

MEDWAY COUNCIL

PROCEDURE FOR MANAGING REDUNDANCY RESULTING FROM REORGANISATION

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PROCEDURE FOR MANAGING REORGANISATION AND REDUNDANCY

Indicative Timescales

Section

Week: 1/2	<i>Director drafts outline proposal for changes in staffing structures for consideration by Chief Executive/Management Team. Is there a decision to proceed? Yes Is this a potential redundancy situation? Yes Member briefing</i>
	?
2/3	<i>Commence early consultation with trade unions Inform staff affected by the proposal</i>
	?
4/6	<i>Outline proposal submitted to Cabinet, if appropriate, and reported to Employment Matters Committee. Is there a decision to proceed? Yes Is this a potential redundancy situation? Yes Potential redundancies reported to Employment Matters</i>
	?
5/8	<i>Director drafts detailed implementation proposals for consultation with trade unions and employees. Staff given opportunity to access redeployment service.</i>
	?
	<i>Are there ways of avoiding/minimising the proposed redundancies? Are there possible volunteers for redundancy/early retirement? No</i>
	?
	<i>Is there suitable alternative employment? No</i>
	?
10/12	<i>Identify and apply compulsory selection criteria.</i>
	?
11/13	<i>Issue notice of termination of employment.</i>
	?
12/14	<i>Hear any appeals against selection for redundancy</i>
	?
	<i>Calculate redundancy/early retirement payments Continue search for alternative employment</i>
	?

Ongoing Consultation

Ongoing Employee Support

25/27 *Revised structures implemented.*

PROCEDURE FOR MANAGING REORGANISATION AND REDUNDANCY

1.0 INTRODUCTION

1.1 Medway Council must have the flexibility to respond to change. Changes in the delivery of services, legislative changes and budget restrictions can all have an impact on the composition and structure of the Council's workforce. This document outlines the procedures to be followed when circumstances arise that necessitate changes to organisational structures and staffing levels.

It is the policy of Medway Council to manage organisational change in a way which minimises the effects on its employees wherever possible. In circumstances where redundancies are unavoidable they should be properly planned and executed. The Council gives its commitment to handling redundancies in a responsible and fair manner. In particular, it will make every effort to identify alternative employment opportunities for employees who are at risk of redundancy.

2.0 SCOPE

2.1 These procedures apply to all employees of the Council except:

- The Chief Executive
- Section 151 Officer
- Employees in Locally Managed Schools
- Centrally Employed Teachers

3.0 OBJECTIVES

3.1 The objectives of these procedures are to:

- Emphasise the importance of planning ahead in achieving and implementing organisational changes
- Manage organisational change in a way that minimises the effect on individual employees as far as reasonably practicable. Compulsory redundancy should not be used unless all other possibilities have been exhausted.
- Ensure that the interests of employees are properly considered
- Maximise redeployment and retraining opportunities
- Give practical assistance, as far as reasonably practicable, to any employees who are under notice of redundancy with the aim of maximising their chances of obtaining alternative employment

4.0 DEFINITION OF REDUNDANCY

4.1 It is important to identify if there is actually a redundancy situation.

Under the Employment Rights Act 1996 a redundancy situation arises in the following circumstances:

- The employer ceases or intends to cease to carry on the business in which the employee was employed
- The employer ceases or intends to cease to carry on the business in the place where the employee was employed
- The requirements of the business for employees to carry out work of a particular kind have ceased or diminished or are expected to cease or diminish

4.2 Transfer of Undertakings

The Transfer of Undertakings (Protection of Employment) Regulations 1981 contain a number of legal provisions relating to employees' rights and employers' obligations when businesses (or parts of businesses) are transferred. There are two elements that have particular implications in respect of redundancy:

- Where a transfer occurs which is covered by the Regulations the relevant employees will retain continuity of employment and the contractual rights they previously had with the transferor. An employee who refuses to transfer, despite being protected in this way, will have their employment statutorily terminated at the date of transfer and will not be entitled to a redundancy payment
- Employers must inform and consult with the appropriate Trade Union(s) in sufficient time for meaningful consultation to take place

The Council has a separate guidance note on managing business transfers and reference should be made to this for more detailed information.

5.0 PROPOSED ADJUSTMENTS IN STAFFING LEVELS

5.1 The following delegations are made to and are exercisable by the Directors of the Council.

To agree to re-organisations within their departments subject to there being:

- No significant service policy implications or clear departure from existing Council policies
- No expenditure in excess of budget
- No growth in net expenditure beyond the current year
- No changes affecting Directors or Assistant Directors
- Consultation with the AD, Organisational Services

5.2 The Director or nominated line manager, with advice from their HR Manager and in consultation with the Head of HR Services, will draw up outline proposals, within their delegated authority, for the revised staffing structure. These proposals should be shared with the Chief Executive and/or Corporate Management Team in order to reach a preliminary view on whether or not to take the matter further. Briefings with appropriate members should also take place. If, after this, it is decided to proceed, this should be regarded as a proposal and shared with the recognised Trade Unions(s) so that meaningful consultation can commence at the earliest opportunity. The Trade

Union(s) will have an opportunity to request disclosure of further relevant information at this point and to submit any comments and/or alternative proposals for consideration by the Director/Service Committee.

5.3 The Trade Union(s) shall respect the confidentiality of the information supplied where it is particularly sensitive and they are asked to do so.

5.4 Where a significant number* of compulsory redundancies are proposed, the matter should be reported to the Employment Matters Committee for information.

*(As a general guide, a "significant number" would be where 20 or more employees are proposed as redundant within one establishment/ unit/ occupational group)

5.5 The Director or nominated Line Manager should identify the occupational group where there may be a redundancy situation.

5.6 The Director or nominated line manager, supported by their HR Manager, will arrange an initial joint meeting with the relevant employees and the recognised Trade Union(s). The purpose of the meeting will be to explain the background to the proposals and the processes to be followed in accordance with this procedure. Where requested or appropriate, managers should conduct individual interviews with affected employees.

6.0 CONSULTATION

6.1 Consultation – General

Where it becomes necessary for structural/organisational changes to be made which may have redundancy implications, Medway Council undertakes to fully consult with the recognised Trade Union(s) and to commence such consultations at the earliest possible opportunity. This means:

- consultation on the principles of the proposed changes following Cabinet briefing
- consultation on the more detailed implementation arrangements following Cabinet agreement on the principles of the changes.

It is the policy of the Council to enter into full and meaningful consultation irrespective of the potential number of employees involved.

6.2 Statutory Requirements for Consultation

The statutory obligation to consult arises when the employer is proposing to dismiss employees on the grounds of redundancy, as defined by the Trade Union and Labour Relations (Consolidation) Act 1992, s.195(1), as amended by the Trade Union Reform and Employment Rights Act 1993, i.e:

'References to dismissal as redundant are references to dismissal for a reason not related to the individual concerned or for a number of reasons all of which are not so related'

6.3 There are statutory time periods within which consultation must commence.

Section 188(1) of the Trade Union and Labour Relations (Consolidation) Act 1992 (as amended by Section 34 of the Trade Union Reform and Employment Rights Act 1993 and Regulation 3 of the Collective Redundancies and Transfer of Undertakings (Protection of Employment) (Amendment) Regulations 1995) requires employers who are proposing to make an employee or employees redundant to consult first with the appropriate recognised Trade Union(s).

- Where 100 or more employees have been identified as being at risk of redundancy within a period of 90 days or less, consultation must commence at least 90 days before the first of the redundancies takes effect.
- Where 20 or more employees have been identified as being at risk of redundancy within a period of 30 days or less, consultation must commence at least 30 days before the first of the redundancies takes effect.

6.4 The statutory requirement to consult only applies if 20 or more employees are to be made redundant. However, it is the Council's policy to enter into full and meaningful consultation on ALL redundancies irrespective of the numbers involved. The obligation is there irrespective of whether or not the employees involved are members of a Trade Union.

