

Appendix A

ROYAL BOROUGH OF KENSINGTON AND CHELSEA

ADMINISTRATION COMMITTEE –17 November 2010

REPORT BY THE DIRECTOR OF HUMAN RESOURCES AND GENERAL SERVICES

REDUNDANCY AND REDEPLOYMENT POLICY

The Administration Committee is asked to give formal approval to the Redundancy and Redeployment policy attached as Appendix B.

FOR DECISION

1. INTRODUCTION

- 1.1 It is proposed that the Administration Committee be invited to agree the Redundancy and Redeployment Policy attached as Appendix B.

2. BACKGROUND

2.1 CURRENT POLICY

- 2.1.1 The current Redundancy and Redeployment Policy was agreed by the then Policy and Resources Committee in July 1998. Since then, although it has been updated to reflect changes in employment legislation, it has not been subject to a major review. In light of the current climate and greater risk of job losses, there is a need for the Council to have a policy that reflects its workforce requirements.

3. REVISED POLICY

- 3.1 The main changes are as follows.
- 3.2 The use of selection criteria for redundancy, including weighting, has been clarified. The cost of retaining an individual has been added to the existing selection criteria (knowledge and skills, overall work performance, attendance and conduct/capability). This has been added in the context of needing to make budget reductions and therefore it is appropriate to include this as a selection criterion.

- 3.3 The redeployment procedure has been amended to place the emphasis on applying for suitable alternative jobs on the employee who will continue to be guaranteed an interview if they meet the essential requirements of the job or could meet them with a reasonable amount of retraining. In the event of unsuccessful redeployment applications the recruiting manager must refer the recommendation to the relevant Director before a decision is communicated to the individual(s). Appeals in relation to redundancy or redeployment will be heard by the appropriate Executive Director rather than the Appeals Panel. This is because Member level approval to the deletion of posts will already have been given. If agreed by the Administration Committee, this will require an amendment to the Constitution.
- 3.4 The Director of Human Resources and General Services has discussed and agreed the revised policy with the Management Board.

4. CONSULTATIONS

- 4.1 Consultation has taken place with the Trade Unions. Their comments are attached as Appendix A. As a result a number of amendments have been made; guidance regarding the use of tests has been included, clarification of attendance as a selection criterion has been made and an improved offer of support and information for displaced staff will be available. The Management Board has been consulted and supports the proposed amendments.

5 FINANCIAL, LEGAL, HUMAN RESOURCES AND EQUALITIES IMPLICATIONS

- 5.1 Financial: The Director for Finance, Information and Property Services has been consulted and concurs with the report.
- 5.2 Legal: The legal definition of redundancy is set out in Part 1 of the Policy. The purpose of the policy is to assist the Council in discharging its employment law duties in cases of redundancy so as to avoid claims for unfair dismissal. A failure to follow a fair procedure when dismissing for reasons of redundancy may give rise to claims where, for example, there is a failure to properly consult, an unfair procedure for selection is adopted or where no consideration is given to finding alternative employment within the Council.

Whilst the Director of Legal Services is of the view that the policy is sound it will not obviate the need for legal and HR advice in

individual cases to ensure that the Council's legal obligations are met.

- 5.3 Human Resource: This report has been produced by the Director of Human Resources and General Services, the subject matter of the report will impact on those staff as and when they may be affected by redundancy but there are no immediate direct implications.
- 5.4 Equalities: The Council has a duty to promote equalities in employment. In reviewing the policy consideration has been given to whether there are any equality impact issues and whether the application of the policy is likely to lead to any negative impact on any particular group. We are satisfied that there will be no negative impact, apart from a small risk that the inclusion of cost of retaining an employee as one of the redundancy selection criteria might lead to older staff being selected, or men rather than women. This is because it is possible that older staff are more likely to have progressed towards the top of their salary range and men to have had progressed further because generally for men there has not been any affect on career progression related to pregnancy and childcare responsibilities. The Council will need to demonstrate that the cost criteria can be objectively justified i.e. that it is a proportionate means of achieving a legitimate aim and in the context of redundancies arising out of the need to reduce costs including cost of retaining an employee as one of the selection criteria, we believe that this is justifiable.
- 5.5 Departmental restructurings or savings proposals will need to include an equalities impact assessment to ensure that proposals do not have an adverse impact on any particular group of staff.

