

EMPLOYMENT MATTERS COMMITTEE

2 NOVEMBER 2010

REVISED ORGANISATIONAL CHANGE POLICY

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Summary

The report seeks agreement to the implementation of the revised Organisational Change Policy and accompanying managers guidance.

1. Budget and Policy Framework

1.1 The Policy lies within the Council's policy and budget framework and the Committee's terms of reference. Therefore, this is a matter for the Employment Matters Committee.

2. Background

2.1 The current Organisational Change Policy and Procedure was agreed by Employment Matters Committee on 15 April 2009.

2.2 Since then it has become evident that the policy, and in particular the procedures contained therein can lead to lengthy processes being undertaken for all organisational changes, where in legal terms these are not always required. This is clearly not ideal for both the employees being affected by the change or the organisation in terms of maintaining an effective service provision and taking the organisation forward.

2.3 The organisation faces a number of pressures in the future and needs to be as flexible as it can be in terms of dealing with organisational change to speed up the process whilst at the same time meeting its legal obligations.

2.4 In response to this need a revised policy has been produced (attached as appendix 1). This policy is a framework setting out the council's policy on dealing with organisational change, it includes the statutory requirements for undertaking dismissals on the grounds of redundancy and other major organisational changes however it does not set out the processes involved in these situations. These are contained in the managers guidance attached to this report as appendix 2 and allow for

a more flexible approach on managing organisational change with the emphasis on reaching a mutual agreement wherever possible.

3. Advice and analysis

3.1 In essence there are not a great deal of variations to the main principles contained within the current policy document, as the statutory requirements for handling significant change including redundancies remain the same.

3.2 However, the managers guidance provide choices on how managers may wish to undertake the change process. In cases of minor change, where redundancies are not proposed the policy encourages seeking a mutual agreement and not undertake a formal process at all.

3.3 The statutory consultation periods are adhered to and the council, in the interests of best practice have enhanced the statutory minimum timescales to ensure consultation is undertaken in all organisational change.

3.4 Throughout both the policy and managers guidance there is a strong emphasis on the need to consult with staff irrespective to whether redundancies are proposed or not.

3.5 Other changes to the current policy can be summarised as follows:

(i) the manager to meet with a representative from HR services prior to any organisational change to agree a way forward/timetable etc;

(ii) a more flexible approach to dealing with re-engagement of employees following redundancy. On 11 October 2006 Employment Matters Committee agreed the following:

“That employees leaving the service due to redundancy or efficiency will not be able to return to the Council's employ for a period of six months following date of termination”;

A recommendation is being made to change this decision to enable individuals to return to the councils employ prior to six months depending on the length of service and amount of redundancy payment received. Examples showing how this would work can be found in the policy document (page 14, para. 21.0).

(iii) the job matching ratio changing from 75 per cent match to 70 per cent match. The result of this change will allow for more flexibility when matching staff at risk of redundancy to suitable alternative posts during a “slotting” process. This will also apply to benchmarking when re-grading new posts;

(iv) the policy explicitly commits managers to afford individuals one-to-one consultation where an employee is being dismissed on the grounds of redundancy;

(v) due consideration to be given of the impact in terms of equalities on service users, service delivery and staff when planning organisational change;

(vi) Diversity Impact Assessments to be undertaken when determining selection for redundancy criteria;

(vii) options now included for undertaking selection for redundancy methods e.g. matrix, interviews, audit form etc enabling the most suitable and most effective method depending on the particular circumstances;

(viii) the provision for not requiring employees to attend work during their notice period is now included within policy.

3.6 A Diversity Impact Assessment has been undertaken and is attached as appendix 3. The policy outlines the managers responsibilities which include a requirement for the manager to consider the diversity implications of any change process that affect staff at both the planning stage and during the change.

4. Consultation

4.1 Consultation on this policy has been widespread. Staff groups included within this process include:

- Medway Council trade unions and Teaching Associations
- Medway Council Legal services
- Medway Council Research and Review team
- The employee forums
- All Medway Managers
- HR Services.

4.2 Comments received were considered and taken on board where it was considered appropriate to do so. These included:

- (i) The Research and Review team advised that stronger emphasis was required in both documents to ensure those planning organisational change considered the equalities impact on service users, service delivery and staff at all stages, including the planning stage. The documents were revised accordingly.
- (ii) Legal Services advised that stronger emphasis was required in relation to ensuring meaningful consultation was undertaken with the trade unions. The documents were revised accordingly.
- (iii) Managers were encouraged to see that processes had been removed from the policy document.

- (iv) Managers requested the policy to be clearer in relation to consultation being required where there are less than twenty employees involved in the organisational change. The policy was revised accordingly.

(v) Consultation with the trade unions

The trade unions have been given the opportunity to make comment and discuss the policy on a number of occasions. Written comments were invited and also discussion at various meetings, i.e. the Corporate Consultative Committee on Thursday, 9 September, followed by separate meetings with the GMB on Friday 1 October and UNISON and the Teaching Associations on Thursday, 14 October.

Comments received included:

- a) The GMB were positive about making the organisational change process more flexible.
- b) All trade unions disagree strongly with the six month re-engagement threshold and have asked for it to be either reduced or preferably removed altogether. Other comments relating to this issue are:
- UNISON asked for consideration to be given to employees who are made redundant with less than two years service and therefore would not be entitled to receive a redundancy payment.
 - The Teaching Associations believed the new recommendation was discriminatory against older individuals.

Response: The above comments were considered and the arrangements set out in the new policy contain a degree of flexibility that should be able to overcome both of the above issues where it is considered appropriate to do so.

- c) The original draft policy changed the job-matching ratio from 75 per cent to 60 per cent. However, the unions and some managers believed this to be too large a difference.

Response: A compromise was agreed to reduce the job-matching ratio to 70 per cent.

- d) A request to make explicit that the four week trial period be extended to a maximum of eight weeks if it is considered to be required in order for a redeployee to ascertain whether a new post is suitable.

Response: it was agreed to build more flexibility into the policy.

- e) UNISON requested a process to be included for “bump” redundancies.

Response: bump redundancies are now included within the policy document as part of the considerations for avoiding redundancies.

- f) UNISON requested that the five working day cut-off for appeals against selection for redundancy be increased to ten working days.

Response: This was agreed and the policy changed accordingly.

- g) UNISON requested Diversity Impact Assessments to be called Equality Impact Assessment.

Response: As there is no prescribed legal terminology the council would prefer to remain with the term Diversity as opposed to Equality as the council encourages a diverse workforce and celebrates the spirit of managing diversity.

- h) The Teaching Associations expressed their concerns over using the interview process as a method for selection for redundancy. They encouraged the use of anonymous audit forms explaining this is the process used in schools and is objective, transparent and fair.

Response: The Teaching Associations were advised that the council wishes to offer managers the flexibility they need to manage organisational change in the most appropriate manner according to the individual situation.

They were assured that the interview selection process would be undertaken as transparently and fairly as possible using score sheets and objective criteria which had, wherever possible been agreed with the trade unions.

It was therefore agreed that the various methods of selection for redundancy would include interviews.

- i) The Teaching Associations asked for the scope of the policy not to include centrally employed teachers employed under the School Teachers Pay and Conditions document and all staff employed at short stay schools, previously known as Pupil Referral Units.

Response: This was agreed and the policy amended accordingly.

- j) HR Services had investigated with the Local Government Association (LGA) the need to formally consult with the Teaching Associations on organisation change that would not directly affect any of their members. The LGA advised that only the "relevant" trade unions needed to be consulted with formally.

