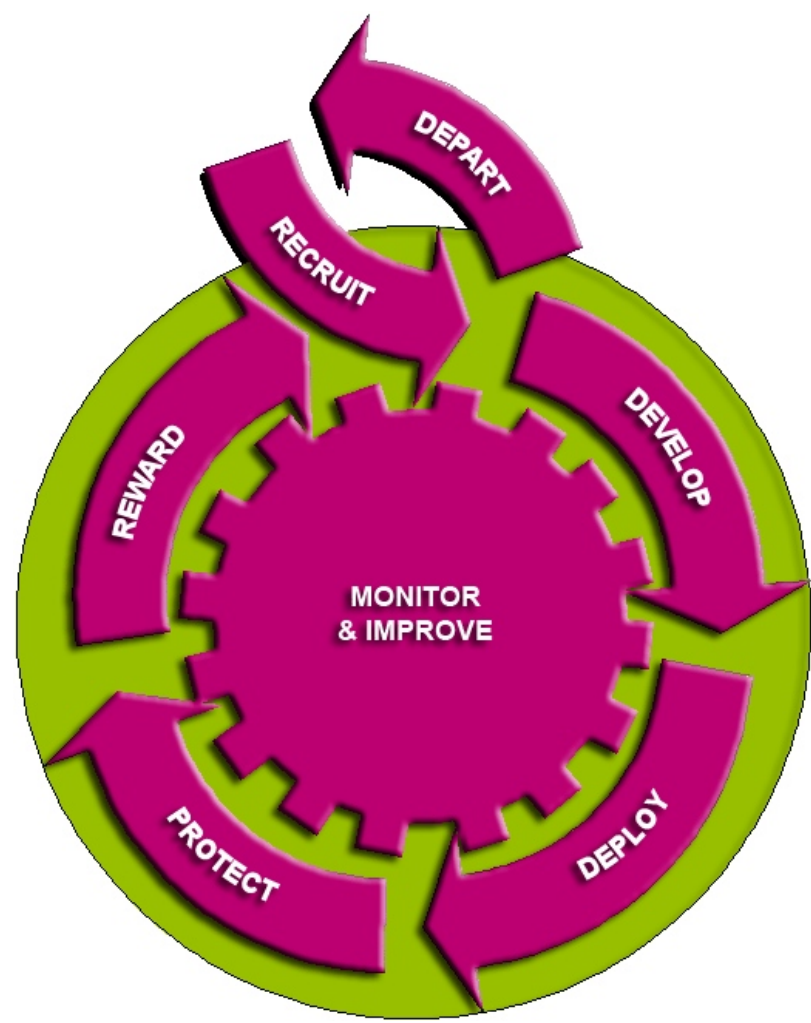


Reorganisation, Redeployment and Redundancy Policy & Procedures 2010

Version 0.03



Contents	Page
Policy	
Introduction	3
Policy Scope	3
Policy	4
Organisational Change & Restructuring	5
Consultation	5
Assimilation	6
Redeployment	6
Employee Obligations	7
Managers Responsibilities	8
Reorganisation, Assimilation & Redeployment Pay & Protection Arrangements	8
Redundancy	9
Selection Criteria for Redundancy	9
Measures to avoid redundancy	10
Conditions of Redundancy/Pension Payments	10
Voluntary or Early Retirement requests	11
Flexible Retirement	12
Appendices	
1. Restructuring & Organisational Change Procedures	13
2. Assimilation & Selection Procedure	34
3. Redeployment Procedure	56
4. Redundancy Procedure	67

Reorganisation, Redeployment & Redundancy Policy

1. Introduction

1.1 The Council recognises its duty to deliver public services in the most cost effective way possible in the light of changing demands, restricted funding regimes and the current financial climate. One way of achieving this is to deliver services in new ways.

1.2 This requires the Council to have a flexible approach to the way it manages change. The change may involve;

- Implementation of new partnership requirements
- The cessation of services, outsourcing
- Reduction of budget or funding regimes (internal and external) that may lead to the loss of Council jobs
- Restructuring to make the best use of resources, and to meet the changes in priorities or service provision

Any such changes should be achieved within legislative requirements, and should also be designed to cause minimum disruption and to accord with best practice. Proper meaningful consultation processes with employees and (where appropriate) service users must be followed.

1.3 It is also imperative that the Council adopts consistent, corporate procedures to ensure that all managers follow a transparent, equitable and systematic change process so that the Council minimises the risk of any legal challenge through employment tribunals.

1.4 This document sets out the Council policy to be followed when managing change. Relevant management procedures will be produced to support policy implementation on;

- Managing organisational change
- Guidance on how to manage a restructure
- Assimilation procedures
- Redeployment
- Managing redundancies

1.5 During any review, restructure or change process, managers must consider the impact on budgets and where possible make financial savings. Managers must comply with the Council's budget approval process and financial regulations.

2. Policy Scope

2.1 This policy applies to all employees of the Council, excluding employees engaged at or based at schools who may have different arrangements. School Governing Bodies may adopt this policy if they wish. Arrangements will be made to discuss and agree how this may be taken forward.

2.2 The Transfer of Undertakings procedures for the Protection of Employees (TUPE) provisions are not included within this policy. TUPE applies where there is a transfer of business or part of a business from one employer to another. When a decision has been made to transfer Council employees (as a result of TUPE), then the Council will follow the necessary legislative requirements.

3. Policy

3.1 It is the Council's policy to ensure, as far as possible, security of employment for all employees during times of change. However, there may be times when changes in staffing levels are required. These may be brought about by budget constraint, efficiency savings, loss of services or new (or different) partnership arrangements or other organisational requirements. Whilst careful planning will minimise the impact of redundancies there will be times when the Council needs to reduce its staffing levels.

3.2 In order to minimise the number of redundancies, the Council will seek to avoid placing employees in a potential redundancy situation by:

- Considering recruitment freezes
- Reducing agency, interims and consultancy costs
- Any other means that mitigate redundancy costs

3.3 The Council's policy, in consultation with the recognised trade unions and employees, will therefore seek (where possible), to avoid the need for redundancies by making all reasonable offers of suitable alternative employment. However, the Council must seek to retain employees who are most likely to contribute to the success of the business objectives of the Council and those who have the required skills and knowledge. This may mean that where there are more employees, than there are suitable alternative posts available, a selection process will be followed in order to identify the most appropriate candidate to meet the business needs.

3.4 In accordance with legislative requirements, the Council will not discriminate against employees with a disability or women on maternity leave. Wherever possible, throughout any process of restructuring, assimilation or redeployment, reasonable adjustments will be made for employees with disabilities.

3.5 In addition to its legal obligations, the Council will:

- Consult with Trade Unions and employees as soon as practicable about the effects of change processes on employees, taking a collaborative approach wherever possible
- Communicate clearly, openly and in a timely way to employees
- Strive to minimise disruption to services and minimise the impact on individuals
- Strive to minimise the number of redundancies by considering all other reasonable alternatives
- Follow a clear process which is considered, consistent and fair

- 3.6 The Council will offer support to managers and employees throughout any organisational change process in accordance with its procedures or as required by the relevant legislation.
- 3.7 In all instances, the management of change with minimal disruption to service users, will be of paramount importance.
- 3.8 The Council recognises that during periods of change, decisions will need to be made that affect individuals' employment. Employees will have the right to appeal against decisions relating to assimilation or selection for redundancy and dismissal by reason of redundancy. Appeals will be heard in accordance with the Council's procedures.

Organisational Change & Restructuring

- 3.9 The Council may need to restructure services in order to reduce the number of employees to meet efficiency savings, and/or service improvements through:
- Service reviews/restructures (major or minor)
 - Processes and systems
 - Changes to patterns of work/job re-design
 - Introduction of new technology
 - Partnership arrangements
 - Outsourcing/contract extensions or reductions
 - Any other requirements that will provide a more efficient and cost effective service to the public, users, clients
- 3.10 Managers are required to make a case for change by producing and seeking the proper approval for a business case (report) that sets out:
- Service improvement & efficiency savings
 - Impact on budget, service, users
 - Employee implications
 - Communication process with service users (if appropriate)
 - Equality workforce assessment findings

The timescale over which the financial outlay to achieve change and recover any efficiencies, salary and other budget costs must be specified. Finance should advise on the financial implications.

- 3.11 Scoping the change with a clear communication, consultation and implementation plan is essential. In all instances, the business case should identify the staffing budget and an analysis of any potential redundancy and/or pension costs. All business case proposals must have the required authorisation to proceed.

Consultation

- 3.12 During any change process the Council will:
- Ensure that affected employees are informed and consulted at the appropriate time

- Ensure that recognised Trade Unions are kept informed, and that timely and meaningful consultation takes place
- Follow statutory consultation requirements
- Consider Trade Union and employees responses as part of the consultation process
- Where redundancies are anticipated, consult with Trade Unions about proposal/s and their views on how to mitigate job losses
- Encourage Council partners or external bodies to participate in change programmes (as appropriate)

Assimilation

3.13 Assimilation is the process by which employees are matched or placed in new structures and/or where there are significant changes to job descriptions.

3.14 The Council will:

- Seek to keep any disruption to services and service users as minimal as possible
- Wherever possible assimilate employees into suitable posts
- Inform affected employees of procedural arrangements and outcomes of decisions made
- Assimilate employees on pay protection arrangements in accordance with current Council policy

3.15 Employees can be assimilated or redeployed to a post up to one grade higher or no more than two grades lower. If the grade is more than one grade higher, then a selection process should apply. In some instances during the assimilation process there may be a need to ring fence employees.

Redeployment

3.16 Redeployment procedures are to be used to place any potentially redundant or displaced employees i.e. employees who have not been assimilated into posts. The procedures may also be used in circumstances where there may be a requirement to seek a suitable job alternative e.g. for a disabled employee, in which case the matching process will still apply and any reasonable adjustments taken into account.

3.17 To ensure that the redeployment procedure is as effective as possible; the process will: -

- Match employees against any vacancies
- Ensure that there is a systematic process for the coordination of redeployment opportunities across the Council in order to minimise any possible job losses
- Make every effort to redeploy employees within all available resources and budget constraints
- Continue to review and adapt procedures to suit business needs and the extent of change required

- 3.18 In some circumstances Chief Officers, in consultation with the Chief Human Resources Officer (CHRO) may agree to the application of the redeployment procedure when:
- i) to do so will help resolve serious interpersonal issues identified following a formal investigation (such as a employment tribunal) or
 - ii) services are transferred to an external provider/partner (provided there has been agreement that employees can be considered for vacancies within the Council as an alternative to being transferred).
- 3.19 The Council cannot guarantee that all displaced employees will be offered a suitable alternative position, nor is there a minimum number of alternative offers. However, every effort will be made, up to and including the last day of service to identify a suitable redeployment opportunity and if successful, redundancy notice will be withdrawn.
- 3.20 The Council will make every effort to ensure that employees' with disabilities stay in employment; in some instances redeployment may be an alternative. Where appropriate, a trial period for redeployment may be extended for employees with a disability, pregnant women or if there are extenuating circumstances.
- 3.21 A woman on statutory maternity leave has a legal entitlement to return to work. If it is not possible (due to a potential redundancy situation) to return to her position, she has the legal right to a comparable vacant post. The effect of this legal right is that she must be offered any position that is a suitable alternative in preference to other staff. The new job must be suitable and appropriate and not substantially less favourable than the previous contract. This does not mean that the employee cannot be selected for dismissal by reason of redundancy.
- 3.22 Employees will continue to be employed in their service area until they are redeployed or their employment is terminated. The normal line management arrangements will apply and the manager should support the employee with advice and assistance to continue to help them obtain redeployment.
- 3.23 Support for employees may include:
- Help with completing the Redeployment Skills Form
 - Counselling/access to employee help line
 - Training or development, as appropriate and within financial constraints
 - Reasonable time off to attend interviews

Employee Obligations

- 3.24 The Council requires employees to fully co-operate with all relevant procedures, especially the redeployment process. They are required to complete the Council's Redeployment Skills Form and be as flexible as possible in considering any available job opportunity. Employees should;
- Prepare well for interviews
 - Consider all reasonable offers of suitable alternative work and
 - Play an active part in seeking an alternative job role

- Fully participate in redeployment trial periods
- 3.25 Where an employee has been provided with salary protection as a result of redeployment they will be expected to co-operate fully with any reasonable proposal by management to amend the duties of the new job in order to better utilise their skills and experience, for the duration of the salary protection arrangement.
- 3.26 If an employee rejects an offer of suitable alternative work, they will forfeit any entitlement to a redundancy payment and may be dismissed with no liability on the Council to make statutory redundancy or any additional discretionary compensation payments.

Managers Responsibilities

- 3.27 Managers have specific responsibility for implementing procedures in a fair, consistent and equitable way. The management of Council employees during a period of change, uncertainty and restricted budget regimes needs to be undertaken sensitively and follow the appropriate Council procedure/s.
- 3.28 Managers are required to:
- Ensure employees and trade unions are informed and consulted about changes that affect employees, their job role or/and employment conditions
 - Offer appropriate support to employees during times of change and transition
- 3.29 At all times, the manager must ensure that the service and service users needs underpin any change process. Reducing costs, making efficiency savings and complying with relevant legislation are all within the manager's remit.

Reorganisation, Assimilation & Redeployment, Pay & Protection Arrangements

- 3.30 Employees can be assimilated to a post up to one grade higher, or up to two grades lower. Employees placed in a lower grade will have their basic salary protected for a period of 12 months.
- 3.31 Should an employee be assimilated into a higher graded post, the employee should be placed on the bottom of the new grade or the spinal point nearest to their current equivalent salary.
- 3.32 Employees can be redeployed into a suitable alternative post up to one grade higher or no more than two grades lower. If the post is one or two grades lower, their substantive salary will be protected for 12 months.
- 3.33 Shift allowances, weekend enhancements, any additional salary payments such as honorariums, (or any recruitment and retention or market supplement), will not be protected if there is no requirement to work these arrangements in the new post; employees should only be paid the allowances and hours applicable in the new post.

- 3.34 Where the employee is redeployed into a lower grade at their own request, or if redeployed as a result of capability, then pay and protection will not apply.
- 3.35 The Council will not contribute towards the cost or reimburse in full, any difference in commuting expenses as a result of assimilation or redeployment, relocation or for any other business reason.

Redundancy

- 3.36 Redundancy is a form of dismissal. The Council will seek to minimise dismissals (by reason of redundancy) by making every attempt to redeploy employees when their post has been deleted. Statutory requirements for handling redundancies will be set out in the relevant procedures.
- 3.37 The redundancy process may be invoked where:
- Efficiency savings have been identified
 - There has been a reduction in funding/budget
 - There has been a reduction in the service required
 - The work can be re-distributed or carried out in a different way in order to maximise funding/efficiency savings
 - The work has ceased/diminished
 - There is a clear business justification for deleting posts
- 3.38 The Council will ensure that employees are informed as soon as possible if they are at risk of redundancy. Counselling or any other support should be made available, subject to funding. The employee will be entitled to have a Trade Union representative or work colleague present throughout the redundancy process.
- 3.39 Subject to the circumstances to avoid redundancies, the Council may seek voluntary or early retirement requests. A request does not automatically mean that the application will be approved. The Council will only approve requests once all available options have been discussed and will be subject to funding availability.

Selection Criteria For Redundancy

- 3.40 In order to provide a transparent and fair process, the following Council-wide redundancy selection criteria must be used, except, if paragraph 3.41 applies:
- Ability to meet future business needs
 - Skills and experience
 - Previous performance/appraisal outcomes
 - Ability to meet competencies
 - Active disciplinary/capability records
 - Attendance records
 - Costs of redundancy

Absences for the following must not be considered:

- Jury service
- Official duties

- Maternity/paternity and adoption leave
- Religious observance
- Trade Union duties
- Maternity or disability related absence
- Special leave

3.41 In instances where Council-wide criteria are not used e.g. for partnership arrangements, the proposed method or criteria for redundancy should be discussed and consulted with recognised Trade Unions. Where there are any disputes this must be referred to the Chief Human Resources Officer.