6.5 Under the Trade Union and Labour Relations (Consolidation) Act 1992, as amended by the Collective Redundancies and Transfer of Undertakings (Protection of Employment) (Amendment) Regulations 1999, there is an obligation to consult appropriate representatives of any employees who may be affected by the proposed dismissals or may be affected by measures taken in connection with those dismissals. This means that the potential impact of the proposed redundancies must be considered, not only in respect of those employees who it is proposed to dismiss, but also any consequential impact (direct or indirect) on the staff who will remain, eg. changes in working arrangements or terms and conditions of employment.

6.6 Under the Trade Union and Labour Relations (Consolidation) Act 1992 employers also have a duty to notify the Department of Trade and Industry in writing (on the standard notification form, HR1, obtainable from local offices of the Department) in accordance with the above timescales if they are proposing to make 20 or more employees redundant.

A copy of Form HR1 is attached as annex 2.

7.0 MEANINGFUL CONSULTATION

7.1 In order that consultation is meaningful the appropriate Director or other nominated line manager responsible for overseeing the consultation will disclose in writing to the recognised Trade Union(s) the following information:

- Reasons for the proposals
- The likely number and description of employees proposed as redundant (Medway Council's policy is that this should include the names, hours worked, and work locations of the relevant employees)

- The total number of employees of such description employed within the establishment/unit
- The proposed criteria and method for selection for redundancy
- The redundancy procedure and timescales
- The method of calculating compensation if this is to differ from the statutory formula

An example of the type of letter to be used is attached as annex 3.

7.2 The Trade Union(s) shall respect the confidentiality of the information supplied where it is particularly sensitive and they are asked to do so.

7.3 Formal consultation will be undertaken with a view to reaching agreement about ways to:

- Avoid the proposed dismissals
- Reduce the number of employees to be dismissed
- Mitigate the consequences of the dismissals on the individuals concerned

7.4 It is possible during the consultation to agree the 'ringfencing' of employees. Ringfencing occurs when an employee or group of employees are not, in the main, affected by the proposed changes. The post or group of posts are transferred to the new organization in situ. Ringfencing posts and employees can only be achieved with the agreement of the union involved in consultation. Ringfencing has the effect of minimizing the number of employees who are placed at risk of redundancy, thus minimizing the stress caused.

7.5 Trade Unions have a right to reply to the employer who must consider any points they raise and answer them. Medway Council will for its part:

- Give adequate information about the proposals to the Trade Union(s) and employees concerned
- Allow the Trade Union(s) reasonable time to consider the proposals and formulate any counter proposals for consideration
- Give careful consideration to any formal response put forward by the Trade Union(s)
- Give reasons in writing to the Trade Union(s) where any alternative proposals have been rejected

The length of the consultation period will vary depending on the circumstances of the particular situation. Consultation with the recognised Trade Union(s) and employees must be genuine, meaningful and full.

Agreement is the Council's preferred goal, however, management reserves the right to implement its proposals where agreement has not been reached after consultation and where the process is considered to have been exhausted.

7.6 Redundancy dismissals may be unfair if the Trade Union(s) have been consulted but individuals affected by the proposals have not. All relevant individuals must be consulted regardless of whether or not they are members of the recognised Trade Union(s).

Medway Council will for its part:

- Consult with the employees concerned so that they fully understand the issues involved, the implications of the proposed changes and are provided with an opportunity to comment on the proposals. The discussion shall include exploring possible ways of avoiding redundancy and possible alternative work.

This will be undertaken through joint meetings open to all affected staff, together with the relevant Trade Union representative (s), and separate meetings with individual employees to discuss particular issues relevant to their own personal circumstances

8.0 AVOIDING OR MINIMISING COMPULSORY REDUNDANCIES

8.1 The Council will consider the following measures to preserve continuity of employment:

- Examining all non-pay budget headings to determine the potential for achieving financial savings, where there is a requirement to do so
- Reducing the amount of non-contractual overtime
- Freezing or imposing limitations on recruitment for the category of employees concerned
- Eliminating or minimising the use of agency, casual and other temporary employees in the relevant area
- Seeking volunteers to transfer to working part-time
- Seeking volunteers, without commitment on either side, for redundancy from employees in the vulnerable group or from those categories of staff which might provide suitable re-deployment opportunities

8.2 The category/categories of staff considered as providing suitable re-deployment opportunities must have:

- identical, closely related or overlapping job descriptions and similar person specifications compared to the employees at risk, OR
- different job descriptions and person specifications but the work is within the scope of the at risk employees' abilities, having regard to their experience, qualifications and skills.

Consideration will be given to such categories in other departments and other Directorates.

8.3 The Council will consider an interest in voluntary redundancy from an employee whose own job is not proposed for redundancy, but whose dismissal will lead to replacement by another employee whose job is to be made redundant. This is known as 'bumped' or 'transferred' redundancy. The real reason for the dismissal in these circumstances must be redundancy. Additional guidance on 'bumping' can be found in annex 4 to this document.

8.4 When considering which measures to take to avoid or minimise redundancies the Council, following consultation with the Trade Union (s), will introduce those it considers the most appropriate in the circumstances and the most compatible with operational need.

9.0 EARLY RETIREMENT

- 9.1** The Local Government Pension Scheme Regulations 1997 (as amended) allow for an immediate payment of pension to employees aged 50 or over who leave service due to redundancy. It is policy of the Medway Council not to award additional pension benefits or “added years” to those who take early retirement due to redundancy.
- 9.2** Medway Council reserves the right to refuse individual offers of voluntary early retirement. The retirement must show a tangible benefit to Medway Council

10.0 VOLUNTARY REDUNDANCY

- 10.1** Medway Council will seek volunteers for redundancy wherever possible from among the vulnerable group and from employees whose jobs would provide suitable re-deployment opportunities.
- 10.2** The relevant HR Manager will write to all employees in the group concerned outlining the details of the proposed voluntary redundancy scheme and inviting applications from those wishing to be considered for voluntary redundancy. Applications may also be invited from other directorates where this would assist in avoiding compulsory redundancies.
- 10.3** Employees must be advised that requests for voluntary redundancy shall be treated in the strictest confidence and explored without commitment on either side. Approval from the relevant Director and Head of HR Services must be obtained prior to any such release being agreed.
- 10.4** Medway Council reserves the right to refuse individual offers of voluntary redundancy where these might result in a less efficient service provision or not be cost effective. In determining which employees will be granted release on the grounds of voluntary redundancy the Council will consider:
- the need to maintain efficient services
 - the need to retain a balance of skills and experience
 - cost implications

11.0 REDEPLOYMENT

- 11.1** Employers should always consider whether employees likely to be affected by redundancy can be offered suitable alternative work. This will include priority consideration for appointment to any new posts in the revised structure and the use of secondments in accordance with the Council's policy. The search for alternative employment will be undertaken throughout the Council. The Council's policy on redeployment is set out in annex 5 to this document.
- 11.2** Employees will be given the opportunity to access the redeployment service when they are formally identified as being at risk of redundancy i.e. once a decision has been taken on the principles of any reorganisation involving potential redundancies. It is the policy of the Council that vulnerable employees should access the service at this stage

in order to maximise their chances of redeployment, supported, where appropriate, by training/retraining.

11.3 Employees will continue to have access to the redeployment service until they find suitable alternative employment or until the date of termination of employment, whichever is the sooner.

12.0 SUITABLE ALTERNATIVE EMPLOYMENT

12.1 The question of what legally constitutes 'suitable' alternative work arises only if an employee rejects an offer the employer considers suitable. The Council will consider the following factors when deciding what constitutes an offer of suitable alternative work:

- Pay. Wherever possible earnings should be close to those in the disbanded job taking into account any salary protection which may apply.
- Status
- Type of work
- Location
- Hours of work
- The employee's capability (including the need for any training/retraining)
- Involvement of unreasonable additional inconvenience, for example, by requiring significant additional journey time
- Personal circumstances

12.2 Offers of alternative employment will be made in writing and include the following details:

- The type of work to be offered and, where appropriate, the training to be given
- The location of the new job
- The rate of pay (including any salary protection) and any other terms and conditions of service which differ from the previous appointment
- The hours of work
- The date of commencement and the date of the end of the trial period
- The duties of the post

13.0 TERMS AND CONDITIONS ON REDEPLOYMENT

13.1 Protection of Remuneration

Where an employee is redeployed to a lower graded post and and/or a post involving a reduction in hours as an alternative to redundancy and thereby suffers a drop in remuneration, they will be eligible for protection in accordance with the Council's policy.

