

BRECKLAND COUNCIL

REDUNDANCY POLICY

1. INTRODUCTION

Breckland Council recognises that it has a responsibility to safeguard the job security and prospects of its employees while providing an efficient and customer focussed service to the Community. The Council will attempt to provide security of employment by developing effective human resource planning to assist in determining the future numbers and skills of employees that will be required.

However it is recognised that the Council must adapt to change, organisational requirements, technological developments or other changes which affect the composition and size of the workforce. The Council is committed to minimising the effect of such factors.

2. SCOPE

The provisions of this policy apply equally to all employees who are employed by Breckland Council.

3. PRINCIPLES

Organisational change will be :

- dealt with in line with legislative and regulatory requirements
- conducted with full and meaningful consultation with the appropriate recognised trade union and individual employees
- managed in a timely manner to minimise disruption and provided clarity to all employees

All redundancies must have the authorisation of Full Council.

Redundancies will be handled with care and sensitivity and all reasonable steps will be taken to ensure that decisions regarding redundancies are consistent and fair.

4. CONSULTATION

4.1 Collective Consultation

If redundancies are proposed, the Council will collectively consult with the appropriate recognised trade union at the earliest opportunity. The Council will seek to avoid or minimise the effect of redundancies by considering all available alternatives.

Current employment legislation requires that if redundancies are proposed then the Council must consult with recognised trade unions:

- at least 90 days before if 100 or more employees are to be made redundant and
- 30 days before if 20-99 employees are to be made redundant.

Consultation with the appropriate recognised trade unions will take place even when the employees being made redundant are volunteers and regardless of whether they are members of the union.

4.2 Individual Consultation

Individual consultation will also take place directly with employees throughout the process.

The initial consultation meeting could be with a group of affected employees, but subsequent to this one-to-one meetings should also be offered to discuss the reasons for the proposed changes, selection criteria, and options.

Following completion of the selection process employees who have been identified as having no role in the new structure and are therefore 'at risk' of redundancy should be invited to a formal meeting to discuss the reasons for the possible redundancy, the outcome of the selection process, the possibility of redeployment and any other relevant issues.

5. NOTIFICATION

The Council is required to give written notification to the Department of Trade and Industry if it intends to make posts redundant, as follows:

- 90 days notice if 100 or more employees are to be made redundant
- 30 days notice if 20-99 employees are to be made redundant
- no notification is required if less than 20 employees are to be made redundant.

6. DISCLOSURE OF INFORMATION

The Council will disclose to the appropriate recognised trade union the following information in writing as follows:

- the reasons for the proposals;
- the numbers and categories of employees who are expected to be affected
- the total number of employees in each category (approximate figures may be provided if actual numbers are not available)
- the proposed method of selection for redundancies
- the proposed period over which the redundancies are to take effect
- the proposed method of calculating redundancy payments

7. MEASURES TO AVOID OR TO MINIMISE COMPULSORY REDUNDANCIES

The Council is committed to measures which avoid the need for compulsory redundancies. Wherever practicable, these measures will include:

- achieving reductions through natural wastage restricting recruitment
- restricting the use of agency services, casual staff, and external consultants
- reducing overtime
- seeking volunteers for redundancy.
- redeployment

8. VOLUNTARY REDUNDANCIES

When faced with unavoidable redundancies it may be possible to achieve the required reduction in the number of roles by accepting requests for voluntary redundancy.

However the Council has an obligation to ensure that it is able to continue to provide its services. Volunteers for redundancy will, therefore, be considered but consideration must be given to all costs involved and the skills and experience required for the new service.

9. COMPULSORY REDUNDANCIES

9.1 Criteria

Where compulsory redundancies are necessary, employees to be made redundant will be selected on the basis of one or more of the following criteria:-

- Self selection – certain posts are clearly identifiable, as that particular work will cease
- Skills and experience
- Performance – using objective evidence including recent appraisals
- Disciplinary and capability record – only current warnings will be taken into account
- Attendance record – documentary evidence of above average non-certified absence
- Other measurable and objective criteria appropriate to the particular circumstances as agreed with the relevant trades unions.