However, the Teaching Associations expressed their concern about this arrangement. They pointed out that as there were no mechanisms available for the council to be able to identify employees who were members of the Teaching Associations there was a danger that some of their members who were involved in departmental or directorate reorganisations may not be represented.

Response: it was agreed that Teaching Associations would be copied into all formal consultation papers but may choose not to actively take part in the consultation process.

- k) The Teaching Associations requested that the statutory service requirement of two years before time off for interviews and seeking alternative work is allowed should be extended or made more flexible to those with less than two years service.

Response: It was agreed to extend the provision to all staff irrespective of their length of service. Managers would have the discretion to allow reasonable time off for employees to attend interviews and to seek alternative work.

As a result the Redeployment Procedure agreed by Employment Matters Committee on Wednesday, 10 February 2010 would need to be changed as follows:

Amended from:

(i) *Time off for interviews*

Reasonable paid time off work, with agreement, is offered to employees seeking alternative work within or outside Medway Council.

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.

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

To:

(i) Time off for interviews

Reasonable paid time off work, with agreement, is offered to employees seeking alternative work within or outside Medway Council.

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

- 4.3 From the above it is evident that the majority of the trade unions and Teaching Associations requests were agreed and where agreement could not be reached a compromise was sought.

5. Risk Management

- 5.1 Medway Council is required to have a procedure in place to deal with organisational change and any redundancies which may arise. The

procedure needs to be such that it ensures that the Council is compliant with its statutory obligations. The risk of non-compliance with statutory requirements would leave the Council open to unfair dismissal claims and financial damages at Employment Tribunal. Legal Services have confirmed that the policy is legally sound and compliant with employment law.

6. Financial and legal implications

- 6.1 There are no direct financial implications. However, the maximum compensatory award payable for unfair dismissal at Employment Tribunal is £66,200. In cases involving discrimination compensation is unlimited.
- 6.2 Implementation of the policy enables the Council to implement organisational change which not only comply with its legal obligations but are also based on fair and transparent principals. Compliance with these principals minimises the risk of successful challenges on the grounds of unfair dismissal. The Council must also ensure compliance with equality legislation in the application of the policy.
- 6.3 The leading statutory authority lies with:
- Equalities Act 2010
 - Employment Rights Act 1996
 - Employment Relations Act 1999
 - Employment Act 2002

7. Recommendations

- 7.1 That the Employment Matters Committee agree to the implementation of the revised Organisational Change Policy and supporting managers guidance.
- 7.2 That the Employment Matters Committee agrees to the amendment to the Redeployment Procedure on time off for interviews, as set out in paragraph 4.2 (k) of the report.

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Background Papers:

ACAS Guide to managing redundancies
ACAS Guide to “Changing contracts of employment”
Local Government Employers “39 Steps to Redundancy Handling”

Appendix 1



Draft Organisational change Policy *(including redundancy)*

November 2010

1.0 Introduction

1.1 This policy sets out Medway Council's approach to dealing with potential redundancies and organisational changes and should be read in conjunction with the Managers guide to organisational change and redundancy.

1.2 Organisational changes are likely to be different in nature, size and scope: The council will adopt the processes and procedures that are most appropriate to the particular circumstances of each change.

1.3 The council will endeavour to manage any change fairly and as quickly as is reasonable and appropriate to the circumstances, taking into account its statutory obligations. Management, employees and the trade unions will aim to work constructively together to minimise periods of disruption and uncertainty in organisational change.

1.4 Although Medway Council's policy is to avoid redundancies wherever possible, where redundancies are unavoidable, the council will make certain that decisions will be made in a fair and consistent manner to ensure:

- the total number of redundancies made is kept to a minimum;
- employees and their trade union representatives are appropriately consulted on any proposals and their implementation;
- selection for redundancy is based on clear criteria that will, as far as possible, be objectively and fairly applied;
- every effort is made to redeploy or find alternative work for employees selected for redundancy; and support and advice is provided to employees selected for redundancy to help them find suitable work when their employment has come to an end.

1.5 Definition of redundancy

An employee who is dismissed shall be taken to be dismissed for redundancy if the dismissal is attributable wholly or mainly to the fact that:

- the council has ceased, or intends to cease, to carry on the business for the purposes of which the employee was employed, or has ceased, or intends to cease, to carry on that business in the place where the employee was so employed; or
- the requirements of that business for employees to carry out work of a particular kind, or for employees to carry out work of a particular kind in the place where he/she was so employed, have ceased or diminished, or are expected to cease or diminish. (*Section 139 (1) Employment Rights Act (ERA 1996)*).

2.0 Constitution

2.1 Para 3.1, Part 4, Ch 3 of Council Constitution states that Directors may agree to reorganisations 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 Assistant Director, Organisational Services.

2.2 A Cabinet/Council decision will be required if a proposed reorganisation falls outside of the above delegations. Cabinet will be asked to consider the service policy implications and agree the proposal to consult, and Council will be asked to delegate the responsibility of considering the outcome of consultations to the Director.

3.0 Scope

3.1 This policy applies to all staff except schools based staff, centrally employed teachers who are covered by the School Teachers Pay and Conditions Document, all staff employed at short stay schools, previously known as Pupil Referral Units, the Chief Executive and The Section 151 Monitoring Officer.

4.0 Avoiding or minimising redundancies

4.1 In order to minimise the need for compulsory redundancies the council will consider alternative measures. These may include some, or all of the following:

- Redeployment;
- Restricting recruitment;
- Reductions in overtime;
- Internal re-organisation – restructuring;
- Natural wastage;
- Retraining;
- Secondments;
- Restrictions on the number of temporary employees placed;
- Voluntary/"bump" redundancy within service areas.

5.0 Responsibilities

5.1 In situations of organisational change, responsibilities on managers and employees will be as follows:

5.2 Manager's responsibilities

- To discuss the business case and agree the appropriate way forward with HR Services.
- to consult with employees and the trade unions at the earliest opportunity where reasonably practicable.
- Approach consultation with an open mind, and consider all feedback received for use in changes to proposals as appropriate.
- Decide on the most appropriate method of informing and consulting with staff, taking into account the statutory provisions.
- To consult with individuals affected by the change, and keep all of their employees informed about the changes throughout the process.
- Keep written records of all discussions held with trades unions and employees.

- Consider the diversity implications of any change process that affect staff at both the planning stage and during the change.

5.3 Employee's responsibilities

- To consider reasonable changes to their duties and responsibilities;
- To participate in consultations,
- Continue to conduct their professional duties in a professional manner during organisational change;
- Consider any suitable alternative employment opportunity.

6.0 Consultation

6.1 Management and the trade unions will aim to work together to achieve a satisfactory outcome of the consultation process on organisational change.

6.2 The consultation will be meaningful and will include providing all trade unions with the following information for each organisational change where redundancies are proposed:

- the reasons for the proposals;
- the numbers and descriptions of employees it is proposed to dismiss as redundant;
- the total number of employees of any such description employed at the establishment in question;
- the way in which employees will be selected for redundancy;
- how the dismissals are to be carried out, taking account of any agreed procedure, including the period over which the dismissals are to take effect; and
- the method of calculating the amount of redundancy payments to be made to those who are being dismissed.

6.3 Formal consultation with the relevant trade unions will take place on all organisational change where proposals are being made to dismiss employees on the grounds of redundancy..