The amount of protection payable will be the difference between the annual remuneration immediately before and immediately after the change. This protection will be paid for a period of up to 3 years from the date of the change, calculated as follows:

- 100% of the protection in the first year;
- 75% of the protection in the second year;
- 25% of the protection in the third year.

Protection will be paid in equal monthly instalments. If the annual remuneration in the new post increases during this period protection will reduce or cease, as appropriate.

Protection will only be payable for reductions in remuneration of one grade difference between the old and new posts. For those moving from one grading structure to another (e.g. from Principal Officer to an NJC grade) the decision whether protection applies will be made on an individual basis. This decision will be made by the HR Manager dealing with the restructure.

In instances where an employee is redeployed to another department the salary protection will be paid by the outgoing department.

Where the reduction in remuneration results from a change in hours protection will only be payable for a reduction of up to 25% of the original contractual hours.

An example showing the calculation for remuneration protection can be found in annex 4.

13.2 Certificate of Protection of Pension Benefits

Employees who suffer a reduction in pay following redeployment may be entitled to a Certificate of Protection of Pension Benefits.

14.0 TRIAL PERIOD

- 14.1** Section 138 of the Employment Rights Act 1996 provides that a redundant employee who is offered alternative employment under a new contract of employment with terms and conditions that differ (wholly or in part) from the corresponding provisions of the previous contract, should be given a trial period of at least four weeks in which they and the employer can make up their mind about the suitability of the new job. The statutory 4 week trial period begins when the old contract expires.
- 14.2** The trial period of 4 weeks may be extended by mutual agreement for the purpose of any necessary training. The extension will be confirmed in writing.
- 14.3** In addition to these statutory provisions, it is Medway Council's policy to provide redeployees with a trial period of at least 4 weeks whenever they take up an offer of alternative employment. If this trial period occurs prior to the notified date of termination of employment and the alternative job is deemed unsuitable, the employee will return to their original post and will continue to have access to the redeployment service for the remaining period under that contract of employment.
- 14.4** During the trial period the employee is free to terminate the new contract, for whatever reason, and on termination to be treated as though dismissed on the date the old job ended. If the reason for the termination was reasonable then the individual will not lose any entitlement to a redundancy payment.
- 14.5** If the employer terminates the new contract during the trial period for a reason connected with or arising out of the employee's suitability for the new job, the employee

will be treated as being dismissed on the date when their employment under the previous contract ended. The employee's entitlement to statutory compensation remains.

15.0 TIME OFF TO SEEK ALTERNATIVE EMPLOYMENT

15.1 Section 53 of the Employment Rights Act 1996 provides that an employee who is given notice of redundancy has the right, before his or her notice expires, to reasonable paid time off from work in order to look for new employment or arrange any training for future employment.

15.2 This provision only relates to employees who have been continuously employed for two years or more. Where this does not apply it would still be reasonable to allow employees to take reasonable time off should the need arise. The Director or nominated line manager has the discretion to agree to such paid time off.

15.3 Employees must provide adequate notice to their manager of any interviews or appointments for which they are seeking paid time off.

16.0 SELECTION FOR COMPULSORY REDUNDANCY

16.1 There may be occasions when the need to make compulsory redundancies is unavoidable.

16.2 Where the need for employees to undertake work of a particular kind has **ceased** and the proposed redundancies are related to a discrete post or complete group of posts there will be no need for a selection for redundancy process. In these circumstances all the employees in the relevant group should be given notice of the termination of their employment on grounds of redundancy. Consultation on this approach should be undertaken with the Trade Union(s) with a view to reaching agreement.

16.3 Where there is a proposal to reduce the number of jobs in an area of work where employees share identical or similar job descriptions ie. the need for employees to undertake work of a particular kind has **diminished**, all relevant postholders will form the unit of selection from which individuals will be selected for redundancy. Medway Council recognises that there may be circumstances when employees across more than one directorate should constitute the unit of selection. The decision on the unit of selection will be made by the relevant Director(s) or nominated line manager(s) in consultation with the HR Manager(s), having given consideration to any representation made by the recognised Trade Union(s).

16.4 Medway Council undertakes to act reasonably and ensure the selection of employees for redundancy is fairly carried out and in accordance with objective criteria.

16.5 The Council, following consultation with the recognised Trade Union(s), will identify and apply appropriate selection criteria according to the particular circumstances of the redundancy situation and the type of work/service concerned. The objective will be the retention of a balanced workforce with the relevant skills and capabilities appropriate to the future needs of the service.

16.6 The criteria to be applied will be chosen from the following categories:

- Qualifications
- Skills
- Experience
- Attendance

The detailed criteria will be defined by the relevant line manager and Directorate HR Manager in accordance with the qualifications, skills and experience as set out in the relevant person specification and the general guidelines below. Care should be taken to ensure that records of individuals' employment history is complete and accurate. Employees may be asked to complete a questionnaire to supplement the Council's own records where it is felt this would assist the selection process.

Qualifications

Formal qualifications may be used as one selection criteria where they are relevant and necessary for the type of work to be undertaken.

Skills

A systematic assessment of employees capabilities against the identified skills necessary to perform the type of work should be undertaken. Reference should be made to objective evidence when making this assessment, for example, appraisal records, training records, other work records, skills audit etc. The skills and level of competency required must be defined in specific terms, eg. quality/accuracy of work, achievement of identified targets, initiative, flexibility (ie. a willingness and the ability to undertake a range of relevant duties), contribution to effective teamwork etc.

Experience

This should be precisely defined in terms of the length and type of experience relevant to the nature of the work.

Attendance

Where attendance records are used it is important to ensure they are complete and accurate and available for the entire selection pool. Attendance records should be examined over a reasonable period, e.g. a minimum of 2 years. It is important to consider the reasons for and extent of any absences. A distinction should be made between periods of unauthorised and self-certificated absences which relate to a number of different illnesses or for which a variety of reasons are given and absences covered by a medical certificate. Any absences related to pregnancy and confinement and disability, as defined in the Disability Discrimination Acts, and those related to one continuing illness or injury should be disregarded.

16.7 Once the detail of the selection process has been determined employees must be informed of:

- The criteria for selection
- The selection process to be followed
- The timescales

16.8 Selection will be unfair if the criteria are unreasonably applied and the process must therefore be undertaken by more than one person. For the purpose of verification of information against the previously agreed selection criteria, employees within the unit of selection will be interviewed by a panel, comprising the relevant line manager, an independent line manager and the Directorate HR Manager. The Panel's assessments of individuals must be based on verified factual information and not on the opinion of the managers undertaking the selection.

In applying the criteria, relevant factors relating to the employee must be considered in order to avoid any unlawful discrimination, i.e. on grounds of sex, race or disability, age, sexual orientation, religious belief. For example, in respect of employees defined as disabled under the Disability Discrimination Act 1995 (updated 2005), there is an obligation to consider the impact of the selection criteria on that individual prior to its application.

The application of selection criteria will be monitored to ensure compliance with the Council's equal opportunities policy.

16.9 An example of a selection process is attached as annex 7.

16.10 Written records of the assessments for each individual and the reasons for the decisions must be kept.

Results of the selection assessments should be explained orally to the individuals as soon as possible after the exercise has been completed and subsequently confirmed in writing within 5 working days.

17.0 "SLOTING"

17.1 Where there are the same number of posts, at the same grade, undertaking the same type of work (as a general guide, 75% or more of the duties of the post remain unchanged) in the new structure, as compared with the existing structure, a process of "slotting" may be followed. Where employees are slotted in this way they will be advised that they are no longer at risk of redundancy but they will not be able to apply for any other new posts until at risk employees have first been considered. Annex 8, 8 (a) and 8 (b) provide additional guidance on 'slotting' together with pro-forma documentation.