3.42 Redundancy costs and other financial considerations are a key consideration for selection for redundancy and should be included within the business case. The business case should include an analysis of costs and associated risks e.g. funding availability to pay redundancy or /and pension costs.

Measures to avoid redundancy

3.43 The Council seeks to minimise the impact and number of redundancies, managers will need to consider a range of measures to mitigate job losses. Examples include, but are not limited to the following;

- Placing restrictions on recruitment e.g. a vacancy freeze either in the service or across the Council
- Reducing or eliminating (where practical) overtime working
- Reviewing the employment of temporary employees including those on fixed-term contracts
- Reducing the use of agency staff, interims or consultants
- Redeploying, where appropriate, existing employees into vacancies which arise or are expected to arise
- Retraining – the Council will consider the possibility of training employees to enable them to fill alternative vacancies. This is subject to skills/qualification required and budget availability.

Conditions of redundancy/pension payments

3.44 Any employee with over two years service who is made compulsorily redundant or whose fixed term contract ends, following two years continuous years service, is entitled to receive a statutory redundancy payment. Any enhancements or additional financial compensation must be approved in accordance with the Council's Discretions Policy Statement.

3.45 The Chief Human Resources Officer has delegated authority in consultation with the Director of Finance and Resources and the Borough Solicitor to agree any discretionary lump sum compensation in accordance with Council Policy. However in the case of Chief Officers and Directors, any decision regarding discretionary payments will be subject to agreement by Members at the relevant Committee.

3.46 The Redundancy Payments (Local Government) (Modification) Order 1984 ("the Modification Order") states that previous continuous Local Government (or

equivalent) service will count towards an employee's length of service for the purpose of calculating their statutory redundancy payment.

- 3.47 An employee aged 55 who is a member of the Local Government Pension Scheme and who is made redundant will be automatically eligible for pension entitlement.
- 3.48 All individuals who have received an early or enhanced payment of pension from the Council, will not normally be re-employed, (either directly or as a consultant or through an agency) by the Council unless there are exceptional circumstances, and, after careful consideration of the benefit to the Council including any financial implications.
- 3.49 Managers will be required to submit a written statement to the Chief Executive setting out the exceptional circumstances and justifying the need to re-employ such an individual. There must be a very strong need or benefit for the Authority with a clear business case and financial benefit in the same way that a robust business case would need to be made to support flexible retirement. Each case will then need to be authorised by the Chief Executive before such re-employment proceeds.
- 3.50 If an employee receives and takes up an offer of employment from any other Local Authority (or any other employer covered by the Modification Order) on or before their last day of service with this Council and takes up employment within 4 weeks of their last day of service, their redundancy payment will be affected and they will be asked to return any monies paid.

Voluntary Redundancy or Early Retirement requests

- 3.51 In some circumstances, where employees may be displaced and the likelihood of finding redeployment opportunities is low, management may ask employees if they wish to volunteer for redundancy. A request does not automatically mean that the application will be accepted only that an employee is expressing an interest. These will only be approved once all available options have been discussed and will be subject to funding availability.
- 3.52 Where an employee has reached the age of 55, voluntary redundancy may trigger the automatic release of a pension, this is known as early retirement. Early retirement is costly and incurs additional payments to the pension fund. These costs must be considered in any decision to approve the request.
- 3.53 Early retirements (applicable to employees age 55) may be proposed on the basis of:
- Redundancy i.e. the post has been deleted
 - Efficiency savings
 - In the interests of the efficient exercise of the employers functions
- 3.54 The Council's Discretions Policy Statement sets out the requirements that the Council has in order for discretionary payments to be made. Each case is considered on its merits and in exceptional circumstances may be referred to the relevant Council committee for decision. The authority to agree individual cases of

discretionary lump sum compensation is delegated to the Chief Human Resources Officer in consultation with the Director of Finance and the Borough Solicitor.

- 3.55 Managers must have a solid business rationale for supporting an employee's early retirement. The decision should not be based on age or any other equality strand but be based on the required skills mix and service needs. Redundancy costs and other financial considerations should be taken into account and included within the business case. The business case should include an analysis of costs and associated risks e.g. funding availability to pay redundancy or /and pension costs.

Flexible Retirement

- 3.56 Flexible retirement refers to provisions in the Local Government Pension Scheme, whereby a member of the pension scheme who reduces their hours or grade pay may elect to take their pension (with their employers consent) at any age from 55 while continuing to work. As with other methods of early retirement the benefits may be reduced because of early payment, in accordance with the Council's Discretions Policy Statement, will consider flexible retirement in cases where there is no or minimal cost to the Council subject to identification and resolution of any business delivery issues. All requests will be considered on business needs and budget availability.

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Appendix 1 – Restructuring & Organisational Change Procedures

Contents	Page
Stating the case for change	14
Specific provisions:	
- Disability	14
- Employees on maternity/paternity leave or adoption leave	15
Scoping the restructure process	15
Seeking necessary approvals	16
Authorisation levels	17
Financial requirements/savings	17
Redundancy pay entitlements	18
Voluntary redundancy or early retirement requests	18
Flexible retirement	19
Consultation	19
Informal consultation	20
Formal statutory consultation	21
Timeframe for consultation	21
Measures to avoid redundancy	23
Significant changes to employment terms & conditions	23
Record keeping	23
Managing change - post reorganisation	24
Flowchart, Forms and Supplementary Information	
1A. Flowchart of Restructure/ Managing change Process	25
1B. Draft Restructure Implementation Plan	26
1C. Equality Workforce Assessment for restructures/reorganisations	28
1D. Example of Formal Consultation letter to Trade Unions on Proposed Redundancies	29
1E. Reorganisations - Frequently Asked Questions	31

Restructuring & Organisational Change Procedures

1. Stating the case for change

- 1.1 The Council recognises its duty to deliver public services in the most cost effective way possible in the light of changing demands, restricted funding regimes and the current financial climate. One way of achieving this is to change the way services are delivered.
- 1.2 Change could take the form of a major or minor restructure, involve changes to job descriptions or job role, or changes to service delivery arrangements. In all cases a designated manager must be identified to lead and manage the change process.
- 1.3 When considering any restructure, managers should make a clear business case, which states why the proposed changes are needed and how they will be implemented. This should include, one or more of the following:
- Cost and efficiency savings to be made (cost benefit analysis)
 - Analysis of potential redundancy costs or other costs to the Council
 - Introduction of new legislation or Government guidelines
 - Recommendations following service reviews or inspection
 - Development of partnership arrangements with other organisations
 - New technology and impact
 - New ways of working
 - Contraction or expansion in service provision
 - Organisation strategies requiring changes in working processes and systems
- 1.4 This information is needed for the approval process also when communicating and consulting with employees and Trade Unions. Managers must therefore be able to provide them with a written business case proposal, which sets out the changes proposed.
- 1.5 The business case proposal must have the required authorisation to proceed and be endorsed by Finance, before progressing to the informal consultation stage. Finance will vet accuracy of figures and budget availability. The timescale for which the financial outlay to achieve change and to recover any efficiencies, salary and other budget costs must be specified. In all instances, managers must comply with the Council's budget approval process and financial regulations.

2. Specific Provisions

Disability

- 2.1 It is unlawful to discriminate against employees with a disability when determining the selection criteria for assimilation or redundancy. Consideration and adjustments should be made for employees with a disability. Managers must contact the Disability Employment Co-ordinator for advice should any change process involve an employee with a disability.

Employees on maternity/paternity leave or adoption leave

- 2.2 Managers must consult employees on proposed changes to the structure or job role and ensure any employees on maternity/paternity or adoption leave are also fully consulted. Arrangements should be made to ensure that they are not disadvantaged and receive the same treatment as other employees.
- 2.3 Selection procedures for redundancy cannot discriminate on any unlawful grounds. It is unlawful to select a woman for redundancy in preference to other comparable employees during her pregnancy, or during her ordinary or additional maternity leave for reasons connected with:
- Her pregnancy
 - Childbirth
 - Maternity suspension on health and safety grounds
- 2.4 A woman on statutory maternity leave has a legal entitlement to return to work. If it is not possible, (due to a redundancy situation) to return to her position she has the legal right to a comparable vacant post. The effect of this legal right is that she must be offered any position that is a suitable alternative in preference to other staff. The new job must be suitable and appropriate and not substantially less favourable than the previous contract. This does not mean that the employee cannot be selected for dismissal by reason of redundancy. Further guidance and advice should be sought from Employment Relations.

3. Scoping the restructure process

- 3.1 Before seeking approval to proceed, managers should scope the restructure process by setting out in writing (in the form of a report) the following:
- The reason for the proposed change
 - The key stakeholders, and consultation process
 - The cost of new structure and how funded
 - Anticipated cost of potential redundancies and impact on pension scheme
 - The services and individuals posts that are likely to be affected and to what extent
 - The available resources for the restructuring exercise- (technical, human, financial)
 - The time scales and key milestones for transition to the new structure (implementation plan)
 - The person responsible for leading the process (lead officer)
 - How employees will be consulted (informally and formally) about the proposed change
 - How gaps between the existing structure and new structure(s) will be identified and any transition arrangements
 - Equality workforce assessment information, highlighting any disproportionately impact that may affect specific groups, service users or/and other stakeholders
 - What indicators will be used to monitor the success of the new arrangements

- 3.2 An Equalities Workforce Assessment (EqWA) must be undertaken as part of the business case proposal. Where the analysis reveals a disproportionate impact on specific groups, the manager may determine whether or not there is any way this can be mitigated and state either how this be rectified or if not how the business case supports the rationale for change i.e. justify. The EqWA should be completed and be part of the business case proposal.
- 3.3 HR Business Partners and/or Employment Relations (ER) will assist managers in scoping the restructure/change arrangements.

4. Seeking necessary approvals

- 4.1 Any changes to a structure should follow a systematic change management process which involves:
- Initial agreement from the service Chief Officer to proceed
 - Internal discussions with senior managers as appropriate
 - Discussion with Finance on future proposals and funding availability
 - Production of a business case for change
 - Consultation with appropriate employees and trade unions
 - Consultation with Members (if required)
 - An implementation plan that includes timeframes
 - A communication strategy
 - Transition arrangements
 - The date when new structure commences
- 4.2 Managers must obtain proper authorisation to proceed with the business case proposal. Authorisation needs to be at the appropriate level to the scale of change being introduced as set out in the table below: In all instances where there may be potential redundancies, Trade Unions must be consulted and informed in writing within the correct timeframe (see formal statutory consultation).
- 4.3 The Chief Human Resources Officer has delegated authority:
- To approve changes to service establishments affecting 10 or fewer posts (this power shall be exercised in consultation with the appropriate Cabinet Member).
 - To approve changes to job gradings (using the appropriate job evaluation schemes) affecting 10 or fewer posts within a service
- 4.4 For changes affecting 11 or more posts or if the restructure will affect service establishment grades, Committee approval is required for both the changes to grades **and** the restructure. The statutory responsibility for such decisions is split between the executive (Cabinet) and non executive (General Purposes Committee). Therefore the Cabinet report should recommend that a further report be sent to General Purposes Committee if this is appropriate. General Purposes Committee need to approve changes to grades and any terms and conditions of employment.

Authorisation Levels

- 4.5 The table below sets out the required level of authorisation for varying levels of change.

Extent of Change	Officer Approval	Formal Approval *
Major restructure of whole Council	Chief Executive	Full Council
Restructure of whole Cluster	Director, Chief Officer	Cabinet or/and GP Ctte
Restructure of a Service Area	Director, Chief Officer	Cabinet or/and GP Ctte
Restructure of one part of a Service Area (affecting more than 10 posts)	Director, Chief Officer	Cabinet or/and GP Ctte
Restructure of one part of a Service Area (affecting 10 posts or fewer)	Chief Officer	Chief HR Officer + Cabinet Member
Restructure of one team (affecting more than 10 posts)	Chief Officer	Cabinet or/and GP Ctte
Restructure of one team (affecting 10 posts or fewer)	Chief Officer	Chief HR Officer + Cabinet Member

* GP Ctte approval must be sought for any changes to pay, gradings or terms and conditions

5. Financial Requirements/Savings

- 5.1 Managers should discuss with Finance the impact of any costs or savings that are to be made as a result of a restructure. Finance will advise on the financial implications and budget availability. Although the costs may be within the current funds available, every opportunity should be provided to make efficiency savings through:
- Role redistribution/review
 - Redistribution of job tasks/job re-design
 - New ways of working i.e. flexible working arrangements
 - New system implementation
 - Changes to patterns/quality of work
 - Deletion of posts
 - Reduction/cessation of agency staff or interims
 - Revised Job Description and salary arrangements
- 5.2 In cases where efficiency savings may be achieved by deleting specific designated posts, managers must consider the implications and costs of any possible redundancies and the effects/impact on pension fund. In all instances proposals on future staffing budgets, potential costs of redundancies and potential savings must be discussed with Finance.
- 5.3 The Director of Finance & Resources should be consulted about the costs of major restructures before any proposal is circulated to employees. A major restructure could involve changes to the whole Council or a Cluster. For further advice contact ER.

6. Redundancy Pay Entitlement/s

- 6.1 Employees have the right to a redundancy payment if they have worked continuously for the Council for at least two years. The Redundancy Payments (Local Government) (Modification) Order 1984 ("the Modification Order") states that previous continuous Local Government (or equivalent) service will count towards an employee's length of service for the purpose of calculating their statutory redundancy payment. Contracts of Employment must always be checked as some employees have continuous service rights, which could also affect their redundancy entitlement. Redundancy pay is also due when a fixed-term contract of two years or more expires and is not renewed because of redundancy.
- 6.2 No employee can be made redundant or/and acquire pension entitlement unless the proper financial approval has been sought. This will involve the manager producing a report to the Discretionary Payments Panel (DPP). For further advice contact Pensions Section or Employment Relations.
- 6.3 The authority to agree individual cases of discretionary lump sum compensation is delegated to the Chief Human Resources Officer in conjunction with the Director of Finance and the Borough Solicitor. However in the case of **Chief Officers and Directors** any decision regarding retirement and the level of compensation is subject to agreement by Members at the relevant Committee
- 6.4 An employee aged 55 who is a member of the Local Government Pension Scheme and who is made redundant will be automatically eligible for pension entitlement. In all instances, a business case must be submitted to the Discretionary Payments Panel in order to determine the appropriate levels of discretionary compensation, if any, in accordance with the Council policy (Discretions Policy Statement).
- 6.5 The authority to agree individual cases of discretionary lump sum compensation is delegated to the Chief Human Resources Officer in consultation with the Director of Finance and Borough Solicitor.

Voluntary Redundancy or Early Retirement requests

- 6.6 In some circumstances, where employees may be displaced and the likelihood of finding redeployment opportunities is low, management may ask affected employees whether they would like to volunteer for redundancy. A request does not automatically mean that the application will be accepted, only that they are expressing an interest. The Council will only approve requests once all available options have been discussed and will be subject to funding and needs of the service.
- 6.7 Where an employee has reached the age of 55, voluntary redundancy may trigger the automatic release of a pension, this is known as early retirement.
- 6.8 Early retirement is costly and incurs additional payments to the pension fund. These costs must be considered as part of the decision making process.

6.9 Early retirements may be proposed on the basis of:

- Redundancy
- Efficiency savings
- In the interests of the efficiency exercise of the employers functions

6.10 Any requests under the categories of early retirement must be forwarded to the Discretionary Payments Panel. The Discretions Policy Statement sets out the requirements that are exercised in order for discretionary payments to be made. The Council will consider each case on its merit. In exceptional cases may be referred to the appropriate Committee for a decision. Contact Pension Section for further advice.

6.11 Managers need to have a solid business rationale for approving an employee's early retirement. The decision should not be based on age or any other equality strand but be based on the skills mix required and service needs. Costs are a key consideration but cannot be the overriding factor, unless business reasons are provided to the service Chief Officer, Director and CHRO and agreed accordingly.

