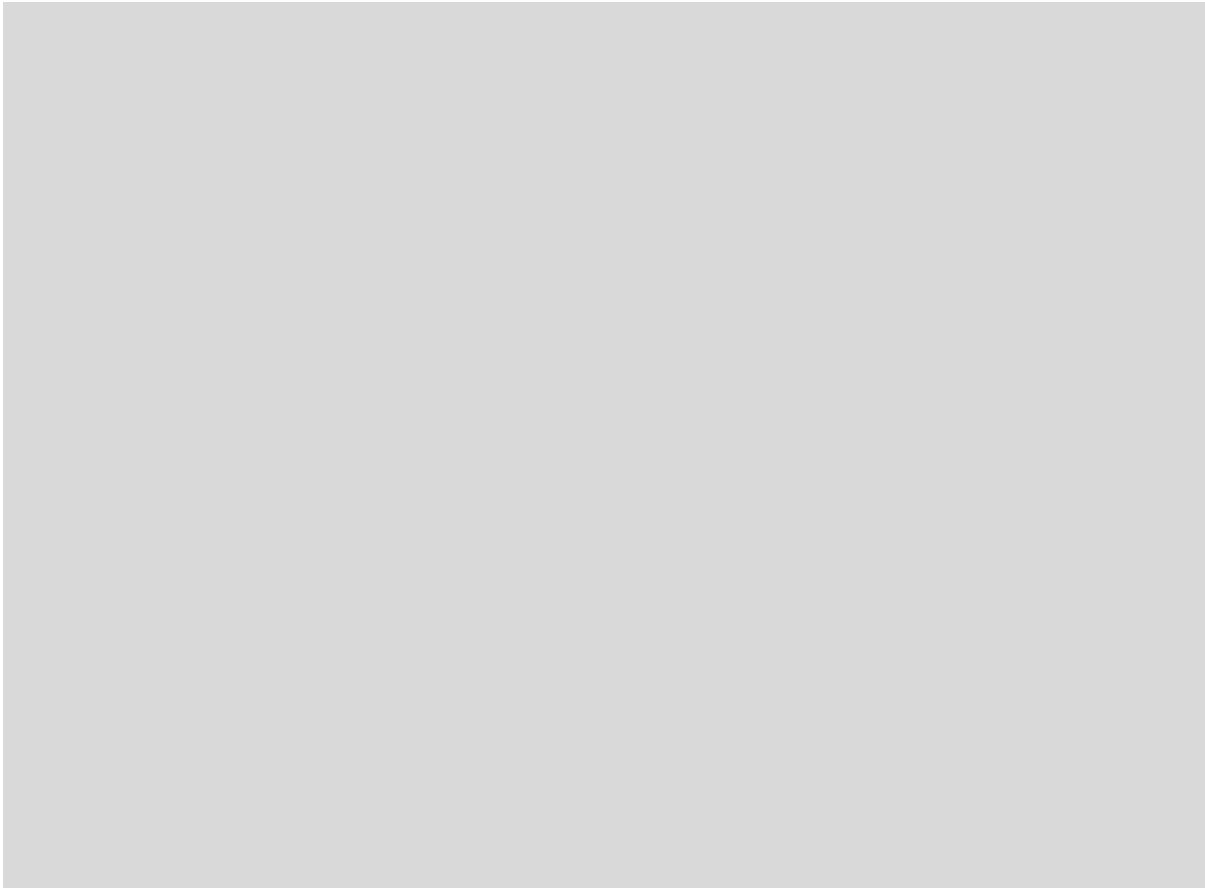


Restructure and Redundancy Procedure



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This document does not form part of an employee's terms and conditions of employment and can therefore be reviewed, amended and withdrawn at the discretion of the Council.

This procedure applies to all Council employees. It does not apply to self-employed contractors, consultants, or to agency workers.

The procedure sets out how we want to treat employees when there is a need to reduce the number of people we employ or change the way we structure or deliver our services.

What is Redundancy?

A redundancy situation arises when either there has been, or is going to be:

- The closure of a business
- The closure of a particular workplace; or
- A diminished need for employees to carry out work of a particular kind e.g. fewer employees are needed to do same amount of work, there is less work available, or there is no longer a requirement for the employees to do the work because of, for example, the introduction of new technology or the use of external contractors.