6. RECOMMENDATION(S)

- 6.1 The Administration Committee is accordingly invited to agree the revised policy.

GEORGE BISHOP
DIRECTOR OF HUMAN RESOURCES AND GENERAL SERVICES

Background papers: None

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Appendix A

Redeployment and redundancy policy – comments from trade unions

1. *Selection criteria.* The TU view is that staff should be assimilated across to suitable jobs in new structures wherever possible. Their concern is that Parking has said it will do this only if a new job is 95% the same as an old one. In the TU view a figure of 60-70% would be more sensible. George said that there are no percentages in the corporate policy – this is a local interpretation within TELS. He personally does not endorse any percentage figure or believe any figure sets a precedent. The unions should take up any concerns about Parking's process directly with Parking. George said that the corporate policy is not about how to assimilate staff into new jobs – it is about selecting between individuals when there are fewer jobs than people. Anyone who genuinely wishes to continue to work for the Council will be found an alternative job if possible. Personnel will become involved in selection / assimilation exercises when they are asked – there is no requirement that they must be involved.
2. *Using tests for selection.* The unions noted that tests are being used in the Parking and Home Care restructures but there is no corporate guidance about how tests should be used – tests are not even mentioned in the corporate policy. Particular concerns include: the relevance of tests where staff have long service, the timing of testing sessions, knowing how much weighting test scores have in the final decisions – eg is there a pass score or can tests be used as 'tie-breakers'? George said that there is no requirement to use tests but they could provide useful data in assessing knowledge and skills if a large number of staff are involved and work roles and past experience vary. It was agreed to incorporate some guidance around the use of testing in the revised policy.
3. *Personnel involvement in interviews.* The unions said that personnel should always be involved in selection interviews for redundancy and redeployment, because if they withdraw from this area it could lead to a reduction in standards and inconsistency in some places – which in turn could lead to later challenges and costs. George said that he understood the point and that everyone wanted to see fairness. At the end of the day, though, selection of staff is a matter for line managers to lead on, using the agreed policy and procedures with personnel support if they feel it necessary. -Personnel resources are limited and he cannot guarantee that personnel staff can attend all interviews.

4. *Paying back annual leave.* The unions feel that it is unfair to ask staff who are redundant to pay back leave if they have taken too much. George did not agree that there is anything wrong with this in principle and noted that most redundancies take effect at the end of the leave year, when there should not be a problem with pro-rata leave in any event.
5. *Limiting appeals to Directors, rather than the Appeals Panel.* George said that staff cannot appeal to Members against the need to restructure or make savings, only to a limited extent against the operation of the process – whether the procedure was followed or not. It's appropriate for Directors to look at this aspect. The Unions disagreed and feel that Member scrutiny in this area is important. George agreed to take this point back to the Mgt Board for consideration.
6. *Using staff cost as a selection criterion.* George said that this is not intended to be a significant factor as differences in salary costs are unlikely to be great. It will always be seen in conjunction with knowledge and skills. The unions feel that there is a risk in using costs as a selection criterion as it may correlate with older staff being selected, or men rather than women, and so be potentially discriminatory. GMB feel that 'length of service' may be a more acceptable criterion. George said that he would consider this point further.
7. *Using attendance records to select for redundancy.* The unions are concerned that managers may consider very old data which may have no bearing on current attendance. They also noted that the policy seems to qualify the exclusion of pregnancy and disability-related absence. George said that only the previous 12 months' attendance should be considered and the policy will clarify this. The wording will be clarified around exclusions – pregnancy-related absence is automatically excluded from consideration, but other types of absence are not, and may be considered in some exceptional cases.
8. *Not giving redeployees priority consideration for jobs elsewhere.* The unions see this as a significant change in the policy and question if it is consistent with Derek Myers's statement about trying to keep people who want to stay. George said that this is a difficult issue – balancing a wish to help people who have been displaced with managers' need always to appoint the best candidates. He would ask the Board to consider the issue further.
9. *Not considering redeployees for higher-graded jobs.* There was a discussion about how best to achieve fairness for everyone. It was