17.2 Employees may appeal against a slotting decision. The sole grounds for appeal must relate to whether or not there has been more than a 25% change in the duties of the post. The procedure to be followed is set out in annex 9.

18.0 APPEALS

18.1 An employee may appeal against his/her selection for redundancy. The appeal must be lodged in writing with the appropriate Director **within seven days** of receiving written confirmation of his/her redundancy, clearly stating the grounds for appeal.

It is the policy of the Council for appeals to be heard by a senior manager or Director who has not been involved in the selection process together with the Head of HR Services (or their representative).

The procedure to be followed is set out in annex 10.

19.0 NOTIFICATION OF TERMINATION OF EMPLOYMENT

19.1 Individual employees will be notified of the termination of their employment on grounds of redundancy at the earliest possible opportunity, and in any event will receive not less than the contractual or statutory period of notice, whichever is the longer. Only in exceptional circumstances may pay in lieu of notice be given, and this must be authorised in advance by the Director and Assistant Director Organisational Services using the form attached as annex 14.

19.2 The statutory notice period (laid down in the Employment Rights Act 1996 s.86) for an individual who has completed two years' continuous employment is at least one week for each year of continuous employment, subject to a maximum of 12 weeks.

19.3 The letter to the employee giving notice must include:

- The reason for the dismissal
- Any outstanding leave that they must take during the notice period
- The termination date
- The estimated amount of redundancy payment
- Provisions for reasonable time off to look for other work or arrange suitable training

20.0 REDUNDANCY PAYMENTS

20.1 Employees who have been continuously employed within local government or related service for a period of two years or more will be eligible for a redundancy payment. Annex 11 sets out in detail how redundancy payments should be calculated.

Annex 12 is a summary table that briefly outlines the Council's policy on the calculation of redundancy payments.

21.0 REDUNDANCY DURING MATERNITY LEAVE

21.1 Rights to statutory maternity pay are determined at the 15th week before the expected week of confinement. An employee who is made redundant after this time will retain her entitlement to statutory maternity pay.

21.2 Where a redundancy situation arises whilst an employee is on a period of maternity leave she should be treated in the same way as she would have been had she not been on such leave. Therefore she should have access to the service as soon as she is identified as being at risk of redundancy.

21.3 If an employee is prevented from returning to her original job by reason of redundancy, she is entitled to be offered any existing suitable alternative employment in preference to other employees. This means work that is suitable and appropriate for her, on terms and conditions that are not substantially less favourable than those under her previous contract.

21.4 Where the redundancy would take effect in a period of extended maternity leave, the employee will retain her right to return to work on the notified date of return. The employee is entitled to be offered any existing suitable alternative employment at this point. Where no suitable vacancy exists, the date of termination of employment will be the notified date of return unless mutual agreement is reached on an earlier date of termination. The relevant notice period should be on full pay (less any maternity payments).

22.0 SUPPORT FOR AT RISK EMPLOYEES

22.1 The Council will make available to all employees being made redundant a programme of support. The programme will include personal counselling, financial advice, general career planning, job hunting skills, interviewing skills etc. The Council recognises that different aspects of the programme will be suitable to each employee and seeks to make the appropriate provisions. More details on this support programme are set out in annex 13 to this procedure.

22.2 The employing department is expected to meet the costs of this support programme.

22.3 In addition, the Council provides support during employment through its commitment to Learning & Development (as outlined in the Learning & Development Strategy).

'Medway Council is committed to providing effective and efficient services to the residents of and visitors to the Medway area. The council recognises that it's people are the key to its success and all employees and members will be offered learning and development in line with strategic and service objectives. The council seeks to develop its employees and members so they have the skills and knowledge to do their jobs effectively now and in the future, to realise potential and continuously improve performance and service delivery.'

23.0 SUPPORT FOR EMPLOYEES WHO REMAIN

23.1 The immediate priority in a redundancy situation is the fair and sensitive handling of employees who are losing their jobs, but once this has been achieved, the Council's ongoing effectiveness is largely dependent on the morale of the remaining workforce.

23.2 In support of this the Council makes the following commitments:

- establishing an effective and open two-way communication process in order to give as clear and positive a message as the circumstances allow
- demonstrable management commitment to the necessity of change
- handling the redundancy process in a manner which demonstrates that the Council is behaving responsibly and fairly and has done everything reasonable to minimise the redundancies.
- illustrating that those who remain have a valuable role to play in the future of the Council
- ensuring managers are equipped with the necessary personal skills to operate effectively during periods of change.

Annexes to Reorganisation and Redundancy Procedure

1. Example letter : Initial Notification to Employees of Proposed Changes in Staffing Structures
2. Form HR1 (Employer's advance notification of proposed redundancies)
3. Example Letters: Disclosure of Information to Trade Unions
4. Bump Redundancies – Guidance note
5. Redeployment Policy Statement
6. Remuneration Protection
7. Example: Redundancy Selection Process
- 7(a) Redundancy Selection Assessment form
- 7(b) Selection Interview feedback Form
8. Slotting – Guidance Note
- 8(a) Slotting Panel Assessment Form
9. Slotting Appeals Procedure
10. Redundancy Selection and Appeals Procedure
11. Redundancy Payments Calculation
12. Redundancy Payments Ready Reckoner
13. Training/skills development for redeployed employees
14. Authority for payment in lieu of notice

Dear Colleague

Annex 1

**PROPOSED REORGANISATION IN (*INSERT
DIRECTORATE/ESTABLISHMENT/UNIT/OCCUPATIONAL GROUP*)**

I am writing to advise you of proposed changes to the current organisation of services and staffing structure in (*insert relevant name of directorate etc*) and how this may affect you personally in terms of your current post and the work you undertake.

The proposed changes are set out below/on the attached (*insert/attach relevant details*).

Consideration of these proposals is currently taking place. An important part of this process is consultation with the employees who may be directly affected and with the recognised trade unions. The Council has commenced consultation with the trade unions and their comments have been invited. The Council is also keen to receive any views you may have on the proposed changes. Any comments should be made either through your trade union representative or, if you would prefer, on an individual basis to(*insert name & post title*) by (*insert date*).

At this stage, it is proposed that a number of existing posts will not remain within the revised staffing structure. This may mean that some redundancies will result from the changes. The Council's policy is to avoid compulsory redundancies wherever possible and will be exploring a range of options to achieve the proposed changes by voluntary means, including seeking to find suitable alternative employment for those staff who may not be placed within the revised structure.

The Council has a procedure for managing reorganisation and redundancy and these changes will be handled in accordance with that. If you wish to find out more about the procedure you should speak to(*insert name*), your HR manager.

The Council has also established a redeployment service to assist staff in seeking to find alternative employment. You will shortly be provided with more details of this service and how it will work for you.

I appreciate this is an unsettling time for you and the other staff affected by the change. If you wish to seek further information, advice and support please speak to your line manager or HR manager. Advice and support is also available from the recognised trade unions who may be contacted through their directorate stewards. In addition, an independent and confidential counselling service is available. Please contact HR for further details.

In the meantime, please be assured that we will do our utmost to minimise this period of uncertainty and will continue to keep you closely informed of developments on the proposals.

Yours sincerely

Director

Letter to The Branch Secretary of the relevant Trade Union(s) TO BE USED WHEN 20 OR MORE STAFF ARE PROPOSED TO BE AFFECTED.

Dear

Consultation on Proposed Redundancies

In accordance with S.188 of the Trade Union and Labour Relations (Consolidation) Act 1992 (as amended) I am writing to set out the directorate's proposals in respect of the following reorganisation/restructuring (*insert details*).

The reasons for the proposals are: (*insert details, eg. completion of particular project, budgetary reductions, changes in service delivery etc*).

The numbers and descriptions of employees whom it is proposed to dismiss as redundant are as follows: (*insert details, ie. numbers of employees, not f.t.e. and post titles and location(s), not grades/salaries*).

The total number of employees of the above description(s) employed at the establishment(s) are as follows: (*insert details, as above*).

The proposed method of selecting employees who may be dismissed will be in accordance with the Council's Procedure for Managing Reorganisation and Redundancy. Details of the proposed selection criteria and process for applying that criteria will be provided to you for comment as soon as possible.