6.4 The consultations will start in good time and where it is likely to involve more than 20 staff being made redundant consultation will take place in accordance with the statutory minimum as follows:

- at least 30 days before the first dismissal takes effect if 20 to 99 employees are to be made redundant at one establishment over a period of 90 days or less; or
- at least 90 days before the first dismissal takes effect if 100 or more employees are to be made redundant at one establishment over a period of 90 days or less.

6.5 In cases where there are less than 20 employees likely to be affected by the proposals the length of the consultation will be variable according to the nature and size of the change.

6.5 Individual employees will be consulted in respect of their own particular circumstances. Where dismissal on the grounds of redundancy is taking place the employee must be afforded a face to face meeting with their line manager

6.6 In addition to consulting the trade unions and staff, the Secretary of State at the Department for Business, Innovation and Skills will be notified on form HR1 of proposed redundancies involving twenty or more employees at any one establishment within a period of 90-days or less.

7.0 Redundancy selection criteria and process

7.1 The criteria and process used in selecting employees for redundancy will depend on the existing circumstances and the particular needs of Medway Council at the time and wherever possible be agreed with the trade unions. When selecting employees for redundancy the council will ensure that:

- the chosen criteria is consistently and carefully applied;
- the “pool” for selection is identified correctly;
- the selection criteria used are fair, these may include: skills and/or experience; qualifications; standard of work performance or aptitude for work; attendance or disciplinary record;
- any selection criteria must be substantiated and backed up with objective data;
- application of the selection criteria will comply with equalities legislation.

8.0 Redeployment

8.1 The council has a Redeployment Policy and has committed to make every effort to redeploy to suitable alternative work any employee who is selected for redundancy. At the same time the council would expect redeployees to be as flexible as possible in their approach to considering redeployment opportunities when seeking to secure an alternative position within the council.

8.2 The council will take account of all relevant circumstances that apply to affected employees and reserves the right to make an offer of redeployment where it considers that the appointment is appropriate subject to reasonable training.

8.3 Employees must consider all offers of suitable alternative employment. Those who unreasonably refuse an offer of suitable alternative employment will lose their entitlement to a redundancy payment.

9.0 Time off work to look for new work or for training

9.1 Reasonable paid time off work, with agreement, is offered to employees seeking alternative work within or outside Medway Council.

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

9.3 Opportunities to access training in job searching skills, CV writing and interview skills will be provided.

10.0 Trial Period

10.1 Offers of alternative employment are subject to a statutory four week trial period where the provisions of the new contract differ from the original contract.

10.2 The effect of the trial period is to give the employee a chance to decide whether the new job is suitable without necessarily losing their right to a redundancy payment.

10.3 The trial period may be extended for retraining purposes and this will be agreed in writing. If the employee works beyond the end of the agreed trial period end date any entitlement to a redundancy payment will be lost. However, should the council wish to end the new contract within the four weeks for a reason connected with the new job (as opposed for example, to being dismissed for gross misconduct), the employee will preserve the right to a redundancy payment under the old contract.

11.0 Maternity, Additional Paternity Leave and Adoption Leave

11.1 Employees have a separate legal entitlement to be offered any suitable alternative work that is available if they are made redundant while on:

- maternity leave;
- additional paternity leave; or
- adoption leave.

12.0 Termination of employment and dismissal procedure

12.1 If no suitable alternative employment is found within the redundancy notice period the employee will be dismissed on the grounds of redundancy.

12.2 Depending on the circumstances, the council may waive its right to insist on employees working their notice and instead give a payment in lieu of notice or not require employees to attend work during their notice period.

13.0 Redundancy payments

13.1 Employees who are dismissed on the grounds of redundancy with two or more years' service will be entitled to a redundancy payment. However, there may be instances where a payment may not be made such as where the employee has declined an offer of suitable alternative employment or where the employee is dismissed for another reason such as gross misconduct.

13.2 The amount of this payment will be confirmed when the employee is selected for redundancy and the sum will normally be paid along with the employee's final salary payment or payment in lieu of notice.

13.3 In accordance with Section 162 of the Employment Rights Act 1996 pay matrix, for each year of service that counts, an employee will receive a proportion of weekly pay, which is determined in the following way:

Age	Entitlement
21 years or below	Half a week's pay
22 – 40 years	One week's pay
41 and above	One and a half week's pay

13.4 Therefore the maximum entitlement will be 20 years at one and a half weeks' pay = 30 weeks' pay. Medway Council redundancy payment is based on the employee's actual weekly pay.

14.0 Appeals

14.1 An employee who is aggrieved at the decision to select him/her for compulsory redundancy has the right of appeal. The appeal must be lodged in writing with the Assistant Director, Organisational Services within ten working days of the employee receiving written confirmation of their redundancy. The grounds for appeal must be clearly stated.

15.0 Organisational change

15.1 In any organisational change, whether there are redundancies or not, the council commits to:

- seek agreement wherever possible prior to varying contracts of employment;
- undertake the necessary statutory consultation,
- follow a fair procedure;
- give proper written notice of any change of contract; and
- provide a process for employees to appeal where a dismissal exists.

16.0 Re-engagement

16.1 Employees who are dismissed on the grounds of redundancy and take early retirement are unable to take up another post with Medway Council for six months unless prior agreement for an earlier start date is agreed with the Director and the Assistant Director, Organisational Services.

16.2 Employees who are dismissed on the grounds of redundancy and who have received a redundancy payment are unable to take up another post with Medway Council within the amount of weeks redundancy payment they have been paid, the minimum amount of weeks being four weeks. i.e.

Scenario 1: an employee who has received a redundancy payment of twenty weeks actual pay would be expected to wait twenty weeks before being able to take up a new post within the council. In exceptional cases the Director and Assistant Director, Organisational Services may agree to a shorter time – frame.

Scenario 2: an employee who has received a redundancy payment of three weeks actual pay would be expected to wait four weeks before being able to take up a new post within the council.

17.0 Reporting of severance payments to Employment Matters Committee

17.1 Details of severance payments will be reported to Employment Matters Committee on a quarterly basis.

18.0 TUPE

18.1 This policy does not apply to transfers under the Transfer of Undertakings (protection of Employment) Regulations 2006 (TUPE regulations).

19.0 Diversity Impact Assessment

19.1 Medway Council will consider the assessment of the impact that changes to policies, procedures and practices could have on different equality groups.

20.0 Additional Support

20.1 The council will provide free confidential counselling and information support through its' Employee Assistance Provider, Care First.

21.0 Review of procedure

21.1 This procedure will be reviewed on a bi-annual basis or sooner if organisational needs or legislative changes require it.



Draft Managers guide to Organisational change and redundancy

November 2010

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What to do first – if you can, agree to the change informally with your employee

1.0 The planning stage

1.1 It's very important to remember, whether the organisational change you are planning is minor or significant that an individual's contract should not be changed without a national or local collective agreement or without his or her express agreement, otherwise you (the employer) will be in breach of contract. Whether or not redundancies are proposed it is important that any statutory requirements are adhered to as the risk of non-compliance would leave the council open to unfair dismissal claims and financial damages at Employment Tribunal.

1.2 The best way to achieve any variation to one or more of the terms of an employee's contract is by mutual agreement. Managers are encouraged to seek a mutual agreement with staff on proposed changes wherever and whenever possible. Such agreement is sometimes readily forthcoming, e.g. in the case of a promotion or a change in duties that hold the same responsibility. Employees may, moreover, be prepared to accept minor or technical variations without undue objection, even if those variations may seem slightly disadvantageous. To obtain mutual agreement consultation with your staff is essential. An employee who has been consulted about a change and has had their ideas taken into consideration is more likely to agree to a change in their contract as opposed to a change that is being enforced.