How We Avoid Redundancies

The Council will do whatever it practicably can to avoid making compulsory redundancies. Some of the alternative approaches we may consider.

- Redeploying and/or retraining some employees
- Finding suitable alternative work to offer some employees
- Exploring flexible working and flexible retirement arrangements
- Limiting new recruitment
- Cutting back on overtime
- Looking at how we use agency staff and/or external consultants
- Offering voluntary redundancy
- Streamline internal processes (avoiding duplication)

The Council Restructure and Redundancy Process

Heads of Service are responsible for reviewing their service area in line with Council priorities and developing their target operating model. They will then produce:

- A restructure report – this outlines the reason for the review including whether there are any proposed redundancies. There is a template report that must be used.
- Existing structure and proposed structure – to demonstrate how the proposed changes will impact on the structure. These should include names, grades and job titles where possible.
- A completed job fill template – this will outline what is going to happen to each post within the structure.
- Current and proposed job descriptions – this will demonstrate how any jobs are changing.
- Equality Impact Assessments.
- Job Evaluation outcomes where possible.

These documents should be shared with employees and Trades Unions (see below).

The Consultation Process

The Council will always comply with legal obligations to consult with recognised trades unions depending on the number of redundancies we propose making.

Collective consultations must be meaningful and cover:

- Ways to avoid redundancies
- The reasons for redundancies
- How to keep the number of dismissals to a minimum
- How to limit the effects for employees involved, for example by offering retraining
- Opportunity to give influence to the process
- Giving full consideration of alternative proposals

There is no set time limit for how long the period of consultation should be, but the minimum is:

- For between 20 to 99 redundancies - the consultation must start at least 30 days before any dismissals take effect
- For over 100 or more redundancies - the consultation must start at least 45 days before any dismissals take effect.

What is Consultation?

To satisfy the legal obligations consultation must:

- Begin in good time (ensuring as a minimum that the statutory requirements relating to collective consultation are met); and
- Include a genuine and meaningful dialogue on how to avoid dismissals, reduce the number of employees to be dismissed and mitigate the consequences of dismissals.

- Give serious and meaningful consideration to any suggestions and proposals as to how the Council might reduce or mitigate the number of dismissals.

Corporate Consultation

Where widespread changes are required across the organisation the Council will usually commence corporate level consultation with recognised Trades Unions prior to service level consultations. The length of this will depend on the numbers of employees which are likely to be made redundant. This will cover the principles behind the redundancy process, the procedure and approach. This will happen prior to any dismissals being made for redundancy.

Regular corporate meetings will be held with recognised Trades Unions throughout any restructuring process.

Service Level Consultation

The Council provides a wide range of services. It is therefore important that service areas consult in line with legal obligations with the Trades Unions around their specific plans. This is because there are likely to be different detailed rationales for the restructures and changes leading to redundancies in different services.

In order for meaningful consultation to commence Trades Unions representatives should be provided in advance with the restructure documentation outlined above.

It is important for service areas to meet with Trades Unions to go through the above and to continue to meet with Trades Unions throughout the restructure process so information can be exchanged and managed effectively.

Consultation Meetings

Managers will hold meetings with affected employees and Trades Unions to present their plans and outline how they will be progressed. Managers should meet regularly with Trades Unions throughout the consultation period to encourage open dialogue.

Managers should circulate answers to any general (applicable to all employees) frequently asked questions on a regular basis. There are some standard frequently asked questions available in the redundancy section of the intranet.

Managers need to be aware that union comments are specific to each union and should not be shared more widely with employees or other Trades Unions officials.

Employees will be encouraged to raise any suggestions, possible alternatives, or concerns and ask any questions they have.

Managers will also meet with at risk employees on a 1-1 basis with union support if required and hold an individual consultation meeting. Employees will also be given a letter confirming they are at risk of redundancy where appropriate.

“At risk” refers to an employee whose job has been deleted from the structure or who is in a role where the numbers required are reducing and there are more employees in post than jobs available in the new structure.