Flexible Retirement

6.12 Flexible retirement refers to provisions in the LGPS whereby a member of the pension scheme who reduces their hours or rate of pay may choose to take their pension (with their employers consent) at any age from 55 while continuing to work. As with other methods of early retirement the benefits may be reduced because of early payment. The Council will consider flexible retirement in cases where there is no or minimal cost to the Council subject to identification and resolution of any business delivery issues. All requests will be considered on business needs and budget availability.

6.13 An employee who wishes to be considered for flexible retirement should in the first instance write to their manager. If the Chief Officer supports the request the manager should produce a full business case setting out details of any costs such as payments from the pension fund.

6.14 This business case should then be submitted to the Discretionary Payments Panel for consideration. Each case is considered on its merits and in exceptional cases may be referred to the appropriate Committee for a decision. The authority to agree any appropriate lump sum compensation is delegated to the Chief Human Resources Officer in consultation with the Director of Finance and Borough Solicitor.

7. Consultation

7.1 The Council has a legal obligation to consult with Trade Unions. Effective and timely consultation with employees and recognised Trade Unions is essential to any change process or restructure. Where there are any proposed redundancies involved, consultation is a statutory right i.e. employees and Trade Unions must be consulted. If meaningful consultation has not taken place; the Council may be subject to financial penalties.

Consultation usually takes the form of two distinct stages:

- Informal
- Formal

- 7.2 The purpose of consultation is to ensure an exchange of views with affected employees and Trade Unions. This enables employees and Trade Unions to comment on proposals, suggest improvements, have the opportunity to propose alternatives and to be given a reasonable response to opinions expressed. Reaching agreement is not always essential. Managers should consider all views put forward.
- 7.3 Should managers fail to consult with employees or look at alternatives to avoid redundancy this could make the dismissal by reason of redundancy unfair.
- 7.4 Where 20 or more employees may be made redundant, the Council must legally notify the Department of Business Innovation & Skills (previously known as BERR) or www.berr/employment.uk within the relevant timeframe. Employment Relations will collate the number of potential redundancies across the Council and inform the Department of Business, Innovation and Skills accordingly. See also 7.9.

Informal Consultation

- 7.5 Regardless of the extent and scope of organisational change required; the manager should meet with an ER adviser, (usually before any employees are informed) in order to identify and clarify the process, and implementation plan timescales. Informal consultation must then take place directly with the affected employees as soon as possible. Managers are responsible for keeping all employees informed about changes (throughout the process) and should keep a written record of discussions/meetings held. Employees who are on maternity or paternity, adoption leave or other long-term absence must also be consulted.
- 7.6 If redundancies are anticipated, informal consultation with the recognised Trade Unions must begin at the earliest opportunity. Consultation with the Trade Unions (and employees) must include discussions on ways of:
- Avoiding or minimising any possible dismissals
 - Reducing the numbers to be dismissed
 - Mitigating the consequences of the dismissals (by reason of redundancy)
- 7.7 Consultation applies whether or not the affected employees are Trade Union members. The first notification to employees should be done face to face wherever practicable. Employees should be given as much information as possible about the changes envisaged, impact and informed about the next stage of the process.
- 7.8 Informal (or formal) consultation may also be followed up by additional individual or team meetings appropriate to the level of change implemented.

Formal Statutory Consultation

- 7.9 The table below sets out the statutory time limits for consultation and notification of potential redundancy dismissals. The Council has agreed that a minimum of 30 days will be provided, regardless of the number of employees affected. Employment Relations will complete the HR1 form per service/establishment and inform the Department of Business Innovation & Skills (HR1 form) within the relevant timeframe. Failure to notify will incur a fine to the Council.

Number of LBR employees affected	Statutory Consultation requirements relating to potential redundancies*
1-19 employees	Begin 30-day consultation at an early stage. Involve Employee Relations (ER) before the first dismissal notice is issued.
20-99 employees	Begin consultation, ER notify the Department of Business Innovation & Skills 30 days before the first dismissal notice is issued.
More than 99 employees	Begin consultation, ER notify the Department of Business Innovation & Skills 90 days before the first dismissal notice is issued.

*Termination letters **must not** be issued until after the consultation period ends. However, during the consultation period, the assimilation and competitive interview process can take place.

- 7.10 Consultation must be meaningful and provide an opportunity for all concerned to share the problems and explore the options or any possible alternatives as early as possible. Trade Unions and employees may be able to suggest acceptable alternative ways to deal with a changes or proposed new ways of working in order to minimise the impact of redundancies.
- 7.11 Employees have the right to be represented or accompanied by a Trade Union representative during the consultation process.
- 7.12 Employees who are on maternity/paternity/adoption leave or absent through ill health or secondment, must be kept consistently informed (by the manager) and be invited to participate during all stages of the process. In all instances managers should provide written feedback to employees at the end of the consultation period.

Timeframe for consultation

- 7.13 Managers must always consult recognised Trade Unions (TUs) usually in the form of a letter about changes to structures or job roles, potential redundancies, as soon as possible. Written correspondence must include:
- The staffing implications and invitation to discuss how management will minimise potential redundancies e.g. freeze on vacancies, cessation of agency workers
 - Impact of the proposed restructure on existing employees (job roles that remain the same or to be amended, or/and to be deleted)

- If redundancies are proposed: the description, number of proposed redundancies how employees will be selected for redundancy and redundancy criteria to be used. ER to provide a copy of HR1 form to TUs
 - An end date by which Trade Unions should return their comments (minimum thirty days for formal consultation)
 - Provide Trade Unions with the opportunity to comment on the proposal and suggest alternatives for consideration by management
- 7.14 Formal consultation involves the production of a written report or business case. This should be presented to affected employees and trade unions, who should be given a minimum of 30 days (or whatever is the statutory requirement) to discuss, comment and give feedback on the contents on a specified date. Employees or Trade Unions may be able to provide alternatives to the proposal, seek clarification from their trade union representatives and be able to suggest alternative ways of working that may mitigate any possible redundancies. Individual meetings with all affected employees to discuss the implications should be offered.
- 7.15 During the formal consultation process, affected employees can be issued (after a 1-2-1 meeting) with an at risk letter (if appropriate). The letter must have the caveat that states that the formal consultation process has not yet been completed. Further advice should be sought from ER.
- 7.16 Following the end of the formal consultation period, managers should provide written feedback to employees and TUs, as to whether or not any of their suggestions have resulted in any changes to the process, job roles, structure, and service. In some cases employees who are not immediately affected may also need to be consulted i.e. where there are proposals that affect one service, other services may be asked to comment as well. In those cases, the manager and Employment Relations should agree who is consulted or not.
- 7.17 Managers are responsible for keeping employees informed and consulted, either in writing or through individual or collective meetings. Managers must give sufficient information to allow employees and Trade Unions to appreciate the issues involved and to ensure that employees are offered appropriate support.
- 7.18 The following information should be provided to employees/TUs as part of the business case proposal and formal consultation process:
- Timetables for any decision, change process and consultation framework
 - Impact the proposed structure or changes will have on existing employees (job titles, roles i.e. whether they remain, or to be deleted in the new structure). At this stage, only posts are identified and not employees
 - Current structure chart
 - Proposed new structure chart
 - The informal/formal consultation timeframe (start and end dates for both)
 - Assimilation procedures to be used such as direct assimilation, ring-fence or competitive interview
 - Proposed new Job Descriptions and any salary or other changes e.g. changes to hours, whether posts full or part time

- That employees have the legal right to be represented or accompanied at formal meetings by a Trade Union representative or a work colleague.
- 7.19 Managers must consider all responses to any formal consultation feedback before making a decision to proceed to the next stage, (particularly if there are potential redundancies anticipated).
- 7.20 Employees who are on maternity or adoption leave, or long-term sick leave, or who have been seconded or otherwise absent must also be properly informed and consulted. Managers should send all documentation concerning the restructuring to any affected employees who are absent. Wherever possible, an appropriate individual or team meeting with them should be arranged so that they are kept informed.

8. Measures to avoid redundancy

- 8.1 As soon as the likely number of employees affected has been identified and Trade Unions have been consulted, managers should take immediate steps to minimise the number of redundancies. Managers should consider the following: -
- Placing restrictions on recruitment e.g. vacancy freeze either in own service/cluster or across the Council. The Chief Human Resources Officer should be consulted about the latter.
 - Reducing or eliminating (where practical) overtime working
 - Terminating the employment of temporary employees including those on fixed-term contracts
 - Termination of agency staff or consultants in relevant areas
 - Redeployment, where appropriate, of existing employees into vacancies which arise or are expected to arise
 - Retraining – an organisation of this size would be expected to give serious consideration to the possibility of training employees to enable them to fill alternative vacancies.

9. Significant changes to Employment Terms and Conditions.

- 9.1 In some instances e.g. where significant changes to employees terms and conditions of employment are affected, it may not be possible to reach a positive way forward with employees or/and Trade Unions. Managers will therefore need to consider whether to terminate existing contracts and to make an offer of re-employment on new terms.
- 9.2 In these situations the manager must seek Employment Relations advice. The consultation requirement outlined (informal/formal) must still be followed and managers have a legal obligation to consult with recognised Trade Unions. Consultation in this instance should be aimed at gaining support for the proposed changes.

10. Record Keeping

- 10.1 In order to respond to any claims for unfair dismissal, the manager must maintain the following records, which must be readily accessible for a minimum of 12 months:

- Copies of the proposal on restructure to employees i.e. business case/report
- Evidence of consultation processes with employees and management response
- Copies of the written notification to the trade unions of potential redundancies
- Copies of the statutory notification to BERR (if applicable)
- Copies of the redundancy policy used at that time
- Evidence of action to avoid potential redundancies – this may include referral to the Council’s redeployment arrangements
- Copies of redundancy termination letters to employees, including the calculation of the compensation package
- Copies of an employees written acceptance to be redeployed (if appropriate)
- Evidence of the use of objective redundancy selection criteria
- Comprehensive information on any appeals raised: -
 - The reason of appeal
 - Date of Hearing
 - Hearing notes
 - Information considered by management in considering the employee’s appeal
 - Notification of the outcome

11. Managing Change Post Reorganisation

- 11.1 Managers should recognise that at the end of the change process, particularly one that impacts on staffing numbers, those employees who remain may need to have an induction programme into their new roles, to help them make the change from their current role to the new role. Managers must ensure that sufficient focus is placed on their ongoing development and support.

Flowchart of Restructure /Managing Change Process

STAGE 1 PREPARATION	<p>Make the case for change Manager sets out why change is needed e.g. cost and efficiency savings, news way of working.</p>
	<p>Scope the change/business case proposal drafted Manager identifies implications of change, timescales, responsibilities etc. and seeks initial approval from CO to proceed. Costs of salaries & potential redundancy or pension costs discussed with Finance.</p>
	<p>Compare structures Old and new structures compared to identify those posts which are: - Deleted - Unaffected - New - Change to duties/salary etc. incorporated into business case</p>
	<p>Seeks authorisation to proceed/finalise business case proposal Manager seeks appropriate level of authorisation to proceed from Director, General Purposes/Cabinet approval sought if needed</p>
STAGE 2 CONSULTATION (informal and formal)	<p>Informal Face to Face communication with affected employees commences Potential implications and clarify process/proposed timeframe</p> <p>Formal consultation (min 30 days) on proposed restructure Manager seeks employee /TU views on alternatives to minimise redundancies etc. Gives start/end dates for consultation. Business Case circulated; minimum of 30 days for formal consultation. Recruitment freeze decided. Legal duty for ER to inform Dept. BIS (formally know as BERR) of possible redundancy numbers (20+). ER to provide copy of HR1 form to TUs (if appropriate). Manager to write to all employees informing them of any feedback to suggestions put forward from Trade Unions/employees. At risk letter issued to employees if appropriate. Notice of dismissal not to be issued until statutory completion of formal consultation period.</p>
	<p>Assimilation Procedure applied Manager informs employees of assimilation process. Manager starts DPP process. Matching 65% exercise undertaken - Manager confirms posts that transfer directly to the new structure and next stages ring fence process agreed (if appropriate)</p>
STAGE 3 ASSIMILATION	<p>Ring Fence – Competitive Interview Competitive interviews take place when there are more employees (within the ring-fenced group) than posts in the new structure. Formal notice of redundancy issued as soon as employee displaced/unsuccessful. Contractual notice period can be extended if less than one week, for search for redeployment. Displaced employee place completes redeployment skills form.</p>
	<p>Appeal against assimilation decision or selection for redundancy. Employees to appeal within 5 working days of written assimilation decision or selection for redundancy. Appeal for sent to ER. CO/Director hear appeal; to be held within 10 working days from receipt of appeal. Next stage; new posts recruited/advertised (if appropriate).</p>
	<p>Redeployment Employees, who have been displaced, should be matched for suitable alternative jobs. Contractual notice period runs concurrently with redeployment period. All redeployees to complete redeployment skills form. Recruitment team to match redeployees against vacancies; trial period 28 days (4 weeks). If successful, possible pay and protection rights apply. Trial period may be extended in some circumstances. If unsuccessful return to Service Area and redeployment pool. Termination notice continues until end date. DPP estimates provided to employee.</p>
STAGE 4 REDEPLOYMENT	
STAGE 5 PROTECTION /REDUNDANCY	<p>Redundancy Chief Officer authorised to dismiss by reason of redundancy. Employees whose posts have been deleted or have been unable to obtain another position issued with formal redundancy notice. Redeployment search continues up to last day of service; notice period runs concurrently. For compulsory redundancies i.e. cessation of whole service, seek immediate ER advice.</p>
STAGE 6 APPEAL	<p>Appeals against dismissal by reason of redundancy Appeal sent to CHRO within 7 working days of receipt of written decision. Appeal can take place during redundancy notice period.</p> <p>Appeal heard by Members. If upheld, employee returns to service. If not upheld, end date of employment applies.</p>

Restructure Implementation Plan

Key dates must be identified in the implementation plan. This will assist in the management of change and enable effective and timely consultation to take place. The completed plan should be attached to the business case for change and communicated to all employees. The table below is *an example and can be modified* according to the level and extent of change required.

Dates to be inserted	Action	Who/When
Weeks 1-4	<ul style="list-style-type: none"> • Chief Officer & SMT/Managers identify new requirements/structural changes • Proposals costed and endorsed by Finance and identify draft timeframes for approval • Undertake EqWA and attach with draft business case • BPs notify ER of numbers of potential redundancies • BP/ER agree draft timetable with recruitment/HR direct/pensions/pay & contracts 	
Weeks 4-6 Informal consultation commences	<ul style="list-style-type: none"> • Draft business case discussed with employees (informal consultation commences) • Brief Trade Unions on proposed changes 	
Weeks 6-8	<ul style="list-style-type: none"> • Write new JDs and send to Employment Relations for evaluation • Consider/implementation plan and timeframe for formal consultation (dependant on number of potential redundancies) • Finalise costings 	
Weeks 8-14 Formal consultation commences	<ul style="list-style-type: none"> • Commence formal 30 day (min) consultation: write to Trade Unions on proposals outlining potential redundancies, impact on employees/service plans, circulate business case/proposal to all employees with end date of formal consultation period. ER to inform BIS & provide copy of HR1 form to TUs • Meet with all employees/team/service to verbally discuss proposals include new/before restructure chart etc. Distribute business case proposal and seek views, provide end date of consultation for responses (minimum 30 days) • Inform ER of number of potential redundancies • Follow up & meet individual employees as necessary. At risk letter issued if appropriate to affected employees with caveat that formal consultation process not yet completed. 	
Weeks 14-16 End of formal consultation period	<ul style="list-style-type: none"> • Write to Trade Unions and employees of feedback from of consultation period • State next stage of process • Meet with Trade Unions/employees re outstanding issues • SMT/service to agree cessation of agency staff to create job/review of vacancies across cluster 	

Dates to be inserted	Action	Who/When
Weeks 16-19 Assimilation & Assimilation appeals	<ul style="list-style-type: none"> • Issue details of assimilation process and timeframe (build in appeal stage and timeframe); issue job descriptions. to employees • Commence assimilation process • Issue outcome letters and exact date of assimilation • Assimilation Appeal dates agreed • Draft DPP case/s 	
Weeks 19-21 Competitive interviews	<ul style="list-style-type: none"> • Inform those in ring fence position of interviews/process • Establish interview panels and dates • Undertake interviews and inform employees of outcomes • Chief Officer to issue formal notice of dismissal by reason of redundancy and redeployment process to run concurrently with notice period • Employee informed of right of appeal against dismissal by reason of redundancy • Appeal sent to ER, within 5 working days of written decision • Appeal heard within 10 working days • Completion of redeployment skills form • Obtain redundancy estimates • Service to continue to seek job alternatives within own cluster • Advertise any new posts 	
Weeks 21+ Redeployment	<ul style="list-style-type: none"> • Meet employee and inform unplaced employees of redeployment process • Request employee completes redeployment skills form (if not already completed) • Possible redeployment trial period (28 days or 4 weeks) • Interview training/ other support provided • Inform employee of employee helpline support 	
Week 25+ Redundancy	<ul style="list-style-type: none"> • Employee in redeployment pool, whilst working contractual notice period or until end date of dismissal 	
Week 25+ Redundancy appeals (Members)	<ul style="list-style-type: none"> • Can be heard whilst employee working notice period 	
Week.....	<ul style="list-style-type: none"> • New structure commences 	

Equality Workforce Assessment for Restructures/Reorganisations

All managers who are responsible for managing or leading on restructures are responsible for completing this form. The findings must be used when compiling a business case for change. If the analysis reveals a differential or adverse impact then a business case reason must be provided to either mitigate or justify the outcome.