1.3 These guidelines have been written to help you achieve a mutual agreement wherever possible, providing you with all the information you need to manage a change within your team.

1.4 Obviously, where redundancies are proposed it is not possible to manage the process in an informal manner as the law expects employers to follow a statutory framework which enables a fair and consistent approach to selecting employees for redundancy. These guidelines will provide you with the information you need to undertake this process in accordance with the law.

1.5 Any kind of change can be disruptive, none more so than the prospect of organisational change or redundancy which can have an adverse impact on employees' morale, motivation and productivity.

1.6 However, planning a fair and thorough process can reduce the uncertainty for and the emotional impact on the individual. The planning stage will comprise of a business case meeting with your HR adviser.

1.7 Diversity Impact Assessments

1.8 Before making any changes managers need to think through the possible impact on service users and service delivery as well as the potential impact on staff.

1.9 It is worth noting the guidance from the Equalities and Human Rights Commission which helpfully sets out what is expected of decision-makers and leaders in public authorities in relation to the impact assessment process around financial decision making.

'The equality duties do not prevent you from making difficult decisions such as reorganisations and relocations, redundancies and service reductions nor do they stop you from making decisions which may affect one group more than another. What the equality duties do is enable you to demonstrate that you are making financial decisions in a fair, transparent and accountable way, considering the needs and the rights of different members of your community. This is achieved through

assessing the impact that changes to policies, procedures and practices could have on different equality groups’.

2.0 The business case meeting

2.1 In all cases, whether or not redundancies are proposed you should arrange to meet with an adviser from HR Services to discuss your proposals and discuss the business case checklist (see appendix 1). This discussion should help you understand the process you need to follow together with clarifying the information which, by law, should be provided to employees and the relevant trade unions at the start of formal (collective) consultation where redundancies are applicable.

2.2 Once this meeting is completed you should have a full understanding of the process regarding:

- the relevant policy relating to the change;
- the law relating to the change;
- the business case and rationale for change; and
- the time table for the change.

3.0 Definition of organisational change

3.1 Organisational change, for the purposes of these guidelines is defined as proposals which may affect individuals, groups, sections, or whole services/units, giving rise to any of the following:

- the change of grade of an existing post using a job evaluation scheme;
- a change of work location
- the reallocation of existing workloads where there will be no changes in numbers of posts or additional areas of work proposed within the team;
- the ending of existing posts;
- the introduction of new posts;
- significantly changed duties or responsibilities and/or conditions of service;
- significantly changed work organisation, accountability or reporting arrangements, section, division or service structure; and
- the introduction of significant new technology, management systems etc

3.2 Whether or not redundancy is a possibility at this stage when you attend the meeting you will need to bring with you the following information to enable an effective discussion and agree a way forward. It is accepted that you may not have all the documents at this stage but an outline of the proposals and staffing lists would be a minimum requirement to enable an effective discussion

- details of the current and proposed organisational structure/arrangements;
- the name(s) of each of the team(s) affected by the proposed change;

- numbers/types of role in the new structure;
- terms and conditions of any new roles;
- current and new draft job profiles;
- rationale and proposed timetable for change, and
- details of any employees on maternity, additional paternity and adoption leave.

3.3 Also, before attending the meeting it would be helpful for your HR adviser if you familiarise yourself with this guidance and the Medway Council Organisational Change Policy. It will help you understand why some of the formal more time-consuming processes are necessary.

3.4 Finally, this guidance comprises two sections, the first section explains the process of how organisational changes can be undertaken, including where there are no proposals for redundancy and the second section explains the processes for managing a redundancy situation. If, prior to meeting with your HR adviser you feel you need advice on the terminology or anything else relating to organisational change please contact hradvice@medway.gov.uk or phone 33 4499 for further assistance.

4.0 Support for staff and support for you

4.1 It should be noted that any type of change, whether minor or significant can be stressful and your staff should be made aware that as well as being able to speak to you, HR Services, their trade union or work colleagues, confidential support, counselling, information and legal advice is available through the councils' employee assistance provider Care First on telephone 0800 174 319, by email at counsellingformedwaycouncil@care-first.co.uk or alternatively access their website to find out more information www.care-first.co.uk

4.2 It is accepted that as a manager, managing a redundancy situation can be very stressful and Care-first's confidential management advice service is available for any managers to contact them if they need to know the best way to handle a potential sensitive, upsetting or tricky situation. Care-first are there to support managers through this process.

5.0 Organisational Change

5.1 It is recognized that not all organisational change is large-scale, significant or results in redundancy. For instance you may simply be looking to reallocate existing workloads amongst your team, in which case you may not need to undertake a formal process, for instance where redundancies are not anticipated. In all instances advice must be sought from HR Services.

5.2 However, when seeking mutual agreement there will still be important actions you need to undertake to ensure the change is handled in a fair and reasonable manner. For instance you should be aware of the significant importance of effective, regular communication and meaningful and early consultation with staff (and the relevant trade unions where appropriate). You should also be aware of the need to support your staff leading up to and following organisation change. Your HR adviser will explain the necessary consultation that will be needed relevant to your particular organisational change at the business case meeting.

5.3 In any organisational change, whether there are redundancies or not, the council commits to:

- seek agreement wherever and whenever possible prior to varying contracts of employment;
- undertake the necessary statutory consultation;
- give consideration to peoples individual circumstances before implementing the variation;
- follow a fair procedure;
- give proper written notice of any change of contract; and
- provide a process for employees to appeal where a dismissal exists.

6.0 Organisational Change - process

6.1 Making a case for change

6.2 At the initial meeting with your HR adviser you will be able to discuss your proposals and go through the business case checklist. At this stage the HR adviser will be able to advise you whether a formal consultation process will be required and what actions that will involve.

6.3 If you, or within your service area as a whole are proposing organisational change that is likely to affect 20 or more staff which may or may not result in redundancy within a 90 day period the law states that a formal collective consultation exercise with the relevant trade unions must be undertaken. However, in the interest of best practice managers are required to formally consult with the trade unions on all organizational changes involving redundancy, the length of the consultation will be variable according to the nature and size of the change.

6.4 Formal collective consultation

6.5 Legally consultation should be in good time and must follow the time limits as defined in the table as detailed in the redundancy section of this guidance.

6.6 Where redundancies are proposed there is by law a set of information that must be supplied to the relevant trade unions and employees at the start of collective consultation. This is clarified in the redundancy section of this guidance (pages 7 onwards).

7.0 Appointing staff to a new structure

7.1 Where proposals for a new structure have been agreed it is possible that there will be a number of scenarios that you may need to deal with. The HR adviser at the business case meeting will explain the relevant processes if this is the case.

7.2 Scenario one – the post moves unchanged to a different unit or department

7.2.1 Where the same job moves, unchanged to a different unit or department, you will need to discuss this with the post holder and following that discussion the post-holder will move to the new unit or department and their pay, terms and conditions will remain the same. You will be required to send a formal letter to the employee confirming the following details:

- the effective date of the change;
- that their post is now part of the X department; and
- their line manager is X

7.3 Scenario two - a new post is created with some changes but remains substantially similar to an employee's current post with at least 70 per cent of the old posts' duties and responsibilities and retains the same grade.

7.4 Where one post in the new structure is substantially the same as the one in the old structure, you will need to decide whether there is a job match and if so the post-holder will automatically be slotted into the post and you can then confirm this in writing. Speak to your HR adviser if you need advice on job-matching.