9.2 Selection Process

All selection criteria will be applied in a reasonable, fair and objective manner. At least two people should be involved in making the assessment. The methods to be used could include:

- inviting each employee to provide a written self-assessment against the criteria by completing a skills audit form;
- line manager's assessment of each employee against the criteria;
- review of appraisal and other relevant documentation (attendance records, etc.);
- interviews;
- or any other appropriate method for gathering evidence and making the selection process objective, transparent and open.

The Union will be consulted on the proposed selection approach during collective consultation meetings.

10. COMPENSATION

The Employment Rights Act 1996 (ERA) includes the right to a statutory redundancy payment if redundant employees have at least two years' continuous service. The payment is based on a calculation related to length of continuous service (up to 20 years maximum), the employee's age and their weekly pay.

Length of Service	Weeks Pay
For each year of service before age 22	0.5 weeks pay
For each year of service age 22 plus but before age 41	1 weeks pay
For each year of service age 41 plus	1.5 weeks pay

The Council has exercised its discretion to calculate redundancy payments on the basis of an employee's actual salary as opposed to the statutory minimum rate. The calculation for an actual week's pay is :

$$\frac{\text{Annual salary}}{365} \times 7$$

Annual salary is defined as basic salary.

The redundancy payment will be inclusive of statutory redundancy pay.

Employees who are members of the LGPS may convert some of their redundancy payment into additional membership of the pension scheme. The amount that can be converted into additional membership of the pension scheme is the amount in excess of the statutory redundancy payment. This decision must be made before the employee leaves the council as only employees with current membership of the LGPS are able to do this. Further details are available from HR.

Under current Inland Revenue regulations redundancy payments up to £30,000 are not liable for tax.

All continuous service with an organisation covered by the Redundancy Payments (Local Government) (Modification) Orders will be used to calculate redundancy payments.

11. REDEPLOYMENT

Where an employee is in a potential redundancy situation the Council will undertake in the first instance to try to find suitable alternative employment from current Council vacancies. The opportunities for redeployment depend on whether there is a suitable vacancy. Further details are provided in the Redeployment Policy.

12. ASSISTANCE TO REDUNDANT EMPLOYEES

The Council will give all reasonable help to staff made compulsorily redundant and this will include:

- reasonable paid time off to look for other work or to arrange for training for new employment
- unpaid time off to undertake training for alternative employment outside of the Council
- information on all current vacancies within the Council
- estimates of their redundancy pay and, where applicable, their superannuation benefits
- time off with pay to make appointments with:
 - a bona fide financial adviser to discuss investments and income
 - the Benefits Agency to discuss state benefits
 - the local Job Centre to discuss employment and retraining, including Job Club or similar meetings.

Requests for time off should be made in the first instance to the relevant line manager and will not be unreasonably refused.

Outplacement services may be offered to redundant employees in certain circumstances at the discretion of management.

Employees made redundant may not be re-employed by the council within one year of their dismissal for reasons of redundancy.

13. APPEAL AGAINST DISMISSAL THROUGH REDUNDANCY

13.1 Employees have the right to appeal against dismissal through redundancy.

13.2 An appeal can only be based on the grounds that the selection for redundancy was unfair or that the reason for dismissal was not redundancy.

- 13.3 The appeal must be sent in writing to HR within 7 working days of receipt of written notification of the redundancy.
- 13.4 HR will arrange for the appeal to be heard by a Senior member of the management team not involved in the original decision. Employees will be informed in writing of the date, time and place of the appeal hearing and must take all reasonable steps to attend the hearing.
- 13.4 Employees have the right to be accompanied at the appeal hearing by a colleague or a trade union representative.

After the appeal meeting employees will be informed in writing of the final decision.

14. REVIEW OF THE POLICY

This policy will be reviewed periodically to ensure its continuing relevance and effectiveness in light of experience, good employment relations' practice and developments in employment law.