Service:	Team:		
Manager responsible for assessment:			
1. Briefly describe the aims, objectives and purpose of the restructure:			
2. Equality profile of the current structure:			
Total no. of employees :	No of full time:	No. of part-time:	No. of disabled :
No. of men:	No. of women:	No. of BME employees:	
Age profile:			
3. Equality profile of the new proposed structure:			
Total no. of employees :	No of full time:	No. of part-time:	No. of disabled :
No. of men:	No. of women:	No. of BME employees:	
Age profile:			
4. Are there any anticipated redundancies? If so, which equality groups are likely to be affected?			
5. What is the impact of the restructure on the specific equality group (e.g. Are there more women than men affected? Are the majority of employees affected from a black or minority ethnic groups?			
6. In the new structure, is there any adverse impact on equality groups, which can be justified? If so, please explain why.			
7. What activities are you proposing that will mitigate against potential adverse impact e.g. adhere to Council policy and procedures on restructures.			
Name of completing officer:	Signed:	Date:	
Name of Chief Officer:	Signed:	Date:	

PLEASE NOTE: Ensure you attach a chart or outline of previous structure and new structure with your business case proposal.

Example of Formal Consultation Letter to Trade Unions on Proposed Redundancies

To: Recognised Trade Unions (GMB, Unite, Unison)

Dear Colleague

FORMAL CONSULTATION ON POTENTIAL REDUNDANCIES

I am writing to you in accordance with the requirements of the Council's policy to formally notify you of a potential redundancy situation within the.....area. A copy of the HR1 form submitted to the Department of Business Innovation & Skills (BIS) is attached (if appropriate). Where there are more than 20 potential redundancies, this letter constitutes formal notification in accordance with Section 188 of the Trade Union & Labour Relations Consolidation Act 1992. In relation to the specific requirements of this policy I am providing you with the following information relating to potential redundancies.

- 1. The reason for the potential redundancies**

- 2. Numbers and descriptions of employees it is proposed to dismiss as redundant and the total number of employees of any such description**

Grade	Actual numbers in Post	Proposed Reduction

- 3. The proposed method of selecting employees who may be dismissed** (delete as appropriate)
 - 3.1 Terminating the employment of temporary employees or/and
 - 3.2 Volunteers for redundancy will be called for or/and
 - 3.3 Selection from volunteers or/and
 - 3.4 Assimilation/ringfencing/competitive interviews

We will ensure that all other methods of avoiding selection for compulsory redundancy are explored e.g. redeployment to any suitable vacancies, voluntary reduction in hours, and cessation of agency staff.

If we are unable to find alternative ways of avoiding redundancies and other means have been explored, selection for redundancy will take place using the criteria outlined in our procedures.

4. The proposed method of carrying out the dismissals

Following identification for dismissal by reason by redundancy, using the criteria set out in the procedure employees will be issued with notice of redundancy in accordance with their length of service and contract of employment and will also have the opportunity to appeal against selection for redundancy.

5. The timescale over which the dismissal will take effect

It is envisaged that dismissal notices will be issued at the end of the formal consultation period (date xxx)

6. The proposed method of calculating the amount of any redundancy payments to be made to employees who may be dismissed

The Council is already committed to avoiding redundancies as far as possible as well as offering assistance to employees to aid those selected for redundancy. However in accordance with our policy, we will also seek to consult with you, with a view to;

- Avoiding the dismissals
- Reducing the numbers of employees to be dismissed and
- Mitigating the consequences of the dismissals

A meeting has been arranged to give trade union colleagues an opportunity to discuss the above proposals and this will take place on _____ at _____am/pm at_____. This meeting will be used to commence the formal consultation process.

Further meetings will be arranged as necessary as will meetings with the employees concerned.

In the meantime I attach a copy of our business case for change, which has been distributed to affected employees on..... This contains further details and draft implementation plan. I shall be happy to receive any written comments/observations you may wish to submit.

The end date for formal consultation will be

We are therefore be seeking your formal comments by this date.

Yours faithfully

Marj Keddy
Chief Human Resources Officer

cc. Chief Officer

Reorganisations - Frequently Asked Questions

Provided below are brief questions that are commonly raised by employees affected by a reorganisation. More complete information on any of the below can also be found in the Council's procedures

1. What is a reorganisation?

The term "reorganisation" encompasses a wide range of organisational change including changes to individual posts, reduction in staffing numbers and the closure of services.

2. If I have any queries regarding the reorganisation, whom do I contact?

You should raise any queries you have regarding the reorganisation with your line manager in the first instance.

3. What is the unions' involvement in the reorganisation?

The Council has a statutory duty to consult with recognised trade unions (TU) on the reorganisation. You also have a right to representation during meetings with your manager.

4. What can I expect to be consulted on?

The Council has a statutory duty to consult with all affected employees and recognised trade unions on any proposed reorganisation. Key areas that you will be consulted on include: -

- The proposed reorganisation and the rationale for change
- The categorisation of jobs i.e. how this affects job/services
- The proposed method for selecting those to be made redundant e.g. assimilation process/redeployment
- Your views on the proposals will be sought and considered.

5. If I am not a Trade Union member am I still consulted?

Yes. The Council will consult with all employees affected by the reorganisation irrespective of TU membership.

6. What happens if my job has not changed in the new structure?

If your job has not changed in the new structure, you will be directly appointed to the role unless there is a decrease in the number of these roles. If this is the case, you may be assimilated into another post.

7. What happens if my job has changed in the new structure?

If your job has changed in the new structure, your manager will determine whether the change is significant. If the change is not significant, it will be managed as if the job had not changed and you should be assimilated or informed on “no change”.

If the change is significant you will be required to undergo assimilation possible competitive interview. You must meet the core requirements of the job to be appointed.

8. What happens if my job has been deleted in the new structure?

If your job has been deleted in the new structure, there may be an opportunity to be assimilated into another suitable post or apply for a post. You will be placed on the redeployment register and a search for a suitable alternative post will commence.

9. Can I request voluntary redundancy?

If the Council has agreed that voluntary redundancy will be used to select employees for redundancy, you will be advised accordingly. Approval is not automatic. The Council will consider each case on merit and balance this alongside the business needs, benefits and costs.

10. How are employees selected for the new structure?

Your manager will consult with the trade unions on a process and criteria for selecting those to be made redundant. The criteria will include: skills and experience, performance, ability to meet competencies, attendance, and ability to meet business needs.

11. What will my manager do to assist me in finding alternative work should I be issued with a formal notice of dismissal (by reason of redundancy)?

You will be placed on the redeployment register. During this time your manager will assist you in finding alternative work whilst you are working your notice period. You will be required to attend regular meetings with your manager or and recruitment to discuss the suitability of positions advertised internally.

12. Can I look for work outside the Council?

During your redeployment/potential notice of redundancy period, you are entitled to reasonable time off with pay during work hours to look for work outside of the Council

13. Do I lose my entitlement to redundancy if I find an alternative position within the Council?

Yes, but you will have a 28 day trial period in the new role in which you can assess your suitability to the position. If at the end of the trial period you are successful

and offered a permanent position then you will lose entitlement to any redundancy payment.

14. If I join another local authority after being made redundant, do I lose my redundancy pay?

If you have been given notice of redundancy you may lose your entitlement to a redundancy payment if;

- Before the dismissal takes effect you accept an offer of employment from a body specified in Schedule 1 of the Redundancy Payments (Continuity of employment etc, Modification Order, 1999 as amended).
- The employment is to take effect within a 4-week period of your service being terminated by the Council.

15. What outplacement services are available to me?

The Council may provide an outplacement service to displaced staff (such as career advice) but the types of services provided will be at the discretion of your manager and funding availability. You will be advised of any outplacement services available to you.

16. Can I reduce the notice period and leave Council employment earlier?

If you have been issued notice of redundancy, only by mutual agreement can you reduce your notice period and leave earlier.

17. Can I appeal?

Yes, if you wish to raise an appeal, the appeal will be considered. Your appeal must be against an assimilation decision, selection for redundancy or dismissal by reason of redundancy.

Appendix 2 – Assimilation & Selection Procedure

Contents	Page
Procedure	
Introduction	35
Placing employees in the new structure	35
Voluntary/Early retirement or flexible retirement requests	36
Assimilation procedure	37
Matching process;	
- Phase 1 Assimilating matching	38
- Phase 2 Ring fencing/competitive interview	38
- Phase 3 Redeployment & possible redundancy	39
Managers responsibilities	40
Assimilation Pay & Protection arrangements	41
Appeals	41
Flowcharts, Forms	
2A. Flowchart of Assimilation Procedure	43
2B. Assimilation Assessment Form	44
2C. Competitive Interview & Assessment Guide/Form	46
2D. Appeal Request	55

Assimilation & Selection Procedure

1. Introduction

- 1.1 These procedures and guidelines specify the processes involved to place employees in a new structure.
- 1.2 The Council will:
- Seek to keep any disruption to services and service users as minimal as possible
 - Wherever possible assimilate employees into suitable posts
 - Inform affected employees of procedural arrangements and outcomes of decisions made
 - Assimilate employees on pay protection arrangements in accordance with current Council policy
 - Ensure that recognised Trade Unions are kept informed and meaningful and timely consultation takes place

Placing employees in the new structure

- 1.3 Before taking any action to implement a restructure (or changes that impact on employees job roles) the manager should have already communicated and consulted with affected employees and recognised Trade Unions about the scope, extent and impact of the changes anticipated. The consultation process includes informal and formal statutory consultation requirements.
- 1.4 At the end of the formal consultation period, affected employees should be informed of the outcomes of the consultation and also informed of the next stage of the process.
- 1.5 Where the change process involves a restructure, this could involve the deletion or creation of new posts. In order to place employees fairly in the new structure, the old and new structures should be compared on a post-by-post basis to establish how each post is affected. This is shown in the table below:

Unaffected	<p>A post is 'unaffected' when:</p> <ul style="list-style-type: none"> ▪ There is no change to the job profile/job description, although the number of these jobs may stay the same or increase. Where there is a change to the job title/reporting line only (but no change to the job activities or grade) then the post is unaffected
Deleted	<p>A post is 'deleted' when:</p> <ul style="list-style-type: none"> ▪ A post in the old structure is no longer in the new structure or ▪ The number of same or substantially similar posts in the new structure is less than the employees in post or ▪ A post in the new structure has changed substantially and while the overall numbers of posts may not have changed the original post has in practice been deleted

Changed	<p>A post is “changed” when</p> <ul style="list-style-type: none"> ▪ A proportion of duties remain but the job may be noticeably different although the number of posts may be the same or decrease/increase
New	<p>A post is ‘new’ when:</p> <ul style="list-style-type: none"> ▪ The post has been newly created or ▪ Some of the functions of a substantive post are evident in a new post and so the post is considered new. Where the post has changed, a matching process will determine whether the change is significant or not.

Depending on how each job in the new structure has been categorised, the manager will individually advise each employee and confirm in writing that they are to be either: -

- Assimilated into a role in the new structure; **or**
- Enter the selection pool, some times referred to as “ring fencing” i.e. these employees will be in competition for a limited number of posts in the new structure; i.e. less posts, more staff **or**
- Enter the redeployment pool should their post be deleted and there are no new job alternatives.

1.6 Employees will move to the redeployment pool if they do not secure a post in the new structure. The manager must actively seek opportunities for redeployment beyond the affected work area. The Chief Officers should seek to review all vacancies across their own service area or cluster in order to avoid redundancies. All agency, interims and consultant positions should be reviewed.

1.7 Employment Relations must be consulted at all stages of an assimilation process to ensure the correct process is followed.

2. Voluntary Redundancy/ Early Retirement or Flexible Retirement requests

2.1 In some circumstances, where employees may be displaced and the likelihood of finding redeployment opportunities is low, management may ask affected employees whether they would like to volunteer for redundancy, or flexible or early retirement. A request does not automatically mean that the application will be accepted, only that they are expressing an interest. Where an employee has reached the age of 55 voluntary redundancy may trigger the automatic release of a pension, this is known as early retirement.

2.2 An employee aged 55 who is a member of the Local Government Pension Scheme and who is made redundant will be automatically eligible for pension entitlement. In all instances, a business case must be submitted to the Discretionary Payments Panel in order to recommend the appropriate levels of discretionary compensation, if any, in accordance with the Council policy (Discretions Policy Statement).

2.3 Early retirement is costly and incurs additional payments to the pension fund. This factor must be balanced in any decision to approve the request. Managers should

obtain an estimate of costs from pensions section and discuss with their Chief Officer. A business case then needs to be forwarded to the Discretionary Payments Panel.

- 2.4 Flexible retirement refers to provisions in the LGPS whereby a member of the pension scheme who reduces their hours or rate of pay may choose to take their pension (with their employers consent) at any age from 55 while continuing to work. As with other methods of early retirement the benefits may be reduced because of early payment. The Council will consider flexible retirement in cases where there is no or minimal cost to the Council subject to identification and resolution of any business delivery issues. All requests will be considered on business needs and budget availability.
- 2.5 Managers need to have a solid business rationale for approving (or not) an employee's early retirement. The decision should not be based on age but be based on skills mix required and service needs. Costs are a key consideration but cannot be the avoiding factor, unless business reasons are provided to the service Chief Officer, service Director or CHRO. Each case will be considered on merit.

3. Assimilation Procedure

- 3.1 Assimilation is the process by which jobs are matched or placed in new structures or/and where there are significant changes to job descriptions. Managers should always seek advice from Employment Relations before starting the process.
- 3.2 This procedure may be adapted by agreement with the Trade Unions and employees to suit the particular circumstances of the restructure. Any queries or disputes as to the interpretation of the process must be referred to Employment Relations.
- 3.3 The procedure will determine whether those employees whose posts are to be deleted, should move into posts in the new structure. The process involves identifying where there is a substantial overlap between the duties in the old post (or current post) and duties in the new post.
- 3.4 Assimilation therefore involves matching the duties set out in the old and new job descriptions, (excluding criteria that are common to all job descriptions, e.g. equalities and diversity, health and safety and mission statements). Time spent on job duties will also need to be considered.
- 3.5 If an employee has been acting up to the full duties of a post for more than 4 years (and can demonstrate this), then consideration may be given to whether or not s/he has assimilation rights. Honoraria or secondment payments will not normally be taken into account during the matching process nor shall individual performance issues, as this is (at this stage) a paper-based exercise.
- 3.6 As matching will be against the duties detailed on the job description only, managers must ensure all employees have a relevant, up to date job description before starting the process. Where there is not an up to date job description, the manager must prepare and agree with the employee a list of the job duties and responsibilities currently undertaken. This can then be used to match against those of the new post/job description.