7.5 Scenario three – a reduction in the number of posts

7.6 Where there are more people to be slotted into posts than posts available the post(s) will be ring-fenced to staff within the unit of selection. This result of the slotting exercise may result in a redundancy situation.

7.7 You will need to conduct a fair selection using one of the selection processes detailed in the redundancy section of this guidance. Your HR Adviser will discuss the various selection processes with you and advise on the most appropriate unit of selection for the particular change.

7.8 Scenario four – the creation of a new post or a revised post which has changed by more than 30 per cent

7.9 Where a new post is introduced, or where a post has been revised and has changed by more than 30 per cent, the post(s) will be ring-fenced in the first instance to staff affected within the unit of selection. The staff who are ring-fenced will need to apply for the posts. You will need to undertake a selection process as outlined in the redundancy section of this guidance. If during selection it becomes clear that none of those eligible for consideration meet the requirements of the job profile and are unlikely to achieve the required standard through reasonable training, you are not required to appoint any of them.

8.0 Job evaluation and benchmarking

8.1 Any new posts or substantially revised posts will need to be evaluated by HR Services using the job evaluation process. This process can take up to three weeks and should be built into the organisational change timetable.

9.0 Redundancy - process

9.1 Medway Council has several clear and distinct areas of responsibility in the handling of a redundancy exercise. The management task and general employer responsibilities can be summarised as follows:

- completing the consultation exercise with the relevant trade unions before notices of dismissal are given;
- consulting/counselling individuals and warning of impending redundancy;
- canvassing volunteers if appropriate and looking for alternative employment;
- notifying the Secretary of State at the Department for Business, Innovation and Skills before notice of dismissal is given;
- selecting fairly and giving the required notice;

- giving the employee a written statement of the calculation of the redundancy payment;
- re-organising the allocation of work;
- training/re-training employees;
- assessing the cost of redundancy payments; and
- administering the redundancies.

9.2 This guidance is directed at service or line managers who may be involved in some aspects of handling redundancies.

10.0 Is there a redundancy?

10.1 Firstly, as a manager contemplating organisational changes you will need to assess whether there is a redundancy situation. Your HR adviser will discuss this with you at the business case meeting.

10.2 There is a three-stage test to identify redundancy:

- (i) is there a proposal to dismiss?
- (ii) if so, has the requirement for employees to carry out work of a particular kind ceased or diminished, or was it expected to cease or diminish?; and
- (iii) if yes, will the dismissal be caused wholly or mainly by this reason?.

10.3 If you answer yes to these questions there is likely to be a redundancy situation and you will need to read this manager's guide together with the Organisational Change Policy and follow any advice provided to you by your HR adviser.

10.4 By the end of the meeting with your HR Adviser you will have discussed the business case checklist and completed a timetable (annex 1) which you will need to follow in order to comply with your statutory obligations.

10.5 If however you feel that, at the initial planning stages it is extremely unlikely that redundancies will be needed you should read the organisational change section (section five) of this guidance and follow any advice provided to you by HR Services.

11.0 Avoiding or minimising redundancies

11.1 In order to minimise the need for compulsory redundancies you will need to consider alternative measures. These may include some or all of the following:

- Examining the use of external agency staff and consultants
- Restricting recruitment
- Reductions in overtime
- Internal re-organisation – restructuring
- Natural wastage

- Retraining
- Secondments
- Redeployment
- Voluntary/"bump" redundancy within service areas. *Note: a "bump" redundancy occurs where one employee is dismissed so that their job can be given to another employee who would otherwise be made redundant.

11.2 The HR adviser will talk through the above with you to determine whether any of these are possibilities.

12.0 Consultation

12.1 Formal meaningful consultation with the relevant trade unions will take place on all organisational change where proposals are being made to dismiss employees on the grounds of redundancy. The length of the consultation will be variable according to the nature and size of the change and taking into account statutory minimum timescales.

12.2 When should consultation commence?

The law states that you must consult the relevant recognised trade union(s) about employees likely to be affected by the proposed dismissals or by measures taken in connection with those proposed dismissals when you or your service are proposing to make 20 or more employees redundant over a 90 day period or less. This applies even where those vulnerable to redundancy are not union members. Consultation should be in 'good time' once you have a proposal to dismiss for redundancy. The statutory timetable for consultation is as follows:

Employees to be dismissed at establishment over 90 day period	Minimum consultation period before first dismissal takes effect
20 – 99	30 days
100 +	90 days

12.3 To be a valid consultative exercise, the relevant trade unions must be approached at the time when the possible declaring of redundancies becomes a **proposal, not a final decision**. The consultation must consider ways of avoiding the dismissals and mitigating the consequences of those dismissals (see 11.1 above). The information discussed in the business case checklist should be used as part of this process and should include the information as detailed in para. 12.7 below. You should give sufficient time to allow individuals and the unions to formulate constructive proposals and the consultation must be undertaken with a view to reaching agreement and must be meaningful.

12.4 The consultation must address ways of:

- avoiding the dismissals;

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

12.5 The requirement to consult trade unions covers not only those employees who are likely to be dismissed but also those who 'may be affected by the measures taken in connection with those dismissals', e.g. staff having to take on reallocated work.

12.6 What information should be given to the relevant trade unions?

12.7 Under Section 188 of the Trade Union Labour Relations (Consolidation) Act 1992, consultation should be commenced as soon as the employer has formed proposals. The proposals may be modified in the course of consultation, but they must be made. The information that has to be disclosed must cover the following items which will be included within the business case checklist.

- the reason for the proposals;
- the numbers and descriptions of employees whom it is proposed to dismiss as redundant;
- the total number of employees of that description employed at the establishment;
- the proposed method of selecting employees for redundancy;
- the proposed method of carrying out the dismissals including the period over which the dismissals are to take effect; and
- the proposed method of calculating the amount of any redundancy payments.
- copy of form HR1 (where appropriate). This form will be completed by HR Services and notifies the Secretary of State at the Department of Business, Innovation and Skills on form HR1 of proposed redundancies involving twenty or more employees.

12.8 Information must be provided to all trade unions, in some instances however it is expected that not all trade unions will not actively take part in the consultation. e.g. the teaching associations may decide not to take part in a consultation process relating to a directorate or service restructure.

12.9 Consulting with individual employees

12.10 Managers must ensure that employees who are at risk of redundancy are always consulted individually, in addition to any legal obligations for collective consultation. Managers should warn of, and consult about, impending redundancies at the earliest possible date. Employees should be fully advised of the manner in which their positions may be affected, the way in which they may be selected for redundancy, of any suitable alternative employment, and the way in which the redundancies are to be carried out (including the period of time over which it is proposed the redundancies be implemented)

12.11 You must ensure that consultation is 'meaningful' and occurs whilst the redundancies are still at the proposal stage. The timetable will indicate when the consultations should take place.

12.12 At the employee individual consultation meetings you should discuss with the employee:

- your proposals and how they may affect them;
- the support available to them, and
- details of any redundancy or retirement figures if available and appropriate.

12.13 Notifying the relevant government department

12.14 In addition to consulting the trade union and staff, it is necessary for Medway Council to notify the Secretary of State at the Department of Business, Innovation and Skills on form HR1 of proposed redundancies involving twenty or more employees at any one establishment in a 90-day period. HR Services will complete this with you. At the same time, a copy of the HR1 form should also be given to the trade unions.