The dismissal of any employees on grounds of redundancy will be carried out in accordance with the Council's Procedure and their contracts of employment.

Any redundancy/early retirement payments will be calculated in accordance with the Council's Policy in these matters.

As you will know, it is the Council's policy to avoid compulsory redundancies wherever possible. In support of this objective the following measures are proposed to be implemented: (*insert details, eg. freezing recruitment in the particular categories of employees, terminating the use of agency staff, seeking volunteers for redundancy etc*).

The Council will make every effort to seek to find alternative employment for those employees at risk of redundancy. Employees will be given the opportunity to access the redeployment service and other support and assistance will be provided to them (*insert details, e.g. counselling, job hunting/interviewing skills etc*).

Please let me have any comments on the above proposals by no later than (*insert date - minimum period for response should be 2 weeks from date of letter*).

I am sorry that it has been necessary for me to write to you in this way. Clearly, consultation will continue on an on-going basis and I hope that we can work together to minimise the impact on the employees affected by these proposals.

Yours sincerely
Director.

Letter to The Branch Secretary of the relevant Trade Union(s) TO BE USED WHEN LESS THAN 20 STAFF ARE PROPOSED TO BE AFFECTED.

Dear
Consultation on Proposed Redundancies

In accordance with the council's procedure for managing reorganisation and redundancy I am writing to set out the directorate's proposals in respect of the following reorganisation/restructuring (*insert details*).

The reasons for the proposals are: (*insert details, e.g. completion of particular project, budgetary reductions, changes in service delivery etc*).

The numbers and descriptions of employees whom it is proposed to dismiss as redundant are as follows: (*insert details, i.e. numbers of employees, not f.t.e. and post titles and location(s), not grades/salaries*).

The total number of employees of the above description(s) employed at the establishment(s) are as follows: (*insert details, as above*).

The proposed method of selecting employees who may be dismissed will be in accordance with the Council's Procedure for Managing Reorganisation and Redundancy. Details of the proposed selection criteria and process for applying that criteria will be provided to you for comment as soon as possible.

The dismissal of any employees on grounds of redundancy will be carried out in accordance with the Council's Procedure and their contracts of employment.

Any redundancy/early retirement payments will be calculated in accordance with the Council's Policy in these matters.

As you will know, it is the Council's policy to avoid compulsory redundancies wherever possible. In support of this objective the following measures are proposed to be implemented: (*insert details, e.g. freezing recruitment in the particular categories of employees, terminating the use of agency staff, seeking volunteers for redundancy/early retirement etc*).

The Council will make every effort to seek to find alternative employment for those employees at risk of redundancy. Employees will be given the opportunity to access the redeployment service and other support and assistance will be provided to them (*insert details, e.g. counselling, job hunting/interviewing skills etc*).

Please let me have any comments on the above proposals by no later than (*insert date - minimum period for response should be 2 weeks from date of letter*).

I am sorry that it has been necessary for me to write to you in this way. Clearly, consultation will continue on an on-going basis and I hope that we can work together to minimise the impact on the employees affected by these proposals.

Yours sincerely

Director

PROCEDURE FOR MANAGING REORGANISATION AND REDUNDANCY

Bump Redundancies – Guidance Note

“Bumping” or “transferred redundancies” is a mechanism which can assist organisations when managing a redundancy situation. It occurs where one employee is dismissed so that their job can be given to another employee who would otherwise be made redundant.

The Council’s Procedure for Managing Reorganisation and Redundancy refers to the potential use of “bumping” as a measure to avoid or minimise compulsory redundancies (Section 8).

This Guidance Note sets out in more detail how this process will work within the Council.

1. Employees in the unit of selection will be asked to express an interest, without commitment on either side, in either voluntary redundancy or early retirement.
2. In cases where staff express an interest but the directorate still have a requirement for employees to undertake work of that particular kind, consideration will be given to whether there are other staff within that unit of selection for whom that post (or posts) might provide suitable alternative employment to redundancy.
3. The directorate will assess the potential suitability of the “bump” against the following criteria:
 - a) the job description of the continuing or new post and that held by the redeployee should be identical, closely related or have overlapping accountabilities;
 - the person specification for the continuing or new post and that for the post held by the redeployee should be similar;

or, where the above criteria are not met,

the work of the continuing or new post is within the scope of the redeployee’s abilities, having regard to their experience, qualifications and skills.
 - b) the salary range of the continuing or new post is no higher than the grade of the redeployee.
 - c) the costs of releasing the volunteer on grounds of redundancy/early retirement compared to the redundancy/early retirement costs which would otherwise need to be paid to the redeployee (taking into account any salary protection).
4. Where a suitable bump is not identified from within the unit of selection, the directorate should consider whether the post (or posts) might provide suitable alternative employment to redeployees from other parts of their service or from the Council more widely.
5. In order to facilitate potential “bumping” across directorates, the redeployment panel should be provided with details of any posts which might provide suitable alternative employment, ie job description and person specification. These details will be made available to redeployees, through directorate liaison officers, who will be invited to express an interest by a specified date.

6. The suitability of any potential “bumps” will be considered against the criteria set out in 3 above.
7. Agreement to release an employee who has volunteered for redundancy/early retirement may only be given once a suitable “bump” has been confirmed following application of the above criteria.
8. “Redeployee” means an employee who would otherwise be made redundant should suitable alternative employment not become available.
9. In exceptional circumstances, a bump redundancy which would result in a redeployee moving to a higher graded post may be agreed. This should only occur where:
 - the steps outlined above have been followed;

any redeployees at the same or higher grade have been considered and objective reasons against the person specification criteria given as to their lack of suitability;

the redeployee from a lower grade has been assessed as fully competent for the role;
 - the cost considerations have been fully considered.
10. The costs arising from this process will be met by the current employing directorate.

Redeployment : Policy Statement

- 1.0 Medway Council's Redeployment Service supports and assists those staff who are at risk of redundancy. The primary objective is to retain the knowledge, skills and experience of existing staff whilst, at the same time, maintaining their continuity of employment. In addition, as a large, single employer the Council has a statutory obligation to seek to redeploy staff elsewhere in the Authority.

The successful operation of the Redeployment Service depends upon the commitment and contribution of all staff across the Council.

This statement sets out the steps to be followed when a vacancy occurs in accordance with the Council's Recruitment and Selection Code of Practice (see Section One of this handbook).

2.0 Order of Treatment of Applicants

- 2.1 Medway Council "at risk" staff
- 2.1.1 When applying for a post which is within a salary range no higher than the grade of their redundant post these staff must be interviewed if they meet the essential criteria on the person specification. They have priority consideration for any post which would provide suitable alternative employment, i.e. they must be seen before, and without regard to the abilities of, other candidates.
- 2.1.2 An offer of employment should be made where redeployees are capable of undertaking the duties of the post, after further training where appropriate.
- 2.1.3 Where a redeployee is appointed to a new post, they are entitled to a four week statutory trial period. This enables both the manager and the redeployee to assess the suitability of the new appointment. If, during or at the end of this period, it is determined as being unsuitable, the original "at risk" situation will be reinstated.
- 2.1.4 If, following interview, a redeployee is assessed as unsuitable, feedback must be given, using the Redeployment Feedback Form (attached to this appendix), prior to any offer of employment to another candidate who is not "at risk". The employee must be given the opportunity to discuss/raise any concerns about the reasons given prior to proceeding to the next stage.
- 3.0 Redeployees must be considered to provide cover for temporary vacancies before external agency staff.
- 4.0 Secondment opportunities for redeployees should be considered, where appropriate.
- 5.0 The Redeployment Service will be managed by a Redeployment Panel which consists of HR Officers/Assistants, the Personnel Policy officer, and a trade union representative who have overall responsibility for monitoring the application of this policy. The Personnel Policy officer will co-ordinate the panel's activities.

**Procedure for Managing Reorganisation and
Redundancy
Annex 6**

Remuneration Protection

Definition of Remuneration

"Remuneration" for the purposes of protection under this procedure means:

- the total salary/wages paid to an employee for work normally undertaken in accordance with their contract of employment, including any additional contractual payments, eg. allowances, contractual overtime etc;
- essential user lump sum allowance.