noted that some staff may be good candidates for more senior jobs, but on the other hand the principle should be that the Council should expect staff to work at the level which they are being paid and this would prevent lower graded staff from being considered for higher paid jobs if there are sufficient staff already working at that level.

10. *Publicising vacant posts.* The unions are concerned that not all vacant posts are advertised or declared. George said that some vacancies may not be advertised because they are earmarked to be deleted, and that other vacant posts may not be funded. There was then a discussion about the use of agency temps and consultants. George had said in his introduction that he would be looking at the issue of agency workers being employed to do work that could be
11. done by displaced employees. So far as consultants are concerned, George sees this as a different issue – consultants are normally brought in to do specialised work that is less likely to be suitable for displaced staff. Also there are relatively few consultants and their number is being reduced further.
12. *Providing displaced staff with information about benefits etc.* George confirmed that this is being looked at currently, as part of the support arrangements he mentioned in his introduction. We will look to see also what help Counselling in Companies may be able to offer.
13. *Reclaiming season ticket loans on redundancy.* The unions asked if these loans could be waived on redundancy, as unemployed people need a season ticket to look for a job, and the Council does not offer enhanced redundancy benefits as some other Councils do. George said that it is normal Council policy to reclaim overpayments and this is not a special case. The issue of enhanced redundancy payments is a separate one and again the Council policy is clear.

REDUNDANCY AND REDEPLOYMENT

This document sets out the Council's policy for handling organisational change, which involve staff redundancies.

Part One: Redundancy and Redeployment Policy

1. Policy Statement

The Council recognises the need to maintain a stable workforce and, having in mind the needs of the service and its statutory obligations, will seek to avoid redundancies.

However, where the Council decides redundancies are considered inevitable, the aim is to ensure equality and fairness of treatment to minimise its effects on those employees involved, based on procedures contained within this document.

The Council will comply with all statutory requirements in respect of redundancy, including consultation with employee representatives.

The legal definition of redundancy states that: *'An employee who is dismissed shall be taken to be dismissed by reason of redundancy if the dismissal is attributable wholly or mainly to –*

(a) the fact that his employer has ceased, or intends to cease –

(i) to carry on the business for the purposes of which the employee was employed by him, or

(ii) to carry on that business in the place where the employee was so employed, or

(b) the fact that the requirements of that business –

(i) for employees to carry out work of a particular kind, or

(ii) for employees to carry out work of a particular kind in the place where the employee was employed by the employer have ceased or diminished or are expected to cease or diminish'

2. Avoidance of Redundancy

The Council undertakes to avoid redundancies wherever possible but where redundancies are inevitable, the aim is to ensure equality and fairness and to minimize the effects on those employees involved.

In seeking to avoid redundancy the Council will consider the following:

- Natural wastage
- Limitations on recruitment.

- Reduction or cessation of overtime working other than contractual or emergency overtime. To avoid overtime working, some changes in normal working hours may be necessary.
- Termination of casual appointments/agency staff, where appropriate.
- Alternative working arrangements - e.g., part-time working, job sharing, alternate week working, shorter set working week, annualised hours
- Voluntary reductions in hours.
- Voluntary transfer to another job within the Business Group, including retraining where necessary. (A reasonable period of retraining will be considered). This would be appropriate where the posts are on the same terms and conditions. See **Appendix One**
- Any other means the Council may consider necessary in consultation with employee representatives. E.g. short-term deferment of redundancy date if a suitable vacancy is anticipated within a reasonable time scale (up to three months).