13.0 Selection criteria

13.1 As the question of who to select for redundancy is a major item on which you have to consult trade unions, you should be clear as to the selection process you intend to use, well before consultation begins. You should discuss and agree on this with your HR adviser when you meet. This will not only ease the consultation process but will also give you time to consider fully the implications which selection can have on future performance. Therefore you must ensure that:

- the selection criteria is be clear, objective and precisely defined. The pool for selection and the selection criteria should be clear and understood by you, employees and trade unions.
- any selection criteria, e.g. a mix of skills, performance criteria, attendance etc must be applied in a reasonable, fair and objective manner and should not discriminate against staff on the grounds of age, sex, race, disability, gender reassignment, religion or belief, sexual orientation, marriage and civil partnership, pregnancy and maternity, and part-time status. In addition, selection may also be unlawful under one or more of the discrimination statutes, where the criteria are indirectly discriminatory. This may occur when a provision, criterion or practice is applied with puts or would put a protected group, including the individual concerned, at a particular disadvantage and which cannot be justified. By undertaking a diversity impact assessment at this stage you will be able to ascertain whether this is likely and rectify with any safeguarding measures. Speak to your HR adviser if you are unsure.

13.2 There are various ways of selecting for redundancy and you will be able to discuss this with your HR adviser at the business case pro-forma meeting to decide the most effective and appropriate method for the proposed restructure. The four main ways are detailed in the table in para. 13.3.

13.3 Selection Criteria

Note: A Diversity Impact Assessment must be undertaken when determining selection criteria. Managers who need training should discuss with their HR Adviser.

	Benefits	Drawbacks
Matrix – without employee participation	Enables easy and transparent comparison of each candidate against pre - agreed selection criteria. Enables weighting of different criteria. Objective. Speediest process.	Difficult to assess the “softer” skills such as interpersonal and decision making skills. Could be open to discrimination (see note re diversity impact assessment)
Matrix – with employee participation	Enables easy and transparent comparison of each candidate against pre - agreed selection criteria. Enables weighting of different criteria. Objective. Employee given the opportunity to complete their own matrix.	Difficult to assess the “softer” skills such as interpersonal and decision making skills. Longer process than matrix without employee participation. Could be open to discrimination (see note re diversity impact assessment).
Interview	Enables deeper questioning and probing of candidates responses. Enables “softer” skills to be assessed. The less literate employee may feel more comfortable. Candidates may feel this is the fairest process of selection as they are able to express themselves fully. Candidates are aware of the interview process and can obtain training if required.	Those with little interview experience may feel disadvantaged by an interview process. Nervous or less confident employees may not always perform to their best at an interview. Subjective. Could be open to discrimination (see note re diversity impact assessment) Relies on interview skills of manager.
Anonymous Audit Form	Completed anonymously therefore less potential for bias in the selection process. Objective criteria. Restricts discrimination. Easier to defend decision.	Time consuming and complex process. Difficult to assess the “softer” skills such as interpersonal and decision making skills.

14.0 Redundancy during maternity, additional paternity and adoption leave

14.1 When dealing with redundancy situations, managers need to ensure that all staff, including those who may be absent from work due to maternity, additional paternity or adoption leave, are consulted and kept informed – you should bring any such staff information with you to the business case meeting in order to discuss with the HR adviser the course of action you need to take.

14.2 An employee who is made redundant while on maternity leave is entitled to be offered (not just invited to apply for) a suitable available vacancy with her employer.

14.3 If an employee who is pregnant or on maternity, additional paternity or adoption leave is dismissed they are entitled to a written statement of the reason for dismissal regardless of their length of service. This does not have to be requested by the employee.

15.0 Notice periods

15.1 The amount of statutory notice that an employee is entitled to receive as set out in s.86 of the Employment Rights Act 1996 will apply unless the contract of employment provides for a greater period. The maximum period of notice will be three months.

16.0 Redeployment

16.1 The council has a redeployment policy which has been designed to comply with employment legislation and in accordance with best practice to ensure redeployees or potential redeployees are given priority and are assisted in obtaining alternative employment with the council. The redeployment policy covers:

- who can be considered for redeployment;
- the redeployment register;
- the redeployment procedure;
- support in identifying possible matches;
- how a redeployee should apply for a post;
- trial period;
- what happens should an offer of suitable alternative employment be refused;
- financial support i.e. salary protection and excess travel; and
- other support for redeployees such as training and time off for interviews.

16.2 The council expects redeployees to be as flexible as possible in their approach to considering redeployment opportunities when seeking to secure an alternative position within the council.

17.0 Trial Period

17.1 Offers of alternative employment are subject to a statutory four week trial period where the provisions of the new contract differ from the original contract.

17.2 The effect of the trial period is to give the employee a chance to decide whether the new job is suitable without necessarily losing their right to a redundancy payment.

17.3 The trial period may be extended for retraining purposes and this will be agreed in writing. If the employee works beyond the end of the agreed trial period end date any entitlement to a redundancy payment will be lost. However, should the council wish to end the new contract within the four weeks for a reason connected with the new job (as opposed for example, to being dismissed for gross misconduct), the employee will preserve the right to a redundancy payment under the old contract.

18.0 Redundancy payments and continuous service

18.1 Eligibility and continuous service

18.2 The Employment Rights Act 1996 provides that an employee must have two years' continuous service with the same employer in order to qualify for a redundancy payment (at the relevant date of redundancy).

18.3 To qualify for a redundancy payment, employees need to have the required continuous local government service. The Modification Order 1999 makes it mandatory for authorities to count continuous service in local government (and with other specified bodies) in calculating redundancy payments up to a maximum of 20 years.

18.4 Age profile

18.5 In accordance with Section 162 of the Employment Rights Act 1996, for each year of service that counts, an employee will receive a proportion of weekly pay, which is determined in the following way using the matrix attached as appendix 2.:

Age	Entitlement
21 years or below	Half a week's pay
22 – 40 years	One week's pay
41 and above	One and a half week's pay

18.6 Therefore the maximum entitlement will be 20 years at one and a half weeks' pay = 30 weeks' pay. Medway Council redundancy payment is based on the employee's actual weekly pay.

18.7 Offer of a new job with a modification order body

18.8 If a manager gives the employee notice of redundancy and before the dismissal takes effect the employee accepts an offer of employment from another body specified in the Modification Order, the individual will lose entitlement to a redundancy payment.

18.9 This only applies where the relevant body makes the offer of a new job before the end of the old contract and the employment starts within the four weeks after the date of redundancy.

18.10 HR Services will seek written confirmation from the employee that they will not be taking up any other employment covered by the Modification Order within four weeks after the date of redundancy. This is done using the Redundancy Declaration Form PMC015.

19.0 Early retirement on the grounds of redundancy

19.1 Local Government Pension Scheme (LGPS) Employees qualify for an immediate pension if they are retired early on the grounds of redundancy and are aged 55 or over with 3 months' membership or have transferred pension rights of any length into the LGPS from another scheme.

19.2 Early retirement on grounds of redundancy – The Teachers Pension Scheme (TPS)

Medway exercises its discretion under the Teacher's Pensions (Reform Amendments) Regulations 2006 to award premature retirement benefits to scheme members who have attained the age 55 to 59 and are redundant.

20.0 Appeals

20.1 An employee may appeal against their selection for redundancy. The appeal must be lodged in writing with the Assistant Director, Organisational Services within ten working days of the employee receiving written confirmation of their redundancy. The grounds for appeal must be clearly stated.

20.2 Appeals will be heard by a senior manager (Service manager, Assistant Director or Director) who has not been involved in the selection process with an HR adviser present.