It does not include:

- non-contractual overtime or allowances;
- travel or subsistence payments, or any other payments made by way of reimbursement for expenses incurred;
- payment for loss of holiday entitlement;
- any payments made under the detriment regulations.

In assessing the amount of protection to be paid, account should be taken of the total remuneration package, before and after the change.

Contracts of Employment

Staff who are affected in this way should have the following clauses included in their contract of employment:

“Remuneration: This post is graded at with a spine point range ofto (£..... to £.....) and you are appointed on spine point, currently £..... per annum. As your post prior to this change was at a higher grade, i.e. grade, with an annual salary of £....., you will be eligible for protection in accordance with the Council's policy.

The amount of protection payable to you is the difference between your annual remuneration immediately before and immediately after this change in post, i.e. £..... per annum. This will be paid to you for a period of up to 3 years from the date of the change calculated as follows:

- 100% of the protection in the first year;
- 75% of the protection in the second year;
- 25% of the protection in the third.

If the annual remuneration of your new post increases before the end of this period the amount of protection will reduce or cease to be payable, as appropriate.”

Such clauses may, of course, need to be adapted to reflect the particular circumstances of the change and reason for the protection payment. It will be the responsibility of HR staff to clearly identify, as a separate item, on the appropriate notification to Payroll, where remuneration protection is payable and the amount to be applied.

Changes in Remuneration

Where the employee's annual remuneration subsequently increases, e.g. as a result of incremental progression or an annual pay award, the protection payment must be recalculated accordingly. It will be the responsibility of HR staff to undertake this calculation and notify payroll staff accordingly.

Certificate of Pension Protection

Employees who are redeployed to a lower graded post may be entitled to a Certificate of Protection of Pension Benefits..

3 Year reducing protection (100%, 75%, 25%)

Example

From top of Grade C2, scp 31, (salary at 31.3.04 £22,689) to top of Grade C1, scp26, (salary at 1.4.05

	Year One (100% protection)	Year Two (75% protection)	Year Three (25% protection)
1. Top Grade C2	22,689	22,689	22,689
2. Top Grade C1	19,713	20,295	20,895
3. Annual protection (1-2)	2,976	1795	448
4 Monthly protection (3÷12)	248	149	37
5. Total salary (2+3)	22,689	22,090	21343

Framework for Redundancy Selection Criteria

The criteria will be applied by the selection panel following interview with each relevant employee within the unit of selection. Assessments will be based on verified factual information, ie by reference to each employee's personal file and other employment records, supplemented by such additional information as provided by the employee. The points allocated to each employee under each criteria and the reasons for that assessment will be recorded on the selection proforma and a total score produced, resulting in an overall rank order for the unit. .

Example:

Nature of work to be undertaken : Senior HR and Training Assistant
(as set out in attached job description)

Selection Criteria (in accordance with attached person specification)

1. Qualifications

Chartered Institute of Personnel and Development (CIPD)
Points will be allocated on the following basis:

Level

Not qualified		0
Studying toward/completed Certificate in Personnel Practice	5	
Studying toward/completed Part 1 of IPD		10
IPD Qualification		15

2. Skills

Demonstrable skills and knowledge in the following:

An up to date knowledge and understanding of HR and training issues.

Knowledge of employment law, particularly relating to employee rights and equal opportunities.

An understanding of the use of computerised HR and training systems.

The ability to work to tight deadlines and prioritise conflicting demands.

The ability to communicate effectively with managers and employees at all levels.

Points will be allocated on the following basis:

Level	Points*
Has a basic level of skills/knowledge but requires Regular supervision to be effective in this area	1
Has a thorough understanding of the techniques and procedures involved and requires only a minimum amount of supervision to be effective in this area	2
Has well developed technical/professional expertise and requires little direct supervision to be effective in this area.	3
Has an in-depth and broad understanding and is Effective in this area without any supervision	4
Total	5 –20

- where the individual fails to meet the basic level, a score of “0” may be allocated.

3. Experience

Demonstrable experience in the following:

Developing, implementing and maintaining effective HR and training Procedures.

Identifying training needs and planning the provision of training and development opportunities.

Supporting managers in individual employee relations cases (eg disciplinary, grievance etc)

Working with managers to support organisational changes.

Points will be allocated on the following basis:

Level	Points
Limited experience	1
Short period of experience	2
Established period of experience	3
Significant period of experience	4
Very substantial period of experience	5
Total points	4-20

4. Attendance

Self-certificated absences over a defined period, eg 2 years prior to the date of selection

Example:

Level	Points
30 days or more	0
21 – 29 days	5
11 – 20	10
6 –10 days	12
0 – 5 days	15

REDUNDANCY SELECTION ASSESSMENT FORM

Employee's Name:

Current Post:

Interviewing Officers:

Nature of Work:

Senior HR and Training Assistant

Date of Interview:

Person Specification Criteria	Points Allocated	Supporting Evidence / Comments	
1. Qualifications Institute of HR and Development			
2. Skills Demonstrable skills and knowledge in the following: An up to date knowledge and understanding of HR and training issues. Knowledge of employment law, particularly relating to employee rights and equal opportunities. An understanding of the use of computerised HR and training systems. The ability to work to tight deadlines and prioritise conflicting demands. The ability to communicate effectively with managers and employees at all levels.			
3. Experience Demonstrable experience in the following: Developing, implementing and maintaining effective HR and training procedures. Identifying training needs and planning the provision of training and development opportunities. Supporting managers in individual employee relations cases. (eg disciplinary, grievance etc.) Working with managers to support organisational changes			
4. Attendance			
Total Points Allocated			
Signed (Manager)		Date	
Signed (Co-Interviewer)		Date	
Signed (HR Manager)		Date	

SELECTION INTERVIEW FEEDBACK FORM

Please complete and return this form to -----(HR Assistant) in the envelope marked confidential as soon as possible after completion of the interview process. This form is intended to be in addition to any oral feedback given to the individual candidate where he/she requests this. Thank you for your cooperation.

FEEDBACK DETAILS

Name of candidate:		Current Department/Employer:		
Post applied for:		Department :		Interviewed on:

CRITERIA	STANDARD REQUIRED	FEEDBACK ON CANDIDATE
1.		
2.		
3.		
4.		
5.		
6.		

SUMMARY OF DECISION NOT TO APPOINT (To be completed by Interviewing Manager)

Signed:		Date:	
Job Title:		Tel. No.:	

PROCEDURE FOR MANAGING REORGANISATION AND REDUNDANCY

Slotting – Guidance Note

The Council's Procedure for Managing Reorganisation and Redundancy refers to the use of "slotting" employees into new posts in the new organisation structure, provided certain criteria are met (Section 17).

This Guidance Note sets out in more detail how this process should work.

1. The Council will identify the occupational group or groups which will constitute the unit of selection, in accordance with para 16.3 of the Procedure. In determining the scope of the unit of selection, the following guidelines should be followed:
 - where the proposed redundancy is due to the closure of the business, all employees employed in that business will form the unit of selection, eg. closure of a school;
 - where the proposed redundancy is due to the cessation of the business at a particular place of work, all employees employed in that business at that location will form the unit of selection, eg. cessation of a particular service delivered at a local office;
 - where the proposed redundancy is due to a cessation or diminution in the need for employees to carry out work of a particular kind, all employees undertaking such work will form the unit of selection, eg. HR and training staff.
2. In determining which employees are undertaking "work of a particular kind", the following factors should be taken into account:
 - are there common skills which are required in a number of jobs?
 - are the qualification requirements similar?
 - is the nature of the work identical or broadly similar?
 - how much flexibility is there across job roles?

In making this assessment, account should be taken of the full range of duties, referring not only to the job title(s), job description(s) and person specification(s) but also the work actually performed in practice.

3. The unit of selection, once identified, will then form the pool of employees for the purposes of slotting, in accordance with the criteria identified in para 17.1 of the Procedure.
4. Whether or not the criteria are satisfied will be determined by a slotting panel, comprising:
 - the relevant line manager;
 - HR adviser.