3.7 Employees can be assimilated up to one grade higher or no more than two grades lower. If the grade is more than one grade higher, then a competitive/selection interview process should apply. In some instances during the assimilation process there may be a need to ring fence employees.

4. Matching Process

4.1 Comparisons are made of posts in the old and new structure starting with the most senior posts first, with the remaining posts appointed to in order of seniority. of posts. There are initially 3 phases undertaken as follows:-

Phases	Matching Process
Phase 1	Assimilated into a role in the new structure (65% match i.e. "slotted in")
Phase 2	Less than 65% of a job match will enter the selection pool, sometimes referred to as "ring fencing" these employees will be in competition for a limited number of posts in the new structure, i.e. less post, more staff
Phase 3	Enter the redeployment pool should the individuals' post be deleted and there are no new job alternatives

4.2 A panel, comprising of the employee's immediate line manager, a manager outside of the service area and a recruitment adviser or HR representative, should undertake the matching process. In all instances, the assimilation assessment form must be completed. This will specify the extent of the match.

4.3 Phase 1: Assimilation Matching

The first phase of the process will be to assimilate staff against roles that have changed. Where 65% or more of the content of the substantive role matches the new role an individual can be matched and placed in the new role unless there are two or more employees similarly matched. In the latter circumstances a selection process will be undertaken. Where employees meet 65% or more match, they may be "slotted into" the new roles without an interview.

4.4 Where there are clear similarities between the duties of the old and new job descriptions and/or the time spent on specific tasks, but less than a 65% match, the post will be ring fenced and a selection process undertaken.

4.5 Phase 2: Ring Fencing/Competitive Interview

The second phase of the process will be to match staff to significantly changed or newly created roles. Employees may be asked in writing to state a preference for a particular role within the new structure.

4.6 Ring fencing can also apply when there are more employees than posts vacant or that are available in a new structure. Employees can be categorised for ring fencing because:

- They meet the minimum criteria for the post
 - There are more employees of an equivalent grade and duties than posts
 - That the duties of the post (but not necessarily the grade) could be equivalent to that of the new post).
- 4.7 In large restructures such as a whole service review, ring fencing may involve reviewing the different layers/level or tiers of the organisation in order to decide who should be ring fenced, for assimilation purposes.
- 4.8 Competitive interviews are used as a selection process for those in the ring fence pool of employees.
- 4.9 A selection process (Appendix 2C) will be undertaken to match the right person to the most appropriate job depending on skills, knowledge and competency level. To determine this the selection (competitive interview) will be based on the following factors:
- Fit against competency requirements
 - Skills/knowledge
 - Competitive interview
 - Attendance record
 - Active disciplinary/capability record
- 4.10 **Phase 3: Redeployment & Possible Redundancy**
- The third phase of the process will be to manage those individuals who have not been assimilated or successful following a competitive interview. At this stage, the manager should request redundancy/pension estimates from the Discretionary Payments Panel (DPP).
- 4.11 In such cases, employees will be informed in writing (by the manager) that they have been unsuccessful and effectively displaced from a role in the new structure. Managers should issue the notice of dismissal to displaced employees after the competitive interview or as soon as it is known that there are no longer any other suitable posts available within the affected service or cluster. Most employees have a one to three month notice period. For the minority of employees who have a contractual notice period of *less than* four weeks this will be extended to four weeks to help them look for redeployment. See also 4.13.
- 4.12 Displaced employees must complete a redeployment skills form and be placed in the redeployment pool. The form will enable the recruitment team to match where possible, redeployees against suitable vacancies within the Council.
- 4.13 The “notice of dismissal by reason of redundancy” letter should state the contractual notice period (four weeks minimum) and end date of employment specified. The Chief Officer should authorise the notice of dismissal letter. If necessary, the termination date for dismissal may be extended to allow sufficient time for a redeployment trial period to take place with the end date of dismissal coinciding with the end date of a trial period. If the trial period is unsuccessful the employee does not return to the redeployment pool; the new

dismissal/termination date applies. DPP approval may need to be re assessed should the end date of dismissal be extended.

- 4.14 Whilst the employee is working their dismissal notice, s/he will remain on the redeployment register up to and including the last day of service. Should permanent alternative employment be found during this period then the redundancy notice shall be withdrawn.
- 4.15 In all instances once the matching process has been completed and decisions made, the manager should inform the employee verbally and in writing. The manager should keep records of any interviews or matching documents for 12 months from the date of the assessment.
- 4.16 The immediate service/cluster will need to consistently review agency staff, consultants and all funded vacancies to maximise job possibilities. It is the responsibility of the manager to seek suitable alternative position/s within the immediate service/cluster as soon as possible.
- 4.17 If an employee rejects an offer of suitable work, without good reason, they will forfeit any entitlement to a redundancy payment and may be dismissed with no liability on the Council to make statutory redundancy or any additional compensation payments.

Managers Responsibilities

- 4.18 Where there are a number of redundancies anticipated in one service area, any posts that are not filled through assimilation should, in the first instance, be advertised amongst any other affected employees in the service who may be displaced. Following this, they should be advertised in accordance with the normal recruitment procedures
- 4.19 The manager should inform and confirm in writing:
- New employees are to be assimilated
 - If they are to be assimilated after a successful interview
 - If assimilation or interview cannot be offered and why
 - The reasons for allowing someone else a prior claim to a job to which they might otherwise expect to be assimilated
 - The outcome of any selection interview they have and any pay and protection rights if they are successful
 - That employees may appeal within five working days against the decision
- 4.20 Employees are entitled to:
- Be consulted in good time about the impact of any restructure
 - Be kept informed of progress, particularly in relation to their own job role
 - Access the job description and person specification which form the basis of the decision to assimilate
 - The right of appeal

- 4.21 Specific arrangements should be made for employees who are on maternity/paternity or adoption leave or are absent through ill health. Where the process involves an employee with a disability the Disability Employment Co-ordinator must be consulted.
- 4.22 Applicants should be interviewed by a panel comprising of a line manager, manager external to the service/unit with an HR Advisor in attendance.
- 4.23 The manager should confirm the time and date of the interview. All employees interviewed should be informed in writing of the outcome, and what happens to them next.
- 4.24 Employees not placed should either be offered another place in the structure or be placed on the central redeployment register.

5. Assimilation: Pay & Protection Arrangements

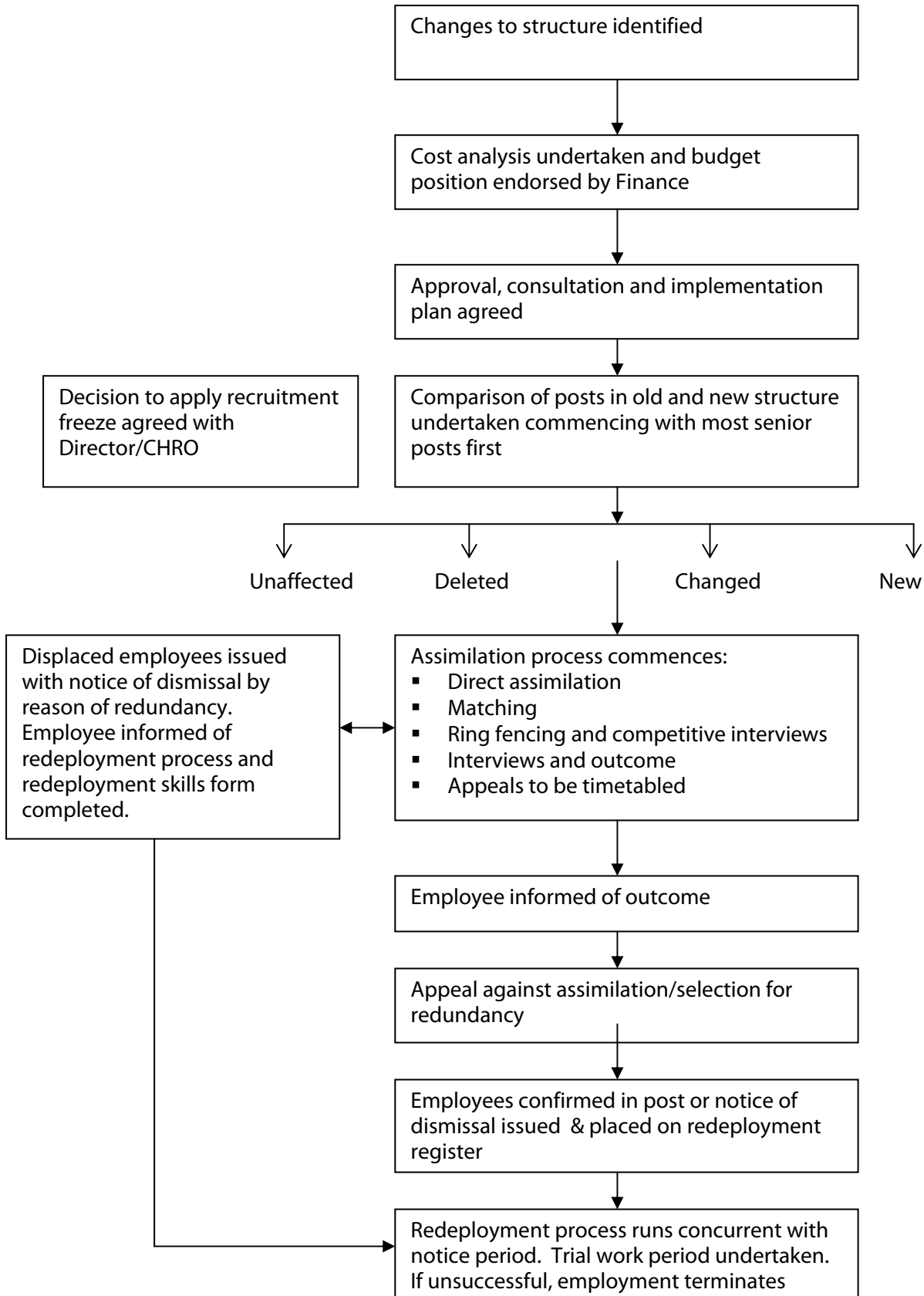
- 5.1 Employees can be assimilated into a post up to up to one grade higher or up to two grades lower. Employees assimilated into posts at a lower grade will have their basic salary protected. This protection will apply for 12 months. After this period they will be placed on the top of the grade of the post they have been assimilated into.
- 5.2 Should an employee be assimilated into a higher graded post, they will be placed on the bottom spinal point. If this is lower than the salary of their current substantive post then they should be placed on the spinal point nearest to their current equivalent salary.
- 5.3 Shift allowances, weekend enhancements, bonus, honoraria or any recruitment and retention supplement will not be protected if there is no requirement to work these arrangements in the new post. Employees should only be paid the allowances and hours applicable to the new post.
- 5.4 Where an employee has been provided with salary protection as a result of assimilation (or redeployment), they will be expected to co-operate fully with any reasonable proposal by management to undertake suitable project work or duties for the duration of the salary protection arrangements.

6. Appeals

- 6.1 All employees have the right of **appeal against decisions relating to assimilation or selection for redundancy**. These must be heard by a panel comprising of a Director or Chief Officer outside of the employee's immediate Service Area supported by a HR advisor.
- 6.2 Employees wishing to appeal must write to the Employment Relations Manager within five working days of selection for redundancy or selection of notification of assimilation. The panel should be convened within 10 working days of receipt of the request.

- 6.3 An employee who wishes to appeals **against dismissal by reason of redundancy** must be sent in writing to the Chief Human Resources Officer within seven working days of the receipt of the decision. This should be forwarded to ER for progressing. Members will hear appeals against dismissal by reason of redundancy.
- 6.4 All appeals must state:
- Specific grounds for appeal
 - Desired outcomes

FLOW CHART OF ASSIMILATION PROCEDURE



ASSIMILATION ASSESSMENT FORM

CONFIDENTIAL: This form to be used by the assimilation panel

Name of Employee:	Panel Members:
Employee's Current Job Title:	Current Grade:
Job Title of Post for Assimilation	Evaluated Grade of Post for Assimilation:

(Insert Current and New Job Description in the relevant columns below)

Current Job Description	New Job Description	Extent of match (specify %)	Evidence
Key Activities:	Key Activities:		
		Total Score (specify %)	

Panel Decision:		
The employee's current post does/does not (delete as applicable) match 65% of the new job description for the following reasons:		
Assimilation is approved/not approved (delete as applicable)		
Chair of Panel:		
Name:	Job Title:	Date:
Date Employee informed (verbally):	Date Employee informed (in writing):	
* Date new contract issued (if appropriate):		

* Copy to be placed on Personal File.

To select the 'right' person with the best fit for a role in your department, which is new or changed, or where a competitive interview is required the following process will apply.

Individuals will be assessed by their line manager as to how well they apply themselves and take responsibility to perform their current day-to-day duties and meet objectives (**Part A** of the assessment form).

The line manager will give a rating based on the individuals' discipline and sickness record (**Part A** of the assessment form).

A competency assessment based on the skills and competence required in the new job being considered for will be made by the collective competitive interview panel (**Part B** of the assessment form).

An overall assessment is made as to whether the individual has the right attributes for the role both in terms of competence and skills and behavioural conduct when performing the role (**Part C** of the assessment form).

GETTING READY

- Consider the Person Specification for the required role – is it still valid?
- With HR, use LBR competencies to customise the selection criteria (Part B form) to reflect required role
- Obtain Performance Review and one to one or supervisory meeting documents
- Check dates and total number of sickness absence days. Liaise with HR to check number of spells and days on Trent system
- Review Performance over the last year with particular emphasis as to how the individual goes about the job to deliver work tasks/responsibilities
- Solicit and reflect on feedback from others e.g. customers
- Think of specific examples of good performance
- Think where performance could have been better, and why

CONDUCTING THE ASSESSMENT

- Identify and use only relevant performance criteria for required role
- Where competencies of Performance Management or Leadership do not apply insert 'Not Applicable' in the Point Score column
- Performance** - work with HR to assess the individuals performance against criteria
- Use positive and negative indicators
- Skills/Competence** – Using Person Specification rate the relevance/importance of skills/competence for the considered job
- As part of competitive interview panel rate individuals performance against criteria

SCORING THE FORMS

- Performance** – consider performance over the whole year
- State examples of good and poor performance – be objective
- Document your evidence around performance and conduct
- Rate performance and conduct on scale of 0-3
- Skills/Competence** - as part of the competitive interview panel, observe and take notes
- Classify information against criteria
- As a panel, award a point score on scale of 0-3
- Look at the evidence from both Part A and B of the process and weigh up evidence
- Form an objective judgement and award an overall score of 0-3 to reflect both skills/competence and performance Part C
- Next Step:** The outcome from the selection process will be fed back to the individual in line with timings on 'milestone plan'
- If challenged about rating given have evidence to substantiate

PART A

This form should be used in conjunction with Part B – Line Manager to complete both

Name of Employee:..... Job Title:..... Date:.....