21.0 Re-engagement of employees who have been dismissed on the grounds of redundancy

21.1 Employees who are dismissed on the grounds of redundancy and take early retirement are unable to take up another post with Medway Council for six months unless prior agreement for an earlier start date is agreed with the Director and the Assistant Director, Organisational Services.

21.2 Employees who are dismissed on the grounds of redundancy and who have received a redundancy payment are unable to take up another post with Medway Council within the amount of weeks redundancy payment they have been paid, the minimum amount of weeks being four weeks. i.e.

Scenario 1: an employee who has received a redundancy payment of twenty weeks actual pay would be expected to wait twenty weeks before being able to take up a new post within the council. In exceptional cases the Director and Assistant Director, Organisational Services may agree to a shorter time – frame.

Scenario 2: an employee who has received a redundancy payment of three weeks actual pay would be expected to wait four weeks before being able to take up a new post within the council.



Business case redundancy checklist

Please allow at least one hour for a meeting with your HR representative to discuss the restructure and go through this checklist.

Once fully discussed and understood this business case checklist will help inform the major part of any consultation documentation shared with the trade unions. Formal collective consultation requires an employer to provide the relevant trade unions with specific information to enable consultation to be meaningful. This checklist will assist you as a manager to acquire the relevant information.

If you have them, please bring the following with you to the meeting, even if they are in draft at this stage:

- Details of the current and proposed organisational structure/arrangements
- The name(s) of each of the team(s) affected by the proposed change
- Numbers/types of role in the new structure
- Terms and conditions of any new roles
- Current and new draft job profiles
- Rationale and proposed timetable for change.

Reason and rationale for proposals and business benefits

Please think about the rationale of the proposed change, such as:

- what is the end-goal e.g. changes resulting in efficiencies of service delivery?
- how do you envisage the new service provision to look like and why you believe now is the right time for the change?
- what is the benefit to the organisation and service users of these proposed changes?
- have you considered any other options or operating models that would minimise any impact on staff?
- what is the rationale for using the preferred approach you've chosen?
- what would the impact be to the Council of not making/undertaking this change?
- what authority is needed in order to commence the change project, how and when will this be sought, and has this been obtained?
- who will consider the diversity implications at the planning stage and during any redundancy selection process.

Resource implications

- who will lead or manage this change project?
- Who else needs to be involved (e.g HR Services, trade unions etc) and what will their role be?
- Who will undertake the following:
 - drawing up new structure charts
 - New job profiles and job evaluation

- Individual letters to staff
- Individual consultation meetings with staff
- Formal consultation letters and information (if necessary)
- Issuing dismissal notices on the grounds of redundancy
- Pension documentation
- Amendment of contract letters and new contracts

Internal Impact

- Which existing employees are proposed to be affected by this change? Note: for collective consultation purposes you will need to share with the trade unions an establishment listing stating employee name, job title, and job location;
- What will the impact of the proposed change be on the 'establishment'? Note: for collective consultation purposes you will need to share with the trade unions a copy of the proposed new structure together with a copy of the existing structure.
- Will redundancies be a possibility?

Proposed redundancy selection method

- If it is likely that there will be a redundancy situation what will be your redundancy selection process? e.g. interviews, matrix, audit form.
- What will be the redundancy selection criteria?
- Who will undertake the Diversity Impact Assessment on the redundancy selection criteria?

Communications and consultation

- A redundancy/restructuring timetable will need to be produced for trade unions and employees. Your HR representative will assist you with completing this – see annex 1 to this checklist.
- Are there more than twenty proposed redundancies in your service area within a 90 day period? If so, The Secretary of Secretary of State at the Department for Business, Innovation and Skills must be notified on form HR1. The trade unions must also be provided with a copy of this form at the start of formal collective consultation. HR Services will undertake this.

**Redundancy consultation timetable
to be completed jointly with HR Services**

Action	Date	Responsibility
Meet with staff to share thoughts and invite comments		
Revisit existing Job descriptions and prepare any new job profiles		
Job evaluate any new/revised posts (allow min 3 weeks)		
Hold early consultation meeting with trade unions		
Hold formal consultation meeting with employees and union representatives		
Issue formal consultation letter to trade unions attach: structure charts, staff listings, Form HR1 if applicable.		
Issue formal consultation letter to employees		
Hold 1:1 consultation meetings with employees		
Deadline for consultation responses from employees and trade unions		
Meet to discuss consultation responses and prepare written responses		
Send out consultation responses to employee's and trade union's		
Undertake jobs matching process and notify those staff slotted to posts		
Invite applications from permanent staff not jobs matched who have been ring fenced as part of the process.		
Closing date for applications from permanent ring-fenced staff		
Invite permanent staff for interview and notify staff of outcomes		
Invite applications from temporary staff for vacant posts		
Closing date for vacant posts		
Hold selection interviews		
Confirm outcomes to staff in writing		
Issue dismissal letters		

Age	Service (Years)																			
	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	
18*[1]	1																			
19	1	1½																		
20	1	1½	2																	
21	1	1½	2	2½																
22	1	1½	2	2½	3															
23	1½	2	2½	3	3½	4														
24	2	2½	3	3½	4	4½	5													
25	2	3	3½	4	4½	5	5½	6												
26	2	3	4	4½	5	5½	6	6½	7											
27	2	3	4	5	5½	6	6½	7	7½	8										
28	2	3	4	5	6	6½	7	7½	8	8½	9									
29	2	3	4	5	6	7	7½	8	8½	9	9½	10								
30	2	3	4	5	6	7	8	8½	9	9½	10	10½	11							
31	2	3	4	5	6	7	8	9	9½	10	10½	11	11½	12						
32	2	3	4	5	6	7	8	9	10	10½	11	11½	12	12½	13					
33	2	3	4	5	6	7	8	9	10	11	11½	12	12½	13	13½	14				
34	2	3	4	5	6	7	8	9	10	11	12	12½	13	13½	14	14½	15			
35	2	3	4	5	6	7	8	9	10	11	12	13	13½	14	14½	15	15½	16		
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*[2]	3	4½	6	7½	9	10½	12	13½	15	16½	18	19½	21	22½	24	25½	27	28½	30	

18* [1] - It is possible that an individual could start to build up continuous service before age 16, but this is likely to be rare, and therefore we have started Table 2 from age 18.

61* [2] - The same figures should be used when calculating the redundancy payment for a person aged 61 and above.

Directorate Business Support Department	Name of Function or Policy or Major Service Change Organisational Change Policy (including Redundancy) and managers guidance		
Officer responsible for assessment Tricia Palmer, Assistant Director, HR Services	Date of assessment 27 September 2010	New or existing? Existing	
Defining what is being assessed			
1. Briefly describe the purpose and objectives	Set out clearly and concisely the councils approach to managing organisational change. In doing so to: <ul style="list-style-type: none"> • ensure fair and legal treatment of individuals involved in organisational change, and maintain good employee relations throughout; • ensure the council complies with its legal obligations in terms of managing organisational change and handling redundancies. • ensure the appropriate consultation is undertaken in all cases of organisational change. • encourage managers to seek a mutual agreement on organisational change whenever possible. • 		
2. Who is intended to benefit, and in what way?	All stakeholders should benefit either directly or indirectly. The organisation and managers will benefit by having a more flexible approach to managing organisational change whilst at the same time meeting its statutory obligations. This will provide for a more speedy outcome to change in certain circumstances which benefits both the organisation in terms of service delivery and also employees in terms of aiming to keep anxiety levels to a minimum by not going through a formal process when it is not required. Medway residents will also benefit by being served by resources being appropriately targeted.		
3. What outcomes are wanted?	The policy is used to enable a flexible approach to managing change whilst meeting its statutory obligations but at the same time enabling the organisation to change more swiftly and cutting out formal processes where they are not needed. This will enable Medway to have an efficient, effective workforce which offers value for money services to its residents..		
4. What factors/forces could contribute/detract from the outcomes?	Contribute Meaningful consultation with the trade unions Training for managers on consultation and use of the policy and procedures. Effective and early employee engagement and involvement.	Detract Managers failing to reach a mutual agreement and relying on formal process where and when it is not needed. .Management confidence and competence to manage organisational change effectively. Managers failing to	