The relevant trade union for the particular occupational group will be invited to join the panel.

5. The slotting panel will undertake an examination of the job descriptions, grades and numbers of posts in the old structure compared to those in the new structure to determine which are slots. The reasons for their decision should be recorded – see proforma (appendix 13a).
6. Where the trade union is not a member of the slotting panel, they will be advised of the outcomes as soon as possible thereafter, and, in any event, within 3 working days.

All employees in the unit of selection will be advised, in writing, of the outcome of the slotting panel, within 5 working days, and will be advised of their right of appeal at the same time.

Slotting Panel Assessment Form

Old post title	New Post Title	Old Location	New Location	Old Grade	New Grade	Number of Old Posts	Number of New Posts	Panel decision and comparative notes.

Signed -Manager
 HR adviser
 Trade union representative

Date

SLOTING APPEALS PROCEDURE

1. An employee may appeal against the decision made in relation to him/her under the Council's slotting procedure. The appeal must be communicated in writing by the employee or their representative to the appropriate Director not later than 7 days after receipt of the letter advising whether or not they have been slotted. The employee or their representative must clearly state the reasons for the appeal.
2. The hearing shall normally be held within 10 working days of the receipt of the employee's appeal. Only in exceptional circumstances should this time limit be extended and, where this is necessary, the employee shall be advised of the reasons for such a delay.
3. The employee shall be advised in writing in advance of the date, time and place of the hearing and that he/she has the right to be represented, either by a Trade Union representative or workplace colleague.
4. No later than 2 working days prior to the hearing the employee (or their representative) and the Line Manager responsible for the slotting procedure shall submit their case documentation to the Head of HR who will arrange for an exchange of case documentation between the parties to take place.
5. The appeal shall be heard by a Panel comprising a senior manager or Director not previously involved in the slotting process and the Head of HR (or their representative). The Line Manager responsible for the application of the slotting procedure and the aggrieved employee and their representative shall be entitled to attend and be heard. The Director and/or Head of HR may arrange for any other officer to attend where this is considered appropriate to the resolution of the appeal. The hearing will be clerked by an officer from the Council in order to provide a written record of the proceedings.
6. The Line Manager shall put his/her case and the employee (or their representative) shall have the opportunity to ask questions. The Panel may ask questions of the Line Manager. The employee (or their representative) shall put his/her case and the Line Manager shall have the opportunity to ask questions. The Panel may ask questions of the employee (or their representative).
7. At the end of the hearing the Panel shall adjourn to consider the evidence given and make their decision.
8. The employee shall be advised orally of the Panel's decision and the reasons for it by the relevant Director as quickly as possible after the hearing. This decision and the reasons for it shall be confirmed in writing to the employee within 5 working days of the hearing and a copy sent to his/her representative. The Panel's decision shall be final.

Procedure for Managing Reorganisation and Redundancy
Annex 10

SELECTION FOR COMPULSORY REDUNDANCY

Appeals Procedure

1. An employee may appeal against the decision to select him/her for compulsory redundancy. The appeal must be communicated in writing by the employee or their representative to the appropriate Director not later than 7 days after receipt of the letter advising of their selection for redundancy. The employee or their representative must clearly state the grounds for the appeal.
2. The hearing shall normally be held within 10 working days of the receipt of the employee's appeal. Only in exceptional circumstances should this time limit be extended and, where this is necessary, the employee shall be advised of the reasons for such a delay.
3. The employee shall be advised in writing in advance of the date, time and place of the hearing and that he/she has the right to be represented, either by a Trade Union representative or workplace colleague.
4. No later than 2 working days prior to the hearing the employee (or their representative) and the Line Manager responsible for the selection procedure shall submit their case documentation to the Head of HR who will arrange for an exchange of case documentation between the parties to take place.
5. The appeal shall be heard by a Panel comprising a senior manager or Director not previously involved in the selection process and the Head of HR (or their representative). The Line Manager responsible for the application of the selection procedure and the aggrieved employee and their representative shall be entitled to attend and be heard. The Director and/or Head of HR may arrange for any other officer to attend where this is considered appropriate to the resolution of the appeal. The hearing will be clerked by an officer from the Council in order to provide a written record of the proceedings.
6. The Line Manager shall put his/her case and the employee (or their representative) shall have the opportunity to ask questions. The Panel may ask questions of the Line Manager. The employee (or their representative) shall put his/her case and the Line Manager shall have the opportunity to ask questions. The Panel may ask questions of the employee (or their representative).
7. At the end of the hearing the Panel shall adjourn to consider the evidence given and make their decision.
8. The employee shall be advised orally of the Panel's decision and the reasons for it by the relevant Director as quickly as possible after the hearing. This decision and the reasons for it shall be confirmed in writing to the employee within 5 working days of the hearing and a copy sent to his/her representative. The Panel's decision shall be final.
9. Where the decision is made to dismiss the employee's appeal the original date of termination of employment shall remain. Where the decision is made to uphold the employee's appeal the notice of termination of employment shall be withdrawn.

SELECTION FOR COMPULSORY REDUNDANCY: APPEALS PROCEDURE

Guidance Notes for the Appeal Panel

These Guidance Notes set out the terms of reference to be followed by the Panel in conducting a hearing to consider an employee's appeal against selection for redundancy.

The role of the Panel at the hearing will be to review the methodology by which selection for redundancy has occurred in order to establish whether or not that process was fair. In order to reach this decision the Panel will consider:-

- i) whether or not redundancy is the real reason for dismissal;
- ii) if redundancy is the reason for dismissal, whether or not the selection criteria used are in accordance with the Council's Procedure for Managing Reorganisation and Redundancy;
- iii) the methodology of applying the selection criteria; and
- iv) whether that methodology was correctly applied in the appellant's case.

The Panel will only reach a decision once these four elements have been reviewed.

REDUNDANCY PAYMENTS

The Employment Rights Act 1996 states that to qualify for a redundancy payment an employee must have been continuously employed for a period of not less than two years ending with the relevant date.

Calculation of a Redundancy Payment

The Employment Rights Act 1996 s.162 details how an employee's statutory redundancy payment is calculated. There are two elements to this:

- the period of continuous employment the number of years of employment falling within this period reckoned backwards from the "relevant date"
- the 'appropriate amount' for each of these years of employment

Period of Continuous Employment

The 'relevant date' is defined in the Employment Rights Act 1996 s.145. The main points are:

- where the contract is terminated by notice, given either by the employer or employee, the date on which the notice expires
- where the contract is terminated without notice, the date on which the termination takes place

To be eligible for a redundancy payment, an employee must have two years continuous employment at the relevant date.

As a result of the Redundancy Payments (Continuity of Employment in Local Government, etc) (Modification) Order 1999, an employee will normally be entitled to receive a redundancy payment based on all continuous local government and related service. This also means that, if an employee who has been given notice of redundancy receives an offer (made prior to the date of redundancy) of employment in local government or a related service, to commence immediately or within 4 weeks of their date of termination, there will be no entitlement to a redundancy payment. Therefore, to retain their right to a redundancy payment an employee who is offered employment before the end of their current contract, by an employer to which the Modification Order applies, must have a break in service of at least 4 weeks.

Remuneration

As a general rule remuneration is defined as 'that which is contractually binding on the employer to be paid (usually explicitly in writing but can be implied by custom and practice) be that weekly, monthly or yearly'.

Therefore, remuneration can differ from what is actually paid to the employee.

Elements that do count as remuneration:

- Salary – annual pay figure paid in a specific period

The salary as specified in the contract of employment, allowing for agreed and implemented pay increases as at the calculation date (see below).

- Hourly Wage

The hourly wage where there is an agreed number of hours to be worked. Most employees have a contractually stated number of hours to be worked in a fixed period, usually a week but can be longer.

Where there are no contractual hours the hourly rate is ignored and an average of the wages for the 12 weeks prior to the calculation date is made.

Elements that do not count as remuneration:

- Expenses

Expenses that are claimed in compensation of expense or inconvenience incurred by an employee are not remuneration, for example, travel expenses.