The foregoing factors will need to be balanced by consideration of the needs of the service.

3. Voluntary Redundancy

Volunteers for redundancy and voluntary early retirements will be considered prior to compulsory redundancies being applied. Volunteers will be invited from employees within the relevant section, department or business group as deemed appropriate. Acceptance of volunteers must be conditional on this being compatible with the retention of a balanced workforce and a business case must be made. For further information please see **Appendix Two**.

4. Redeployment

Redeployment to another job may be undertaken in order to avoid dismissal due to redundancy. Only where an employee unreasonably refuses an offer of suitable alternative employment will redundancy pay be withheld.

Employees who accept an offer of redeployment will be allowed a trial period of not less than four weeks. During the trial period the employer and employee can terminate the arrangement if either or both parties conclude that the trial is not working out, in these circumstances the redundancy payment will still be made. For further information please see **Part Three** of this document.

5. Redeployment to a job at a lower grade/range

Employees, who accept redeployment to a post where the grade/range is at a lower level, will receive pay protection based on annual salary lost as follows:

£1 - £2000 drop in pay: 12 months in full, followed by 6 months at 50%

£2001 - £3000 drop: 18 months in full, followed by 6 months at 50%

£3001 plus drop: 36 months in full.

The costs associated with any such salary protection will be borne by the business group from which the employee is redeployed.

6. Selection Criteria for Redundancy

The aim of the selection criteria is to retain a balanced workforce to meet future requirements taking account of individuals' work-related skills and knowledge.

Before drawing up selection criteria there is a need to consider operational requirements. These relate to the importance and necessity of particular posts to the needs of the service. These may range from statutory requirements to determine minimum numbers/types of staff to deliver the service effectively to the need for a balanced workforce in terms of work-related skills and knowledge.

In selecting staff for redundancy the following factors will be taken into account.

Knowledge and skills - the range and level of skills and knowledge possessed by the individual

Overall work performance - the individual's work rate and effectiveness should be judged by formal methods wherever possible. E.g. performance review.

Attendance - those with poor attendance records to be considered ahead of those with good attendance records. Consideration of attendance records should take into account reasons for, and frequency of, non-attendance.

Conduct/Capability - those with a disciplinary warning issued against them within the last 2 years (excluding any warnings which have expired within that time).

Cost – the cost of retaining a particular employee

All selection criteria will be carefully applied to ensure that their application does not discriminate on the grounds of sex, disability, race, sexual orientation, religion, belief, age, gender reassignment or trade union activity.

An employee selected for redundancy will have the right of appeal on the basis of unfair selection to the appropriate Executive Director.

PART TWO: REDUNDANCY PROCEDURE

The implementation of redundancies can be a complex process and it is essential that managers follow the proper procedures at all stages of the process. A failure to

comply with the established policies and procedures could result in employees making successful claims to an Employment Tribunal for unfair dismissal (and receiving financial compensation) and would be damaging to the reputation of the Council as a good employer.

1. Consultation with the trade unions

It is important to note that the law requires employers to begin to consult where they are “contemplating” redundancies i.e. when an employer is first envisaging the possibility that an employee may be made redundant.

If reductions in staff are contemplated the potential for redundancy should be discussed with the Trade Union(s) representatives at a meeting attended by an appropriate senior manager who may be accompanied by a HR representative. This discussion should constitute meaningful consultation, i.e. any representations made by the Trade Union(s) need to be considered and responded to before any proposals are given effect.

The Trade Union(s) should also be consulted when determining the pool of selection, the detailed application and any weighting of the selection criteria and the use of tests and any weighting attached.

2. Notification to Department for Business, Innovation and Skills (BIS)

If twenty or more employees are to be made redundant within a specific period, BIS must be notified, using Form HR1.