PERFORMANCE ASSESSMENT CRITERIA

The following scores are based on performance over the last year

COMPETENCE: Please note, the competence descriptions in the table below must <i>not</i> be modified/changed.					Point Score
Management Skills					
This following section is only applicable to people managers					
Performance Management	Does not deal with performance issues as quickly as he/she should. Allows poor performance to continue for unacceptable length of time. No evidence of 'active' people management	Identifies problems and brings them to the attention of their manager. Prepared to meet and discuss issues with employees to encourage improved performance. Displays a lack of 'active' people management in pursuing issues through to resolution.	Identifies problems and discusses with employees, coaching and giving feedback, to encourage improved performance. Sets timescales for improvement and also reviews performance within the agreed timescales. Takes informal and formal action when appropriate. Regarded by others as an 'active' people manager.	Identifies problems and discusses with employees, coaching and giving feedback, to encourage improved performance. Sets timescales for improvement and also reviews performance within the agreed timescales. Takes informal and formal action when appropriate. Willing to confront issues to constantly improve and 'raise the bar' of performance. Recognised by others as a 'proactive' people manager.	
Points	0	1	2	3	
Evidence (continue on separate page if needed)					

Leadership	Does not delegate to, motivate or lead the team. Shows little sign of using the appraisal process as a development tool. Does not regularly review objectives and performance targets.	Delegates, motivates and leads the team to achieve service objectives. Uses the appraisal process as an opportunity to encourage and develop the team. Sets realistic performance targets, which are reviewed twice yearly in line with the appraisal cycle.	Delegates, motivates and leads the team to achieve cluster/service objectives and, with the team, sets individuals' challenging goals and objectives. Uses the appraisal process as an opportunity to encourage and develop the team. Uses effective questioning/listening techniques to achieve the most from the meeting. Sets realistic performance targets and reviews them regularly through one to ones.	Delegates, motivates and leads the team to achieve or exceed cluster/service objectives by encouraging them to set their own goals and support self-development. Uses the appraisal process as an opportunity to encourage and develop the team to achieve higher standards of performance. Sets stretching performance targets and reviews them on a continuous basis, giving support when necessary. Prepared to give on-going feedback and coaching to continually improve performance and develop individuals.	
Points	0	1	2	3	
Evidence; (continue on separate page if needed)					

All Employees : This section is applicable to all employees				
Effectiveness	Rarely achieves performance to the required standards or produce outputs expected. Requires close supervision, rework or checking. Low effort.	Sometimes achieves performance to the required standard and will produce expected outputs at times. Some checking or rework needed. At times lacks effort.	Regularly achieves performance to the required standards. Produces outputs expected. Little supervision required. Rarely needs rework or checking. Good standard of effort shown.	Frequently performance exceeds the required standards. Produces not only outputs but also outcomes expected. Exceptional effort demonstrated. Needs no supervision.
Points	0	1	2	3
Evidence; (continue on separate page if needed)				
Team Working	Opinionated or arrogant, lacks sensitivity. Tends to disrupt teamwork and fails to co-operate with others. Limits the development of own people.	Sometimes insensitive. Does not take active part in teamwork. Sometimes integrates own action with others. Takes little part in the development of others.	Regularly demonstrates sensitivity towards others. Operates effectively in a team as appropriate. Develops own people within current operations.	Demonstrates a high level of sensitivity towards others. Highly effective in teams and encourages teamwork. Pro-active in developing own people and seeks to empower them further
Points:	0	1	2	3
Evidence; (continue on separate page if needed)				

Initiative	Does not use own initiative. Requires detailed instruction on a task before taking action.	Sometimes uses own initiative. Tends to wait for some instruction before taking action.	Regularly applies own initiative effectively. Often initiates the appropriate action to resolve the issue.	Seizes the initiative. Generally anticipates opportunities/problems and originates the appropriate action.	
Points:	0	1	2	3	
Evidence; (continue on separate page if needed)					
Flexibility/Commitment	Inflexible in attitude. Operates well within the clearly defined boundaries of own role. Tends to take a rigid approach to carrying out tasks. Unable or unwilling to cope with multi-tasks.	Sometimes inflexible in attitude. At times will demonstrate a willingness to undertake work outside scope of own role. Occasionally takes a different approach to carrying out tasks. Can cope with a variety of tasks.	Flexible in attitude. Regularly demonstrates a willingness to undertake work outside scope of own role. Regularly takes a new or different approach to carrying out tasks to effective resolution. Has energy and pace. Presents a positive image.	Extremely flexible in attitude and demonstrates a 'can do' attitude. Always willing to undertake work outside the scope of own role. Will want to seek out the most effective way of carrying out a task, using new and different ways. Has pace and energy, demonstrating persistence, drive and tenacity in achieving objectives and initiating actions.	
Points:	0	1	2	3	
Evidence; (continue on separate page if needed)					

Outlook/Change	Unable or unwilling to adapt to requirements of the role. Negative in attitude. Resistant to change.	When directed is prepared to adapt style to changing needs of role or department. Is positive in attitude.	Can adapt style to respond to different situations without being requested. Is positive in attitude	Has insight and consistently adapts style to different situations. Has the ability to be flexible in almost all situations. Deals with setbacks in a constructive manner	
Points:	0	1	2	3	
Evidence; (continue on separate page if needed)					
TOTAL SCORE					

DISCIPLINE/SICKNESS RECORD

					Point Score
Discipline Record	Final written warning active on file	1 st written warning active on file	Oral warning active on file	No disciplinary warning active on file	
Points:	0	1	2	3	
*Sickness Absence (rolling period)	Above 7 days of sickness absence per year. Over 4 episodes of sickness absence in a year	5-7 days of sickness absence per year. 3 - 4 episodes of sickness absence in a year	3-4 days of sickness absence per year. 2 - 3 episodes of sickness absence in a year	0-2 days of sickness absence per year. Maximum of 2 episodes of sickness absence in a year	
Points:	0	1	2	3	
Total Score:					

*** Absences related to maternity should be excluded. Any absences relating to a disability should be taken into account. There may also be other absences due to mitigating circumstances e.g. accident at work.**

ADDITIONAL COMMENTS	
Factors that may have influenced the scores:	
Any mitigating circumstances: (e.g. does the employee have a disability or is there reasons why the scores may be low)	

Print Name:	Manager's Signature	Date:
Signature:		

SKILLS/COMPETENCE ASSESSMENT DOCUMENT

Employee's Name

Current Job Role

New Job:

Has the employee a disability? YES/NO

Left hand column to be completed by Line Manager pre competitive interview

Right hand column to be completed jointly by the Interview Panel post-competitive interview

Relevance to job being considered for				Skills/Competence taken from the person specification (these will change depending on Job) and Council Core Competencies.	Interview Panel Rating				Point Score (- x -) = score
0	1	2	3		0	1	2	3	
				People Management & Development Leadership, coaching, developing others, relationship building, team working					
				Communication and Influencing Oral, clear, concise communication, influential. Persuasive, empathetic					
				Self Awareness and Control Knows strengths and limitations, sets high standards, attention to detail, monitoring progress, thinking ahead					
				Analysis and Judgement Breaks problem down, seeks relevant information, flexible and creative, draws inferences, makes rational decisions					
				Interpersonal Skills Sensitivity to others, teamwork, developing standards, awareness of service delivery issues. Seeks feedback					
				Customer/Client Orientation Understanding Customer/Client needs and developing standards, awareness of service delivery issues. Seeks feedback					
				Technical Competence e.g. systems knowledge, project management, budget management negotiation skills					
				Potential for Development Potential to develop beyond current job role					
					Total Score				

Comments: (e.g. indicate any reasonable adjustments that need to be taken into account)

Recommendation as to how well employee meets competencies for required job role:

3 – Excellent Fit
 2-Good Fit
 1-Partial Fit-needs development
 0-Not suitable

Chair of Panel; SIGNATURE

PRINT NAME:

DATE:

SIGNATURE:

OVERALL ASSESSMENT SCORE

PART C

This form summarises the scores taken from forms *Part A* and *Part B* and shows an overall assessment rating for the individual taking both skills/competence and performance into account

Name of Employee..... JobTitle..... Date.....

Performance Assessment Rating (Part A)

Skills/Competence Assessment Rating (Part B)

Total Score

Total Score

Issues to be taken into account:
Describe any issues that might have affected the individuals' performance e.g. recent change of role, change of manager, personal issues.

Chair of Panel; SIGNATURE

Print Name: _____ **Date:** _____

Signature: _____

Appeal Request

This form can be used by an employee when seeking an appeal against the process or decision relating to assimilation, or selection for redundancy, and dismissal by reason of redundancy. Please send this completed form and written grounds for your appeal marked **PRIVATE AND CONFIDENTIAL**. This must be done within 5 working days for assimilation or selection for redundancy (return to ER) or 7 working days if appealing against dismissal by reason of redundancy (send to Chief Human Resources Officer).

Employee Details:	
First Name:	
Current Job Title:	
Cluster/service	
Employee Representative Details:	
You are entitled to be accompanied/represented at your appeal by a trade union representative or work colleague	
Will you be accompanied/represented by a trade union representative/work colleague at your appeal YES/NO (please delete as appropriate)	
Name of your representative (if known):	
Nature of Appeal:	
Please indicate the nature of your appeal – tick one box only	
a) Assimilation process or decision	<input type="checkbox"/>
OR	
b) Selection for redundancy	<input type="checkbox"/>
c) Dismissal by reason of redundancy (Members Appeal)	<input type="checkbox"/>
Grounds for Appeal	
You must attach written ground(s) for your appeal and include your desired outcome;	
<ul style="list-style-type: none"> ▪ If your appeal relates to an assimilation process or outcome, provide specific written grounds as to how your current duties match those of the post you believe you should have been assimilated into <li style="text-align: center;">or ▪ If your appeal relates to not being included in an assimilation process for a post you feel you have a claim for, please provide written reasons why you feel you should have been subject to an assimilation exercise for this role ▪ If your appeal is against a redundancy decision please provide written reasons as to why you are appealing against this decision 	
Please ensure that your written evidence is securely attached. Please also state any mitigating circumstances that may have affected the decision.	

Appendix 3 – Redeployment Procedure

Contents	Page
Procedure	
Introduction	57
Redeployment Period & Support for Employees	58
Redeployment Procedure & Redundancy Notice Requirement	58
What is suitable alternative employment	59
Matching Redeployee for Posts & Trial Period	59
Women on Maternity Leave	60
Redeployment Pay & Protection Arrangements	61
Employee’s obligations	61
Unsuccessful redeployment trial periods	61
Ill Health Redeployment	62
Managers responsibility	62
Flowcharts, Forms	
3A. Flowchart of Redeployment process	63
3B. Jobfinder Skills Analysis Form	64

Redeployment Procedure

1. Introduction

- 1.1 The Council seeks to avoid placing employees in a potential redundancy situation by;
- Considering recruitment freezes
 - Reducing agency/interim/consultancy costs
 - Any other means that mitigate redundancy costs
- 1.2 The redeployment procedure should be used whenever an employee is displaced by reason of a restructure, or at risk of redundancy. There also may be a requirement for a manager to seek a suitable job alternative for an employee on the grounds of disability, in which case the matching process will still apply and any reasonable adjustments taken into account.
- 1.3 In some circumstances, the Chief Human Resources Officer (CHRO) may agree to the procedure being applied in other instances when:
- To do so will help resolve serious interpersonal issues identified following a formal investigation (such as an Employment Tribunal) or
 - Services are transferred to an external provider/partner (provided there has been agreement that employees can be considered for vacancies within the Council as an alternative to being transferred)
- 1.4 The Council cannot guarantee that all displaced employees will be offered a suitable alternative position, nor is there a minimum number of alternative offers. However, every effort will be made, up to and including the last day of service to identify a suitable redeployment opportunity and if successful, redundancy notice will be withdrawn.
- 1.5 The Council will make every effort to ensure that employees' with disabilities stay in employment; in some instances redeployment may be an alternative. Where appropriate, a trial period for redeployment may be extended for employees with a disability, pregnant women or if there are extenuating circumstances.
- 1.6 Employees will continue to be employed in their service area until they are redeployed or their employment is terminated. The normal line management arrangements will apply and the manager should support the employee with advice and assistance to continue to help them obtain redeployment.

2. Redeployment Period and Support for Employees

- 2.1 As soon as it is confirmed that an employee has been displaced as a result of re-organisation/change process, the manager should meet with the employee and issue written notice of dismissal by reason of redundancy. The employee should be placed (subject to completion of redeployment skills form) on the

redeployment register. Alternative employment up to and including the last day of service will continue to be sought, and, if successful, the redundancy notice shall be withdrawn. There is no guarantee that alternative work may be available or will be found. Nor is there any entitlement to a minimum number of alternative offers.

- 2.2 The employee will work their contractual notice period concurrently whilst the search for redeployment is carried out. If an employee has a contractual notice period of less than four weeks then this will be extended to four weeks to assist them in the search for alternative employment.
- 2.3 Employees will continue to be employed in their service area until they are redeployed or their employment is terminated. The normal line management arrangements will apply and the manager should support the employee with advice and assistance to help them obtain redeployment.
- 2.4 Employment Relations or/and Recruitment will advise managers on the redeployment process and ensure that this is carried out in accordance with the Council's procedure.
- 2.5 Employees are required to fully co-operate with the redeployment process. They are required to;
 - Complete the Council's Redeployment Skills form
 - Be as flexible as possible in the work to be considered
 - Prepare well for interviews and to consider all reasonable offers of alternative work
 - Play an active part in seeking an alternative role
 - Fully participate in trial periods
- 2.7 If employees reject an offer of suitable alternative work, without good reason, they will forfeit any entitlement to a redundancy payment and may be dismissed with no liability on the Council to make redundancy or other discretionary compensation payments.
- 2.8 Support for employees may include:
 - Assistance with completing the Redeployment Skills Form
 - Counselling/Access to help line
 - Training or development as appropriate and within financial constraints
 - Reasonable time off to attend interviews

Redeployment Procedure & Redundancy Notice Requirements

- 2.9 The manager will arrange a meeting with the employee and Employment Relations (or/and Recruitment) to explain the redeployment procedure, employee's responsibilities during the process, and offer any support required.

An employee's request for help in identifying transferable skills, completing redeployment skills form, career advice or counselling should be positively

considered. For employees with a disability, the Disability Employment Adviser or ER should be contacted.

- 2.10 The Manager should ensure that the employee's contractual employment notice period coincides with the last day on which the employee is required to work: thus negating the need for pay in lieu of notice. If this is not possible, the manager should agree with their Chief Officer any payment in lieu of notice. Any holiday entitlement should be taken during the notice period. The manager must seek ER advice before issuing.
- 2.11 All reasonable attempts for redeployment will continue up to the last date of employment. Should the employee be successful and a permanent position be found, then notice of dismissal will be withdrawn.
- 2.12 There may be instances when a redeployee has been offered a trial period whilst working their contractual notice. It may therefore be possible for the employee to complete a trial period whilst working their contractual notice. If the employee is unsuccessful at the end of this period, then the date of dismissal still applies. If necessary the termination date for dismissal may be extended to allow sufficient time for the trial period to take place with the end date of dismissal coinciding with the end date of the trial period. If the trial period is unsuccessful the employee does not return to the redeployment pool; the new dismissal/termination date applies. DPP approval may need to be re assessed should the end date of dismissal be extended.
- 2.13 Close contact and communication between the manager, Employment Relations and ER should be maintained. The line manager is responsible for ensuring that the employee is kept informed and should maintain weekly contact with the recruitment team. Employment Relations will offer advice with Recruitment closely monitoring the redeployees progress.

Suitable Alternative Employment

- 2.14 The meaning of suitable alternative employment is broadly that the employment offered must be substantially equivalent to the post, which has been lost. In deciding what is suitable alternative employment, managers must consider:
- The pay and grading of the new post
 - The nature of duties and recognised qualification
 - Location of work
 - Relevant medical considerations
 - Employees particular circumstances

Matching Redeployees for Posts and Trial Periods

- 2.15 The HR Recruitment Team will monitor all vacancies for potential redeployment opportunities and match these against employees kept on the central redeployment register. In instances where there is a large scale Council restructuring a freeze may be placed on all vacancies. The Chief Human Resources

Officer CHRO) may therefore recommend a moratorium on all vacancies to Management Board. It is expected that service areas will review the use of agency staff and interims during this period. Any secondments or other possible job opportunities should be considered for redeployees.

