opportunities.

Links to Supplementary Information on the Source

The Source (the council's intranet) provides information on support for employees and tools for managers when implementing change. These details do not form part of the council's policy or associated guidance notes and may change according to circumstances. To access current details [click here](#)

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