The notice required must be:

- at least 90 days in advance of giving notice to terminate any of the contracts of employment, if 100 or more employees are to be made redundant over a 90 day period; **or**
- at least 30 days in advance of giving notice to terminate any of the contracts of employment, if at least 20 but less than 100 are to be made redundant over a 30 day period.
- The HR department will be responsible for notifying BIS, but Departments need to notify HR when redundancies are being contemplated in order to co-ordinate the Council's position

3. Information to be given to trade union representatives

Set out below is a list of the information to be provided to union representatives when consulting on redundancy.

- the reasons for the proposals;

- the numbers and roles of the employees whom it is proposed to dismiss;
- the total number of employees of each role at the establishment/team/department in question;
- the proposed method of selection; and
- the proposed method of carrying out the dismissals with due regard to any agreed procedure; including the period over which the dismissals are to take effect.

4. Notification of redundancy

These steps must be taken in every case of redundancy whether or not there is a need to establish a selection pool.

The relevant manager, in consultation with HR will need to notify employees of the possibility of redundancy. It is good practice to do this face to face but in any event all details of the consultation must be confirmed in writing and sent to the employee's home address. The employees should be given information on how the redundancy procedure operates and the timescale involved. The employee must also be offered the opportunity to meet with the relevant manager to discuss the issues. The employee may be accompanied by a trade union representative or work colleague at this meeting.

Where the manager is aware that employees may be redundant at a date in the future, for example where an establishment is likely to be closing, it is advisable to avoid giving a firm date in any written communication, as this may constitute a notice of redundancy. If an employee has been warned of possible redundancy situation but has not been given a date, if he/she leaves before the date of closure he/she will not be entitled to a redundancy payment.

Once a firm date for redundancy has been determined the employee must be sent a written notice of redundancy and advised of the right of appeal.

5. Establishment of a selection pool

In the event of an establishment closing down or a complete function ceasing to operate, then those employees directly affected will be redundant. Similarly, where it is evident that the redundancy applies to one or more specific posts, it will not be necessary for a pool to be identified.

If there is a restructuring of the organisation and posts in the new structure are substantially the same as the posts in the old structure, existing employees should be assimilated to the appropriate post in the new structure. If there are more employees than posts then these employees will constitute the selection pool.

Depending on the circumstances the pool for selection for redundancy may need to include similar positions within the business group in addition to staff working in the area directly affected

Where there needs to be reduction in the number of employees for a particular function a selection process will take place. Employees directly employed in carrying out that function will constitute “the selection pool”. Where the reduction is wider or where there is greater flexibility and interchangeability between posts, then the pool should be based on employees who can be required to do the particular duties under their contracts of employment. Initially as wide a pool as possible should be established. This will then be narrowed down through the selection based on operational requirements.

It is advisable to obtain details of redundancy entitlements of the employees in the pool from the Pensions team via the relevant HR Personnel Consultancy Manager.

There should be documented consultation with trade unions on the pool for selection in order to avoid potential dispute at a later stage of the process date.

6. The redundancy selection panel

Having established the pool for selection, the next step is to set up a Redundancy Selection Panel.

The Panel must consist of at least two people including a senior manager

It is essential that the Panel has knowledge of individuals in the selection pool. In some cases the manager’s assessment form (see section 8 below) will need to be completed, but alternatively, in some circumstances it may assist to have the line manager on the panel.

The panel will need to determine the detailed application and weighting of the criteria to be used in the selection process.

The panel should set dates for the interviews/evaluation and arrange for the employees to be formally notified with a view to these being completed as speedily as possible.