- 2.16 In all instances where redeployee/s meet 65% of the person specification/job description of a suitable vacancy, then managers must interview them before advertising externally.
- 2.17 All redeployees must complete a redeployment skills form and will be considered before any other applicants for vacancies are invited to interview. A record of the interview must be kept by the panel and details as to why the redeployee does not meet 65% of the job criteria, if unsuccessful.
- 2.18 Redeployees will be assessed against the person specification to see whether they match the minimum criteria for the post i.e. meet the essential skills and ability criteria and with additional training, supervision and support can be expected to meet the essential criteria (65%) within a reasonable period. If two or more redeployees apply for the post, selection will be by competitive interview.
- 2.19 Where employees meet the requirements for the post, they should be offered a (28 day or 4 week) trial period during which they will be monitored weekly by the incoming service to assess their competence and suitability. The trial period may be extended e.g. for an employee with a disability or for pregnant women or for retraining purposes. During the trial period employees should continue to be paid at their substantive rate of pay.
- 2.20 If the redeployee is successful at the end of the trial period, recruitment will confirm an offer of a permanent position. If the redeployee is unsuccessful, then they should return to their service area up until the end of their contractual notice period. Normal line management arrangements will apply and the employee should continue to be supported.
- 2.21 Where an employee has been issued a redundancy dismissal notice (end date of employment) and can complete a redeployment trial period during this time, should the trial period be unsuccessful, the employee's employment contract will be terminated according to the date set out in the redundancy dismissal notice.

Women on maternity leave

- 2.22 A woman on statutory maternity leave has a legal entitlement to return to work. If this is not possible (due to a potential redundancy situation) to return to her position, she has the legal right to a comparable vacant post. The effect of this legal right is that she must be offered any position that is a suitable alternative in preference to other staff. The new job must be suitable and appropriate and not substantially less favourable than the previous contract. This does not mean that the employee cannot be selected for dismissal by reason of redundancy.

Redeployment Pay & Protection Arrangements

- 2.23 Employees can be redeployed into a suitable alternative post that may be up to one grade higher or up to two grades lower. If redeployed into a lower grade, their basic substantive salary will be protected for a period of 12 months.
- 2.24 Where the employee is redeployed into a lower grade at their own request, or if redeployed as a result of capability, then pay and protection arrangements will not apply.
- 2.25 Shift allowances, weekend enhancements, any additional payments such as, honorariums (or any recruitment and retention supplement) will not be protected if there is no requirement to work these arrangements in the new post; employees should only be paid the allowances and hours applicable in the new post.
- 2.26 The Council will not contribute towards the cost of or reimbursement in full, any difference in commuting expenses as a result of assimilation or redeployment or business reasons.
- 2.27 The service area that the redeployee is transferred to, will meet the costs of any pay and protection arrangement. However, during the trial period of redeployment, the employee's salary will continue to be paid by their substantive service area and during any redeployment extension period.

Employee's obligations

- 2.28 An employee in receipt of pay protection is expected to co-operate fully with any reasonable proposal by management to undertake suitable project work or duties. S/he should also be prepared to be seconded on a temporary basis to other work that has been evaluated at a level closer to their protected rate of pay.
- 2.29 All employees are expected to co-operate with redeployment requirements.
- 2.30 Where an employee has been offered salary protection as a result of assimilation or redeployment, the employee is also expected to co-operate fully with any reasonable proposal by management in order to better utilise their skills and experience for the duration of the salary protection arrangements.
- 2.31 If an employee rejects an offer of suitable alternative work, without good reason, they may forfeit any entitlement to a redundancy payment and may be dismissed with no liability on the Council to make statutory redundancy or any additional discretionary compensation payments.

Unsuccessful Redeployment Trial Periods

- 2.32 If the redeployment is unsuccessful after a trial period, the manager of the trial position to the individual should explain the reason(s). The employee should then

return to their Service Area whilst attempts to redeploy continue and dismissal notice continues.

III Health Redeployment

- 2.33 In ill health cases, the situation will be kept under regular review by the manager and advice sought from the Council's Occupational Health Service. Where redeployment is not possible and the Medical Officer's view is that the member of staff cannot continue in the substantive post, their service may be terminated (refer to the Sickness Absence Procedure 2010).

3. Managers Responsibility

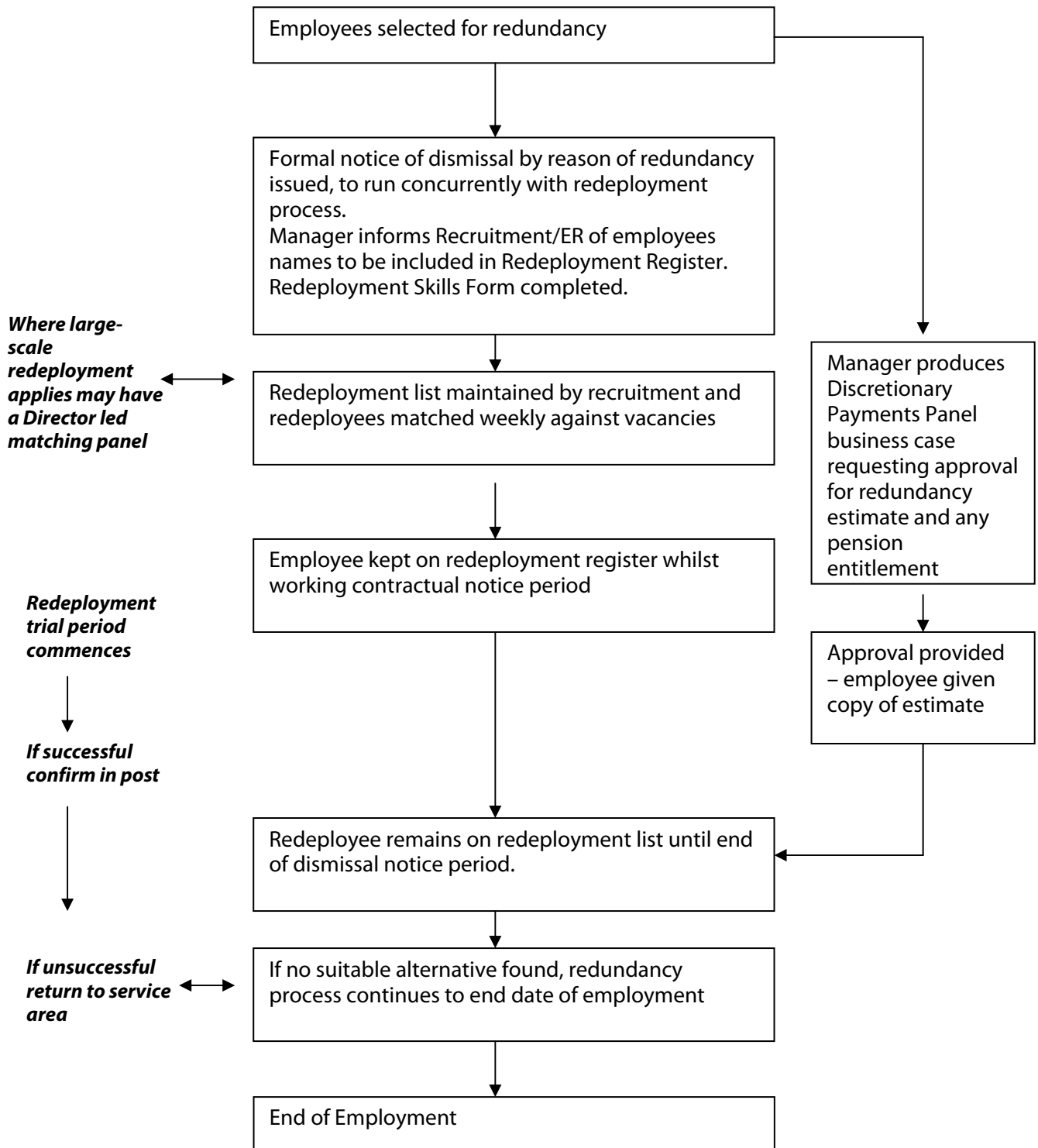
3.1 The manager must:

- Forward details of redeployees to the Recruitment Team
- Arrange for the employee to get advice on the redeployment process
- Advise the employee to complete the redeployment skills form and return to Recruitment
- An active search for suitable work within the employing service/cluster and closely liaise with Recruitment and ER
- Inform the employee of their responsibility to participate actively in the redeployment process
- Keep the employee (redeployee) informed

3.2 The employee is entitled to:

- The opportunity to apply for suitable vacant posts advertised
- Be considered for any suitable vacant job
- Reasonable paid time off to seek work outside the Council
- Access to the Council's counselling help line

FLOW CHART OF REDEPLOYMENT PROCESS



CONFIDENTIAL**Jobfinder Skills Analysis Form**

The Council operates the Jobfinder Programme to ensure that where possible employees facing the risk of redundancy are offered suitable, alternative employment where possible.

Please complete this form and send via email (only) to the Recruitment team, so that your details can be added to the Jobfinder Register. Your Manager, Employee Relations Adviser or Recruitment Adviser will be able to assist you in completing this form if necessary.

London Borough of Redbridge has a duty to protect personal information and will process personal data in accordance with the Data Protection Act 1998 and any amendments to the act. The personal data you provide on this form will only be used for the purpose of maintaining our employee records and related purposes.

Personal Details

Full Name	
Job title	
Cluster/Service Area	
Location	
Home address	
Home telephone number	
Home email address	
Work telephone number	
Payroll number	
Hours worked per week	
Working weeks per year	
Grade	
Salary/Hourly rate	
Spinal column point	
Contractual notice period	
Reason for seeking redeployment	
If you work full time, would you consider a part time vacancy?	
If you work part time, would you consider a full time vacancy?	
Do you have a valid CRB?	
Do you have a disability?	

Skills and Experience

In completing this section please carefully consider the various jobs you have undertaken in the past. Also where you feel you have used these skills within the last two years. You should consider activities you may do in your spare time, e.g. voluntary work, membership of committees etc.

Concentrate on what you can do and areas you have the ability to develop further.

Finally, in order for HR to be able to accurately match your skills against vacant positions, please provide evidence of how you have used the skills mentioned by providing evidence and examples.

The examples that you give may be discussed at a future interview so please ensure that your evidence is both honest and accurate and describes what you actually did.

Skill	Have you used this skill in the last 2 years on a regular basis? Place (x) in the box	Do you consider yourself fully competent in this area?	Please provide evidence of how you have used this particular skill
General			
Team working	<input type="checkbox"/>	<input type="checkbox"/>	
Working on own initiative	<input type="checkbox"/>	<input type="checkbox"/>	
Interviewing skills	<input type="checkbox"/>	<input type="checkbox"/>	
Working to deadlines	<input type="checkbox"/>	<input type="checkbox"/>	
General office duties	<input type="checkbox"/>	<input type="checkbox"/>	
Working under pressure	<input type="checkbox"/>	<input type="checkbox"/>	
Delivering training	<input type="checkbox"/>	<input type="checkbox"/>	
Ability to make decisions	<input type="checkbox"/>	<input type="checkbox"/>	
Presentation skills	<input type="checkbox"/>	<input type="checkbox"/>	
Communication			
Telephone skills	<input type="checkbox"/>	<input type="checkbox"/>	
Ability to write letters	<input type="checkbox"/>	<input type="checkbox"/>	
Dealing with people face to face	<input type="checkbox"/>	<input type="checkbox"/>	
Writing reports	<input type="checkbox"/>	<input type="checkbox"/>	
Numerical			
Preparing accounts	<input type="checkbox"/>	<input type="checkbox"/>	
Producing statistics	<input type="checkbox"/>	<input type="checkbox"/>	
Analysing/interpreting numerical data	<input type="checkbox"/>	<input type="checkbox"/>	
Paying invoices	<input type="checkbox"/>	<input type="checkbox"/>	
Monitoring budgets	<input type="checkbox"/>	<input type="checkbox"/>	
IT			
Using Microsoft Word	<input type="checkbox"/>	<input type="checkbox"/>	
Using Microsoft Excel	<input type="checkbox"/>	<input type="checkbox"/>	
Using Email/internet	<input type="checkbox"/>	<input type="checkbox"/>	
Using Microsoft Powerpoint	<input type="checkbox"/>	<input type="checkbox"/>	
Using Microsoft Access	<input type="checkbox"/>	<input type="checkbox"/>	
Please specify any other IT packages	<input type="checkbox"/>	<input type="checkbox"/>	
Management			
Supervising staff	<input type="checkbox"/>	<input type="checkbox"/>	
Managing budgets	<input type="checkbox"/>	<input type="checkbox"/>	
Carrying out appraisals	<input type="checkbox"/>	<input type="checkbox"/>	
Caring skills			
Counselling	<input type="checkbox"/>	<input type="checkbox"/>	
Working with children	<input type="checkbox"/>	<input type="checkbox"/>	
Working with elderly	<input type="checkbox"/>	<input type="checkbox"/>	
Working with disabled people	<input type="checkbox"/>	<input type="checkbox"/>	
Working with people with learning difficulties	<input type="checkbox"/>	<input type="checkbox"/>	
Teaching and Training			
Adults	<input type="checkbox"/>	<input type="checkbox"/>	
Children	<input type="checkbox"/>	<input type="checkbox"/>	
Management	<input type="checkbox"/>	<input type="checkbox"/>	

Previous Employment

Please list all previous employment both within and outside of Redbridge Council.

Employer	Job title	Key skills and duties

Qualifications and Professional Bodies

Other Skills and Experiences

Please list other skills and experiences you have which may assist when looking for alternative employment.

Please describe the areas where you know you have skill gaps or development areas

Declaration

I certify that, to the best of my knowledge, the information on this form is true and accurate. I understand that if the information I have supplied is false or misleading in any way, it will automatically disqualify me from appointment or may after appointment lead to disciplinary action, which could lead to my dismissal without notice.

Name (please print) _____

Date _____

Data Protection Act

Completion and submission of this form is taken as consent to process the information you have provided. The information you have provided will be held for redeployment purposes and may be disclosed to staff in Human Resources and managers involved in the recruitment process.

Once completed please send to the HR Recruitment Team at:

Gm_redeployment@redbridge.gov.uk

Appendix 4: Redundancy Procedure

Contents	Page
Procedure	
Introduction	68
Redundancy procedure	69
Employee obligations	70
Selection criteria for redundancy	70
Voluntary redundancy or early retirement requests	71
Flexible retirement	72
Formal notice of redundancy	72
Redundancy pay/pension calculations	73
Conditions of redundancy/pension payments	73
Appeals	74
Flowchart and Forms	
4A. Flowchart of Redundancy Procedure	75
4B. Appeal Request	76

Redundancy Procedure

1. Redundancy: Introduction

- 1.1 Redundancy is a form of dismissal. The Council will seek to minimise dismissals (by reason of redundancy) by making every attempt to redeploy employees when their post has been deleted.
- 1.2 However, the Council may also seek to identify posts (and hence invoke the redundancy process) to be deleted in the structure where:
 - Efficiency savings have been identified
 - There has been a reduction in funding/budget
 - There has been a reduction in the service required
 - The work can be redistributed or carried out in a different way in order to maximise funding/efficiency savings
 - The work has ceased/diminished
 - There is a clear business justification for deleting post
- 1.3 In order to avoid redundancies, the Council may seek voluntary or early retirement requests. A request does not automatically mean that the application will be approved. The Council will only approve requests once all available options have been discussed and will be subject to funding availability.
- 1.4 The Council will ensure that employees are informed as soon as possible of possible if they are at risk of redundancy. Counselling or any other support should be made available subject to funding. The employee will be entitled to have a Trade Union representative or work colleague present throughout the process. Before the redundancy procedure is evoked, the manager should have already formally consulted with Trade Unions.
- 1.5 Whilst every attempt must be made to find suitable alternative employment (redeployment) there will be instances when the redundancy procedure needs to be invoked due to the needs of the service, budget constraints or lack of suitable posts/vacancies. Finance must be consulted in all instances where there may be potential redundancies and before any information is circulated and/or discussed with employees.
- 1.6 The authority to agree individual cases of discretionary lump sum compensation is delegated to the Chief Human Resources Officer in consultation with the Director of Finance and the Borough Solicitor. However in the case of **Chief Officers and Directors** any decision regarding retirement and the level of compensation is subject to agreement by Members at the relevant Committee.