Managers need to ensure employees absent from work for any reason (for example maternity leave or sick leave) are kept informed throughout the process and are offered the opportunity to participate in the consultation.

Job Evaluation

The Council will seek to ensure any new jobs are based on the generic job descriptions (where appropriate). It is the expectation that any job evaluations required should be completed before consultation information is shared to enable those employees affected to have an understanding of the roles potentially available within any new structures, however there may be cases where this is not possible and in this instance any outstanding job evaluations should be completed before the end of the consultation period.

Completion of the Consultation Process

A letter or email will be sent to the Trades Unions to confirm the ending of the consultation period and the final job fill template will be completed and shared with the Trades Unions and employees. (**Note:** The legislation does not specify a time by which consultation must be completed and depends on the circumstances).

Selection

The Council selection for compulsory redundancy is based on a combined score from:

- A selection interview or score from an alternative and relevant selection process
- Live disciplinary record
- Attendance record (any disability, industrial injury or pregnancy related absence will be discounted for these purposes)
- Performance record (based on completed IPRs – this is only appropriate if there is a current IPR for all those in the pool)

The lowest scoring employee/s in the pool will be selected.

An alternative process is used where an employee is absent from work and unable to attend a selection interview. In this instance all of the employees in the selection pool would be subject to the same process. This would normally be scoring of a completed application form or a personal profile. Guidance on the completion of personal profiles can be provided to ensure consistency.

Where a number of employees all score the same lowest score (in respect of the essential criteria) and therefore it cannot be identified which employee should be selected for redundancy, the employee(s) with the lowest score(s) for skills, abilities and qualifications will be the one(s) selected for redundancy.

Where this still does not identify the employee(s) to select for redundancy the desirable criteria for the post should be scored for those employees with the same lowest score. The employee with the lowest score on the desirable criteria will then be selected for redundancy.

If this still does not provide clear identification of whom to select for redundancy the “last in first out” (LIFO) rule will apply.

Voluntary Redundancy

The Council may consider voluntary redundancy as an alternative to making employees compulsory redundant. The Council may also choose from time to time to offer an enhanced redundancy payment for volunteers. The enhanced redundancy scheme is not contractual and can be withdrawn at any point.

Employees who wish to be considered for voluntary redundancy will be provided with full details of how to apply. Normally completed applications will need to be returned to the employee’s Head of Service or appropriate senior manager for initial consideration. **Only where a Head of Service supports an application will an estimate be provided.**

The Council’s key responsibility is to deliver effective and efficient services. It therefore reserves the right to refuse to release an employee on voluntary redundancy if it does not meet with the organisations need.

Where there are more applicants for voluntary redundancy than posts to be made redundant within a particular service a selection process will be undertaken using the same selection criteria as compulsory redundancy.

Bumping

Where an employee is not able to leave on VR as there is a need to retain their post they can be placed on the “bumping list”. Please note this is at the discretion of the Head of Service as some posts will not be suitable for “Bumping”.

“Bumping” occurs where an employee’s application for voluntary redundancy may be accepted to allow an employee who would otherwise be compulsorily redundant to be redeployed.

Human Resources will hold and update the bumping list and support the management of the bumping process. Service managers should consider whether there are any suitable “bumps” before making any compulsory redundancies. HR will explore suitable “bumps” with employees as per the redeployment procedure.

Redundancy Payments

Employees made compulsory redundant will be paid as per the statutory redundancy calculator which can be accessed via the link below:

Payments will be based on the actual weekly wage as opposed to the statutory maximum.

Support for Employees being made Redundant

The Council acknowledges that restructures, organisational change and the uncertainty this may create can cause difficulties for employees. Any employee who feels that they would benefit from additional support should contact their line manager in the first instance. Support the Council offers may include:

- Support and information on interview skills
- Information support through job centre plus
- Counselling
- Reasonable paid time off to look for suitable alternative work
- Reasonable time off to attend training to help find another job
- A Wellness Action Plan (WAP)

Finding Suitable Alternative Employment

The Council will seek suitable alternative employment for compulsory redundant employees and further details are available in the Redeployment Procedure.

Right of Appeal

Employees can appeal against their selection for redundancy within 5 working days from receipt of their dismissal letter through the Council's Appeals Procedure.