7. Selection criteria

The criteria used for selection must be applied reasonably, fairly and objectively. All selection criteria must be carefully examined to ensure that their application does not discriminate on the grounds of sex, disability, race, sexual orientation, religion, belief, age, gender reassignment or trade union activity. Employees must be advised of any weighting to be used in the relation to the selection criteria. Aptitude tests such as verbal or numeric reasoning tests may be used as part of the selection process. However, any tests used must be relevant to the requirements of the job; there should be clear criteria set for the assessment of the results and, when used, such tests should form part of the assessment of skills and knowledge but should not be the only basis for assessing this factor. This is a difficult area and one where it is essential to be able to justify the use of tests. For these reasons, HR should be consulted when tests are being considered

(1) Knowledge and skills - the range of skill and knowledge possessed by the individual.

Criteria in relation to this factor should relate to the person specification for the job(s) in the new structure. Also to be taken into consideration should be any areas of work which the employee has willingly undertaken although it may be outside the job description and any work which has recently tested the employee's initiative and responsiveness. The employees concerned must be given a copy of the person specification and job description in order that they may do a self assessment.

Care must be taken to ensure that a requirement does not indirectly discriminate; for example, a requirement to work non-contractual overtime on a regular basis could discriminate against women.

(2) Overall work performance –The assessment should be based on the appropriate REAL behaviours. The individual's work and effectiveness should be judged by formal methods (e.g., levels of bonus, performance review, merit increments) wherever possible. However, if these methods are not available other objective measures of the individual's performance should be sought, e.g. performance standards, objective measures of the volume of work. All conclusions should be substantiated with evidence.

(3) Attendance - when using this factor remember that consideration does not relate to an individual's absence in isolation but comparisons of levels of absence with other employees in the pool of selection.

This factor should be used with caution and discretion, e.g. take more account of frequent unrelated short term absences than a single long period of absence, consider the nature of the absence problems and any other relevant factors. It is reasonable to consider the previous twelve months' attendance records. Absence

due to pregnancy is excluded and absence due to disability or work related accidents should normally be disregarded.

Examine carefully the nature and level of sickness absence in particular when an employee with a disability is to be considered for redundancy.

(4) Conduct/Capability - this relates to any current disciplinary warnings, but excludes warnings which have expired.

(5) Cost – this relates to the total cost of retaining an individual in employment, including benefits and oncosts.

8. Application of the criteria

All employees within the selection pool will be required to complete an [Employees Assessment Form](#). The employees' immediate line manager/supervisor will also complete a [Manager's Assessment Form](#) unless they are part of the Selection Panel.

Each individual in the pool must be interviewed separately.

The panel will make its decision based on the knowledge the panel has of the employee obtained from:

- The employee assessment form
- The manager's assessment form or the manager's participation as part of the Selection Panel (where applicable)
- The redundancy selection interview
- Test results (where applicable)

9. Conducting the interview

The information set out in 8 above should be available before the interview.

It should be explained to the employee that the interview is an opportunity for them to make a statement to the Selection Panel and inform the employee that the panel will ask questions.

At the end of the interview the employee should be informed of when the decision will be communicated.

It is essential that notes of the interview are kept. These should be retained for a period of at least six months.

10. Scoring system

The following scoring system should be adopted by the panel.

Each of the selection criteria should be marked on a scale of 1-5.

Individual panel members should score separately prior to a panel discussion leading to an agreed collective score.

The total points should be added up and the employees within the pool ranked according to the points scored. Notes must be made at the time and retained for six months.

Scoring should be consistent with previous reviews of performance.

11. Making the Decision

The overall total will then be used to determine who is to be selected for redundancy. The panel must complete a [Redundancy Selection Record form](#) for each employee in the pool. The Chairman must complete the Redundancy Selection Summary, covering all the employees in the pool.

12. Communicating the decision

Inform the employee(s) and their trade union representative(s) of the decision as soon as possible. Wherever possible this should be done personally by the Manager who chaired the redundancy selection panel and in any event must be confirmed in writing immediately.

If the employee has not already been given information on their redundancy benefits it is likely that they will ask for it at this stage.

Inform the employee of their right to register an appeal against the decision if they consider they have been unfairly selected. The appeal would be to the appropriate Executive Director.