Redundancy Procedure

- 1.7 There are usually two stages in the redundancy process:
- i) Managers should verbally inform employees (consultation with TUs should have already taken place) that their post has been deleted and that they are at risk of redundancy. Following completion of the redeployment skills form they will be placed on the redeployment register.
 - ii) Employees should be provided with a formal notice of dismissal by reason of redundancy (if a suitable alternative position is not found) and an end date of employment should be stated. An estimate of any redundancy calculations/pensions should be provided. The end date of employment should be identified in accordance with employees contractual notice period.

In some circumstances and depending on the reason for the redundancy and timeframe, it may be possible to combine the two stages above.

- 1.8 If the redundancy is due to a restructure process, as soon as the manager is aware that an employee has been unsuccessful in obtaining a post in the new structure the manager should confirm to the employee, first verbally and then by letter that they are under formal notice of dismissal (by reason of redundancy), and that their contract will be terminated, unless suitable alternative work can be found. There is no guarantee that suitable alternative work may be found, nor is there an entitlement to a minimum number of suitable alternative job offers.
- 1.9 The employee will work their contractual notice period concurrently whilst the search for redeployment continues.
- 1.10 During the meeting the employee should be informed that every effort will be made to redeploy h/her into an alternative position. The employee should be provided with adequate notice of this meeting to ensure that they can arrange for a Trade Union representative or work colleague to be present. Counselling or any other support should be considered during this meeting.
- 1.11 A woman on statutory maternity leave has a legal entitlement to return to work. If this is not possible due to a redundancy situation to return to her position she has the legal right to a comparable vacant post. The effect of this legal right is that she must be offered any position that is suitable alternative in preference to other staff. The new job must be suitable and appropriate and not substantially less favourable than the previous contract. This does not mean that the employee cannot be selected for dismissal by reason of redundancy. Further guidance and advice should be sought from Employment Relations.
- 1.12 However, every effort will be made up to and including the last day of service, to identify suitable redeployment opportunities for all affected employees and if successful redundancy notice will be withdrawn.

1.13 Employees will continue to be employed in the substantive post or service area until they are redeployed or their employment is terminated. The normal line management arrangements will apply and the manager should continue to support the employee with advice and assistance to continue to help them obtain redeployment.

1.14 Support for employees may include:

- Help with completing Redeployment Skills Form
- Counselling/Access to employee help line
- Training or development as appropriate and within financial constraints
- Reasonable time off to attend interviews

Employee Obligations

1.15 The Council requires affected employees to fully co-operate with all relevant procedures, specifically the redeployment process. They are required to complete the Council's Redeployment Skills Form, be as flexible as possible in the work to be considered, to prepare well for interviews and to consider all reasonable offers of alternative work and to play an active part in seeking an alternative job role.

Selection Criteria For Redundancy

1.16 In all instances Finance must be consulted about any potential redundancy or pension costs before discussing with affected employee/s. The Council is continually under financial pressure to reduce budgets. Any costs incurred either as a result of redundancy or pension entitlement, will have a budget impact, and must be assessed alongside the requirements to make financial savings.

1.17 Where there is a requirement to select employees for redundancy, the Council-wide criteria listed below must be used. Costs are a key consideration but cannot be the over-riding factor unless a business case has been produced to justify the decision with the Chief Officer, their Director, and Chief Human Resources Officer. The business case must include an analysis of costs and associated risks e.g. funding availability to pay redundancy or pension costs.

1.18 In order to provide a transparent and fair process, the following Council-wide redundancy selection criteria must be used:

- Ability to meet future business needs
- Skills and experience
- Previous performance/appraisal outcomes
- Ability to meet competencies
- Active disciplinary/capability records
- Attendance records
- Costs of redundancy

Absences for the following must **not** be considered:

- Jury service
 - Official duties
 - Maternity/paternity and adoption leave
 - Religious observance
 - Trade Union duties
 - Maternity or disability related absence
 - Special leave
- 1.19 In cases where Council-wide criteria are not used e.g. partnership arrangements, the proposed method or criteria for redundancy should be discussed with Trade Unions. Where there are any disputes this must be referred to the Chief Human Resources Officer.

Voluntary Redundancy or Early Retirement requests

- 1.20 In some circumstances, where employees may be displaced and the likelihood of finding redeployment opportunities is low, management may ask affected employees whether they would like to volunteer for redundancy. A request does not automatically mean that the application will be accepted only that employees are expressing an interest. The Council will only approve requests once all available options have been discussed and will be subject to funding and exigencies of the service.
- 1.21 Where an employee has reached the age of retirement i.e. age of 55 voluntary redundancy may trigger the automatic release of a pension, this is known as early retirement.
- 1.22 Early retirement is costly and incurs additional payments to the pension scheme. These costs must be considered as part of the decision making process.
- 1.23 Early retirements may be proposed on the basis of:
- Redundancy i.e. the post has been deleted
 - Efficiency savings
 - In the interests of the efficient exercise of the employers functions
- 1.24 Any requests under the categories of early retirement must be forwarded to the Discretionary Payments Panel. The Discretions Policy Statement sets out the requirements that the Council exercises in order for discretionary payments to be made. The Council will consider each case on its merit. Each case is considered on its merits and in exceptional cases may be referred to an appropriate Committee for a decision.
- 1.25 Managers need to have a solid business rationale for approving an employee's early retirement. The decision should not be based on age or any other equality strand but be based on skills mix required and service needs. Costs are a key consideration but cannot be the overriding factor, unless business reasons are provided to the service Chief Officer, Director and CHRO.

Flexible Retirement

- 1.26 Flexible retirement refers to provisions in the LGPS whereby a member of the pension scheme who reduces their hours or rate of pay may choose to take their pension (with their employers consent) at any age from 55 while continuing to work. As with other methods of early retirement the benefits may be reduced because of early payment. The Council will consider flexible retirement in cases where there is no or minimal cost to the Council subject to identification and resolution of any business delivery issues. All requests will be considered on business needs and budget availability.
- 1.27 An employee who wishes to be considered for flexible retirement should in the first instance write to their manager. If the Chief Officer supports the request the manager should produce a full business case setting out details of any costs (payments to pension fund in respect of early payment of benefits, additional part time employees or additional hours required to cover the employees reduced hours, recruitment costs etc) together with expected benefits to the Council. This business case should then be submitted to the Discretionary Payments Panel for consideration. Each case is considered on its merits and in exceptional cases may be referred to an appropriate Committee for a decision.

Formal Notice of Redundancy

- 1.28 Formal notice of dismissal by reason of redundancy should be issued and may include the following:
- Details of the process that has led to this dismissal
 - Attempts to redeploy or find suitable job alternative/s
 - A statement that the employee's contract is being terminated on the grounds of dismissal due to redundancy
 - A statement to the effect that efforts will be made up to the last day of service to find a suitable alternative position within the Council (except in cases where voluntary redundancy has been approved)
 - The exact last day of service and the employee's entitlement to notice under the contract of employment (contractual notice period)
 - Details of the payment in lieu of notice if there is insufficient time between the issuing of notice and the last day of service (any leave entitlement should have been used)
 - An invitation to the employee to contact a named manager for the purpose of discussing any aspect of the redundancy or/and support
 - Details of how the employee can appeal if they feel that the redundancy selection criteria has been applied unfairly
 - Details of counselling and support available during this period
- 1.29 The Chief Officer of the employee's service must sign the dismissal letters.
- 1.30 If an employee under notice of redundancy wishes to leave before the full period of notice has been completed, they should request this in writing. Agreement is subject to the Chief Officer's discretion and may affect redundancy payment.

2. Redundancy Pay/Pension Calculations

- 2.1 Any employee with over two years service who is made compulsorily redundant or whose fixed term contract ends following at least two years continuous years service, is entitled to receive a statutory redundancy payment. Any enhancements or additional financial compensation must be approved in accordance with the Discretions Policy Statement and a business case (produced by the manager) forwarded to the Discretionary Payments Panel (DPP). See attached appendices for additional information.
- 2.2 An employee aged 55 who is made redundant will be automatically eligible for pension entitlement. In all instances, a business case must be produced and forwarded to the Discretionary Payments Panel for consideration before proceeding to the next stage.
- 2.3 The Redundancy Payments (Local Government) (Modification) Order 1984 ("Modification Order") states that previous continuous Local Government (or equivalent) service will count towards an employee's total length of service for the purpose of calculating their redundancy payment.
- 2.4 The manager should request an estimate of benefits from Pensions Section as soon as the timeframe for the selection of redundancies is known. Upon receipt of this information the manager should consult with their Chief Officer. Further information about the DPP can be obtained from Pensions Section.
- 2.5 The Discretionary Payment Panel will advise the Chief Officer and Chief Human Resources Officer as to the scope, decision and level of any compensatory payments that may be made to the individual in addition to any statutory entitlements and in accordance with the Council's agreed guidelines.
- 2.6 The Chief Officer has delegated authority to agree individual lump sum compensation (in conjunction with the Director of Finance and Resources and Borough Solicitor) and will inform the manager and the employee of the outcome and confirm the decision in writing to the employee.

3. Conditions of redundancy/pension payments

- 3.1 All individuals who have received early payment of pension from the Council will not normally be re-employed, and will only be re-engaged either directly or as a consultant or through an agency by the Council in exceptional circumstances after careful consideration of the benefit to the Council including any financial implications.
- 3.2 Employing managers will therefore be required to submit a written statement to the Chief Executive setting out the exceptional circumstances and justifying the need to re-employ such an individual. There must be a very strong need or benefit for the Authority with a clear business case and financial benefit in the same way that a robust business case would need to be made to support flexible

retirement. Each case will then need to be personally agreed by the Chief Executive before such re-employment should proceed. In these circumstances, initial advice should be sought from the ER team or/and CHRO.

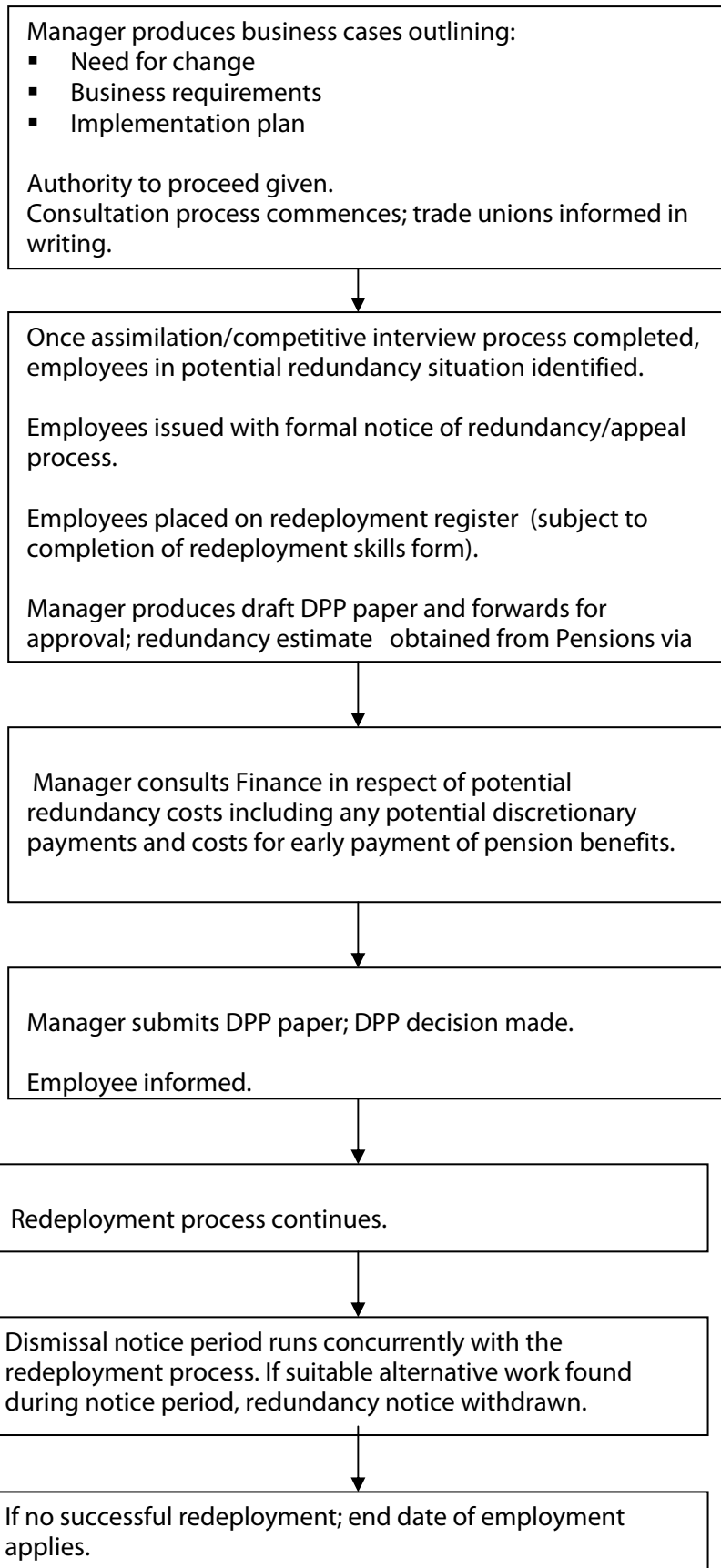
- 3.3 For redundancy payments: if an employee takes up an offer of employment from any other Local Authority (or any other employer covered by the Modification Order) on or before their last day of service with this Council **and** takes up employment within 4 weeks of their last day of service their redundancy payment will be affected and they will be asked to return any monies paid.

4. Appeals

- 4.1 Employees have the **right of appeal against decisions relating to assimilation or selection for redundancy**. Appeals must be heard by a panel comprising of a Director or Chief Officer outside of the employee's immediate Service Area supported by a HR advisor.
- 4.2 Employees wishing to appeal must write to the Employment Relations Manager within 5 working days of receipt of their selection for redundancy or selection of assimilation. The panel should be convened within 10 working days of the request.
- 4.3 An employee who wishes to **appeal against dismissal by reason of redundancy** must do so in writing to their Chief Officer within 7 working days of the receipt of the decision. This should be forwarded to ER for progressing. Members will hear appeals against dismissal by reason of redundancy.
- 4.4 All appeals must state:
 - Specific grounds for appeal
 - Desired outcomes

.....

Flowchart of Redundancy Procedure



Appeal Request

This form can be used by an employee when seeking an appeal against the process or decision relating to assimilation, or selection for redundancy, and dismissal by reason of redundancy. Please send this completed form and written grounds for your appeal marked PRIVATE AND CONFIDENTIAL. This must be done within 5 working days for assimilation or selection for redundancy (return to ER) or 7 working days if appealing against dismissal by reason of redundancy (send to Chief Human Resources Officer).

Employee Details:	
First Name:	
Current Job Title:	
Cluster/service	
Employee Representative Details:	
<p>You are entitled to be accompanied/represented at your appeal by a trade union representative or work colleague</p> <p>Will you be accompanied/represented by a trade union representative/work colleague at your appeal YES/NO (please delete as appropriate)</p> <p>Name of your representative (if known):</p>	
Nature of Appeal:	
<p>Please indicate the nature of your appeal – tick one box only</p> <p>a) Assimilation process or decision <input type="checkbox"/></p> <p style="text-align: center;">OR</p> <p>b) Selection for redundancy <input type="checkbox"/></p> <p>c) Dismissal by reason of redundancy <input type="checkbox"/> (Members Appeal)</p>	
Grounds for Appeal	
<p>You must attach written ground(s) for your appeal and include your desired outcome;</p> <ul style="list-style-type: none"> ▪ If your appeal relates to an assimilation process or outcome, provide specific written grounds as to how your current duties match those of the post you believe you should have been assimilated into or ▪ If your appeal relates to not being included in an assimilation process for a post you feel you have a claim for, please provide written reasons why you feel you should have been subject to an assimilation exercise for this role ▪ If your appeal is against a redundancy decision please provide written reasons as to why you are appealing against this decision 	

Please ensure that your written evidence is securely attached. Please also state any mitigating circumstances that may have affected the decision.