Expenses paid without the requirement to claim but which are still payment in compensation of expense or inconvenience incurred.

- Irregular Earnings

Irregular earnings are considered to be mutually agreed duties and not contractually binding and therefore do not count as remuneration for redundancy purposes.

However, care needs to be taken to ensure that the earnings are actually irregular and that there is no obligation established through persistent custom and practice. If there is any question advice should be sought from HR Services.

- Payments/Benefits in Kind

Payments in kind i.e. benefits received by the employee, which do not form part of the contract, do not count as remuneration for redundancy purposes. Also compensation for benefits in kind should not be counted.

Elements that may be counted as remuneration:

- Overtime

To be counted as remuneration overtime must be an express requirement in the contract of employment, obligatory on the employee and guaranteed by the employer. Overtime that is irregular, not expressly written in the contract, not obligatory or not guaranteed does not count as remuneration for redundancy purposes.

- Allowances / Bonuses

Contractual allowances which do not vary will count as remuneration.

Contractual allowances or bonuses which are part of a rota of work will be taken into account when calculating remuneration during the 12 week period prior to the calculation date.

Allowances or bonuses that are not contractual and do not form the basis of a rota of work will not be counted as remuneration.

Only bonuses that are contractual can be counted as remuneration. Bonuses at the discretion of the employer do not count as remuneration even if the employee would have qualified for the bonus had they remained in employment.

- Detriment

Detriment may or may not be termed as remuneration and is dependent on the reason for the award of detriment.

Where detriment is directly related to the replacement of the loss of salary then it should be used to calculate final benefits. However, where detriment is to replace the loss of a benefit in kind i.e. the loss of a lease car, then it should be discounted for the calculation of redundancy.

The Appropriate Amount

The 'appropriate amount' is defined (Employment Rights Act 1996 s.162(2)) as:

- One and a half week's pay for each year of employment in which the employee was not below the age of 41
- One week's pay for each year of employment in which the employee was not below the age of 22 (and below the age of 41)
- Half a week's pay for each year of employment when the employee was below the age of 22
- In accordance with The Local Government (Compensation for Redundancy and Premature Retirement) Regulations 1984 it is the Council's policy to base the calculation of the redundancy payment on the employee's actual week's pay where this exceeds the statutory maximum..

The calculation is subject to a maximum of 20 years of continuous employment. Any years of continuous employment in excess of 20 are disregarded for the purpose of the calculation. A ready reckoner for the calculation of a statutory redundancy payment is attached below.

Statutory redundancy pay table																			
Age	Service (Years)																		
	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20
17*	1																		
18	1	1½																	
19	1	1½	2																
20	1	1½	2	2½	-														
21	1	1½	2	2½	3	-													
22	1	1½	2	2½	3	3½	-												
23	1½	2	2½	3	3½	4	4½	-											
24	2	2½	3	3½	4	4½	5	5½	-										
25	2	3	3½	4	4½	5	5½	6	6½	-									
26	2	3	4	4½	5	5½	6	6½	7	7½	-								
27	2	3	4	5	5½	6	6½	7	7½	8	8½	-							
28	2	3	4	5	6	6½	7	7½	8	8½	9	9½	-						
29	2	3	4	5	6	7	7½	8	8½	9	9½	10	10½	-					
30	2	3	4	5	6	7	8	8½	9	9½	10	10½	11	11½	-				
31	2	3	4	5	6	7	8	9	9½	10	10½	11	11½	12	12½	-			
32	2	3	4	5	6	7	8	9	10	10½	11	11½	12	12½	13	13½	-		
33	2	3	4	5	6	7	8	9	10	11	11½	12	12½	13	13½	14	14½	-	
34	2	3	4	5	6	7	8	9	10	11	12	12½	13	13½	14	14½	15	15½	-
35	2	3	4	5	6	7	8	9	10	11	12	13	13½	14	14½	15	15½	16	16½
36	2	3	4	5	6	7	8	9	10	11	12	13	14	14½	15	15½	16	16½	17
37	2	3	4	5	6	7	8	9	10	11	12	13	14	15	15½	16	16½	17	17½
38	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	16½	17	17½	18
39	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	17½	18	18½
40	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	18½	19
41	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	19½
42	2½	3½	4½	5½	6½	7½	8½	9½	10½	11½	12½	13½	14½	15½	16½	17½	18½	19½	20½
43	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21
44	3	4½	5½	6½	7½	8½	9½	10½	11½	12½	13½	14½	15½	16½	17½	18½	19½	20½	21½
45	3	4½	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22
46	3	4½	6	7½	8½	9½	10½	11½	12½	13½	14½	15½	16½	17½	18½	19½	20½	21½	22½
47	3	4½	6	7½	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23
48	3	4½	6	7½	9	10½	11½	12½	13½	14½	15½	16½	17½	18½	19½	20½	21½	22½	23½
49	3	4½	6	7½	9	10½	12	13	14	15	16	17	18	19	20	21	22	23	24
50	3	4½	6	7½	9	10½	12	13½	14½	15½	16½	17½	18½	19½	20½	21½	22½	23½	24½
51	3	4½	6	7½	9	10½	12	13½	15	16	17	18	19	20	21	22	23	24	25
52	3	4½	6	7½	9	10½	12	13½	15	16½	17½	18½	19½	20½	21½	22½	23½	24½	25½
53	3	4½	6	7½	9	10½	12	13½	15	16½	18	19	20	21	22	23	24	25	26
54	3	4½	6	7½	9	10½	12	13½	15	16½	18	19½	20½	21½	22½	23½	24½	25½	26½
55	3	4½	6	7½	9	10½	12	13½	15	16½	18	19½	21	22	23	24	25	26	27
56	3	4½	6	7½	9	10½	12	13½	15	16½	18	19½	21	22½	23½	24½	25½	26½	27½
57	3	4½	6	7½	9	10½	12	13½	15	16½	18	19½	21	22½	24	25	26	27	28
58	3	4½	6	7½	9	10½	12	13½	15	16½	18	19½	21	22½	24	25½	26½	27½	28½
59	3	4½	6	7½	9	10½	12	13½	15	16½	18	19½	21	22½	24	25½	27	28	29
60	3	4½	6	7½	9	10½	12	13½	15	16½	18	19½	21	22½	24	25½	27	28½	29½
61+	3	4½	6	7½	9	10½	12	13½	15	16½	18	19½	21	22½	24	25½	27	28½	30

[Redundancy Payments Offices](#)

Training/Skills Development for Redeployed Employees.

Individual Skills Audit

All employees who are given access to the redeployment service will be given the opportunity of undertaking an audit of their skills.

Additional support and information may also be provided by Line manager/Lead Officer.

A person specification for the vacant posts will be available to all redeployees.
Individual's to make the link to a suitable position.

Training and Support

The same level of support will be offered to all employees irrespective of status or position within the Council.

All redeployed staff should be provided as a minimum of six months on the job training, delivered within the directorate. The individual will be provided with relevant skills to carry out the job effectively and efficiently.

Approaches to Training & Support

Job Search Skills

Training and support will be available to redeployees who wish to sharpen communication skills, interview techniques, create an up-to-date CV, investigate other work opportunities and obtain advice and guidance.

Guidance / Support Packs

A guidance / support pack containing relevant advice on C.V. construction, interview techniques and contact phone numbers for HR and training advice will be made available via HR teams.

Retraining Provision

An individual plan of training/development will be drawn up between the redeployee and the Line Manager to ensure the appropriate working practices/skills required for the new role can be achieved.

Managers and individuals will be encouraged to participate in the use of all possible learning options, including:- on the job coaching, working with peers, directorate and corporate based training sessions, or external courses where appropriate.

Appropriate induction will be provided within the first four weeks of the redeployees employment.

Retraining Costs

All redeployed staff will be provided with a least 5 days re training in addition to the minimum 5 day training as identified within the Corporate Learning & Development Strategy.

It will be the responsibility of the line manager to consider all in-house training / learning options to ensure best use of resources and budget.

The current directorate of the redeployee will be responsible for the cost of the initial induction costs with the ongoing training to be provided to be negotiated between the previous and new redeployees directorate.