A redundant employee is entitled to ask to see the assessment information about them. This request should be made in writing. Only information regarding the scores of other employees can be given and the names must be withheld.

13. The right to appeal

Any appeal under the redeployment or redundancy procedure should be addressed to the appropriate Executive Director. The appeal must be made in writing within two weeks of the date of the letter confirming the selection for redundancy or redeployment. The Executive Director, accompanied by a HR representative, will normally hear the appeal within the notice period. If, however, the notice period expires before this process is exhausted, the employee will be entitled to pursue the procedure after their employment ends.

There is an entitlement for the employee to be accompanied by a Trade Union representative or work colleague at these meetings.

14. Effects of Redundancy on Other Terms and Conditions

Relocation Scheme - In the case of employees made redundant, the requirement to repay to the Council any removal and/or legal fees etc., as detailed in the Council's Relocation Scheme, will be waived.

Tied Accommodation - Those employees made redundant and who are housed in tied accommodation will have to vacate the property on their last day of service. Alternative accommodation may be offered in accordance with Council Policy.

Employees who are in tied accommodation and who are considering volunteering for redundancy should also be advised to discuss their future housing needs with the Housing Department prior to making a firm decision to volunteer since they may not be eligible for rehousing

Staff Study/Season Ticket Loans - An employee in receipt of a loan will be required to repay the outstanding debt on being made redundant.

Car Leasing - No penalty payments under the car leasing scheme would be charged to the employee in the event of redundancy.

Financial Aid Scheme - Employees will not be liable to repay any fees or expenses arising from post entry training agreements. However, no further financial support will be given. In cases where the Council has paid for the full academic year employees should be allowed to complete the academic year, if they wish, although no further financial support will be given during this period.

Salary Sacrifice Schemes – Any monies owed to the Council under the terms of a salary sacrifice scheme will be recovered.

Annual leave entitlement

When an employee's outstanding leave entitlement is greater than their period of notice the balance will be paid.

Employees who have used more than their entitlement to annual leave by their last day of service will be required to repay the balance,

Employees who are made redundant and who have been absent for ill health reasons will be entitled to payment of outstanding leave.

Staff should be encouraged and allowed to take leave within the current holiday year.

15. Redundancy payment scheme

Employees who have at least 2 years' service will be eligible for payments based on age and length of qualifying service.

The council will exercise discretion to use actual average weekly pay for the calculation of redundancy benefits. A week's pay is calculated in accordance with the provision of the Local Government (Early Termination of Employment) Discretionary Compensation (England and Wales) Regulations 2006. The actual amount of a week's pay is based on the pay received in the 12 weeks before termination. For maternity leave, long term sick leave, unpaid leave the week's pay will be based on the last full 12 weeks

Employees aged 55 years and over will also be given pension benefits in accordance with current Council policy

16. Maternity leave and redundancy

Given the complexity of this aspect of redundancy, guidance on individual cases should be sought from HR. Women on maternity leave who are selected for redundancy are entitled to be offered a suitable alternative vacancy where one exists.

Part Three: Redeployment Procedure

The following procedure will be followed in cases where employees are subject to notice of redundancy.

Employees who are given notice of redundancy will be advised that employment opportunities within the Council are advertised on KCnet.

Employees should make it clear in any application that they are redeployees.

Employees subject to notice of redundancy will be guaranteed an interview if they meet the essential requirements of the job (or could meet them with a reasonable amount of training) and will be considered ahead of other candidates but at the same time as any other interested redeployees.

In the event of an unsuccessful redeployment application the recruiting manager must refer the recommendations to the Director before a decision is communicated. Feedback must be given to the individual following a decision. The individual's senior manager should also be notified accordingly.

Suitable Alternative Work

The possibility of suitable alternative employment requires serious consideration and discussion. Key issues are:

- the current contract may already contain a broad enough job description or mobility or flexibility clause for alternative work to fall within the scope of what the

employee can reasonably be required to do - and therefore the transfer to new duties can occur without any need for notice or a trial period.