		communicate and consult when and where appropriately.
5. Who are the main stakeholders?	Managers, employees and trade unions	
6. Who implements this and who is responsible?	HR Services and managers implement the procedure.	
Assessing impact		
7. Are there concerns that there <u>could</u> be a differential impact due to <i>ethnicity/ racial groups</i>?		Medway does not report or monitor redundancies in relation to ethnicity.
	NO	The policy includes the requirement for a DIA to be undertaken at the redundancy selection criteria stage. This will identify any such differential impact. It is also recommended that potential issues are considered at planning stage to assist in identifying any internal and/or service delivery impact.
What evidence exists for this?	The procedure has been shared with all staff forums, the trade unions, all Medway Managers, Legal Services and the Research and Review team..	
8. Are there concerns that there <u>could</u> be a differential impact due to <i>disability</i>?		The selection criterion of attendance will take into account the disability discrimination act.
	NO	The policy includes the requirement for a DIA to be undertaken at the redundancy selection criteria stage. This will identify any such differential impact. It is also recommended that potential issues are considered at planning stage to assist in identifying any internal and/or service delivery impact.
What evidence exists for this?	The procedure has been shared with all staff forums, the trade unions, all Medway Managers, Legal Services and the Research and Review team..	
9. Are there concerns that there <u>could</u> be a differential impact due to <i>gender</i>?		The law regarding redundancy in relation to maternity, paternity and adoption is clearly outlined in the policy and managers guidance.
	NO	The policy includes the requirement for a DIA to be undertaken at the selection criteria stage. This will identify any such differential impact. It is also recommended that potential issues are considered at planning stage to assist in identifying any internal and/or service delivery impact.
What evidence exists for this?	The policy itself.	
10. Are there concerns there <u>could</u> be a differential impact due to <i>sexual orientation</i>?	NO	No evidence to support a differential impact on grounds of sexual orientation.
What evidence exists for this?	The procedure has been shared with all staff forums, the trade unions, all Medway Managers, Legal Services and the Research and Review team. The policy includes the requirement for a DIA to be	

	<p>undertaken at the selection criteria stage. This will identify any such differential impact.</p> <p>It is also recommended that potential issues are considered at planning stage to assist in identifying any internal and/or service delivery impact.</p>	
<p>11. Are there concerns there <u>could</u> be a have a differential impact due to <i>religion or belief</i>?</p>		<p>No evidence to support a differential impact on grounds of religion or belief.</p>
	NO	
<p>What evidence exists for this?</p>	<p>The procedure has been shared with all staff forums, the trade unions, all Medway Managers, Legal Services and the Research and Review team.</p> <p>The policy includes the requirement for a DIA to be undertaken at the selection criteria stage. This will identify any such differential impact.</p> <p>It is also recommended that potential issues are considered at planning stage to assist in identifying any internal and/or service delivery impact.</p>	
<p>12. Are there concerns there <u>could</u> be a differential impact due to <i>age</i>?</p>	Yes	<p>The statutory redundancy payment calculation based on age and length of service has been declared legal and non discriminatory by the Government. Medway follows this method.</p> <p>The re-engagement criterion based upon how many years employed before being able to return to work for the council following redundancy could have a detrimental impact on older workers. However, a flexibility clause has been included to allow for the Director and Assistant Director to reduce the time-frame if they wish to.</p>
<p>What evidence exists for this?</p>	<p>The procedure has been shared with all staff forums, the trade unions, all Medway Managers, Legal Services and the Research and Review team.</p> <p>The policy includes the requirement for a DIA to be undertaken at the selection criteria stage. This will identify any such differential impact.</p> <p>It is also recommended that potential issues are considered at planning stage to assist in identifying any internal and/or service delivery impact.</p>	
<p>13. Are there concerns that there <u>could</u> be a differential impact due to <i>being transgendered or transsexual</i>?</p>	NO	
<p>What evidence exists for this?</p>	<p>The procedure has been shared with all staff forums, the trade unions, all Medway Managers, Legal Services and the Research and Review team.</p> <p>The policy includes the requirement for a DIA to be undertaken at the selection criteria stage. This will identify any such differential impact.</p> <p>It is also recommended that potential issues are considered at planning stage to assist in identifying any internal and/or service delivery impact.</p>	

14. Are there any other groups that would find it difficult to access/make use of services, or who might experience unfavourable treatment, as a result of the function/ policy/ service change (eg people with caring responsibilities or dependants, those with an offending past, or people living in rural areas)?	NO	
What evidence exists for this?	<p>The procedure has been shared with all staff forums, the trade unions, all Medway Managers, Legal Services and the Research and Review team.</p> <p>The policy includes the requirement for a DIA to be undertaken at the selection criteria stage. This will identify any such differential impact.</p> <p>It is also recommended that potential issues are considered at planning stage to assist in identifying any internal and/or service delivery impact.</p>	
15. Are there concerns there <u>could</u> be a differential impact due to <i>multiple discriminations</i> (eg disability and age)?]	NO	
What evidence exists for this?	<p>The procedure has been shared with all staff forums, the trade unions, all Medway Managers, Legal Services and the Research and Review team.</p> <p>The policy includes the requirement for a DIA to be undertaken at the selection criteria stage. This will identify any such differential impact.</p> <p>It is also recommended that potential issues are considered at planning stage to assist in identifying any internal and/or service delivery impact.</p>	

Conclusions & recommendation		
16. Could the differential impacts identified in questions 7-15 amount to there being the potential for adverse impact?	YES	Monitoring of redundant staff could highlight some differential impact.
17. Can the adverse impact be justified on the grounds of promoting equality of opportunity for one group? Or another reason?	NO	The policy should be applied consistently to all staff within the scope of the policy in line with the Medway Council Equal Opportunity Policy.

Recommendation to proceed to a full impact assessment?	
NO	This function/ policy/ service change complies with the requirements of the legislation and there is evidence to show this is the case.

	<p>What is required to ensure this complies with the requirements of the legislation? (see DIA Guidance Notes)</p>	<p>Minor modifications necessary (e.g. change of 'he' to 'he or she', re-analysis of way routine statistics are reported)</p>
	<p>Give details of key person responsible and target date for carrying out full impact assessment (see DIA Guidance Notes)</p>	

Action plan to make minor modifications		
Outcome	Actions (with date of completion)	Officer responsible

Planning ahead: Reminders for the next review		
Date of next review	2 years time	
Areas to check at next review (eg new census information, new legislation due)	<p>Check whether any particular groups have experienced:</p> <ul style="list-style-type: none"> i. difficulties in accessing or making use of the policy; ii. the application of the policy has been fair and consistent across the council. 	
Is there <i>another group</i> (eg new communities) that is relevant and ought to be considered next time?	<p>Check that the function/policy/service continues to be accessible and fairly applied to members of the Council's workforce, including any additional demographic groups,.</p>	
Signed (completing officer/service manager)		
Signed (service manager/Assistant Director)	Date	

Related documents
<p>List here</p>