- dismissal should be delayed if it is anticipated that opportunities are likely to occur shortly e.g. due to high turnover. However, clear deadlines/timescales would need to be determined in order that the matter does not simply drift indefinitely.

Effects of Redeployment on Other Terms and Conditions

Tied Accommodation - where an employee in tied accommodation is redeployed, consideration will need to be given to whether it remains appropriate for accommodation to be made available “for the better performance of the job”. If so, it is likely that the existing terms of the tenancy will continue to apply. If this is not the case, or where the accommodation is required for other purposes, the employee will need to be considered for rehousing in accordance with the Council’s Policy.

Financial Aid Scheme - If an employee who is currently receiving post-entry training in his/her previous post is redeployed, it is at the new manager’s discretion whether or not time off will be given - the expenditure for the course has probably already been committed. It is not always necessary to give both time off and financial support, since the new department may decide only to give the time off for the employee to finish a course. Where possible, employees who have been redeployed should be allowed to finish the academic year. Managers would be expected to look favorably on such situations.

Appendix 1

Guidelines on Transfers

The intention of a transfer is to avoid a potential redundancy situation by moving an employee prior to selection for redundancy.

This can only take place on a voluntary basis, if acceptable to all parties.

Transfers will only take place between posts of the same grade/range, unless the employee volunteers for a transfer at a lower grade and salary. Pay protection provisions based on annual salary lost as follows will apply:-

£1 - £2000 drop in pay: 12 months in full, followed by 6 months at 50%

£2001 - £3000 drop: 18 months in full, followed by 6 months at 50%

£3001 plus drop: 36 months in full.

Transfer will take place within business groups. There is no provision for transfers across business groups although this should be encouraged if a mutually acceptable arrangement can be agreed and is practicable.

A transfer should normally occur before a vacancy is advertised.

If more than one eligible employee is under threat of redundancy and is interested in the transfer vacancy, a transfer selection will be made through a competitive interview.

APPENDIX 2

GUIDANCE ON VOLUNTARY REDUNDANCY

Acceptance of volunteers is at the discretion of management.

When considering an application for voluntary redundancy, you should take the following factors into consideration:

Operational Requirements: it would be unwise to allow a volunteer to leave on redundancy if it will mean that this will leave a gap in the skills of the remaining workforce. You will obviously want to retain an employee who has particular expertise or whose performance is consistently high. The aim of the Council is to retain the most effective employees.

Workload: if the work of an employee who volunteers for redundancy can be absorbed by other employees, then the request for voluntary redundancy may be granted. However, if the employee's work cannot easily be absorbed by others, then there must be a period of consultation with appropriate staff and the Union. The purpose of the consultation would be to reach an agreement with the affected employees regarding revised working arrangements before a decision is made on the request for voluntary redundancy.

Service Delivery: You will need to consider the effects on service delivery if the employee is made redundant. Where services to external clients will be affected as a result of voluntary redundancies, you may have to obtain Cabinet Member approval regarding the change in service. Also, you should consult with internal service receivers if service delivery or standards of service will be reduced as a result of the voluntary redundancy.

Where you have to select from a pool of volunteers, the criteria used for selection for compulsory redundancy will apply, but with a different emphasis. You must interview volunteers and it is important to keep notes. You will then record the reasons for the decisions made in case there is any subsequent challenge.

Before a request for voluntary redundancy is rejected on the grounds that the employee's work cannot be reorganised etc. HR should be asked to check whether there are any other employees in other service units/departments who possess the appropriate skills and are seeking redeployment.

The final decision on whether or not to grant an application for voluntary redundancy rests with the Director.

Employees who are refused their request for redundancy should be given a written explanation of the reasons for refusal and have the right to pursue a grievance under the Council's Procedures, if they feel that insufficient justification has been given for the decision reached.