

## Human Resources

# Organisational Change/ Redundancy Policy



## Table of contents

<b>SECTION ONE: POLICY STATEMENT</b>	<b>I</b>
1 Introduction	I
2 Policy Statement	I
3 Scope	2
<b>SECTION TWO: POLICY IMPLEMENTATION</b>	<b>2</b>
4 Redundancy Definition	2
5 Roles and Responsibilities	3
6 Principles of Consultation	5
7 Employee Reduction Measures	6
8 Principles of Re-structuring and Redundancy	8
9 The Redundancy Process	8
10. Redundancy payments	15
11. Redeployment	15
12. Time off to look for new employment	15
13. Counselling and support	16
14. Notice Period	16
15. Appeal Process	16

## SECTION ONE: POLICY STATEMENT

### I Introduction

- 1.1. Chelmsford City Council is committed to the provision of efficient, effective and high quality services in order to meet the needs of customers.
- 1.2. As such, this requires the on-going monitoring and evaluation of available human, physical and financial resources; particularly in response to service delivery, legislative, technological, policy or organisational change.
- 1.3. Within this context, there may, on occasion, be a need to restructure, rationalise or reorganise activities and, as a consequence, reduce staffing levels, in order to ensure that the Council continues to be able to offer the best and most cost effective range of services to Council service users.
- 1.4. In such circumstances Chelmsford City Council will make every effort to minimise any adverse impact of organisational change on its workforce.

### 2 Policy Statement

- 2.1 This policy outlines the approach of Chelmsford City Council to managing the requirement to reduce staffing levels in response to changing organisational requirements. The purpose of this policy is to facilitate change.

Specifically, it is the intention of the Council to;

2.1.1 effectively manage workforce planning to anticipate both medium and long term staffing requirements.

2.1.2 retain a sufficiently balanced, skilled and experienced workforce to deliver required services.

2.1.3 seek to avoid or minimise the need for compulsory redundancy by exploring all other options and adopting measures which have the least impact on job security, (refer Section 7).

- 2.2 Where staffing reductions are unavoidable, the Council will ensure;
  - that the total number of redundancies are kept to a minimum;
  - employees and their representatives are fully consulted on the proposals and their implementation;

- that selection for redundancy is based on clear criteria that will be applied objectively and fairly;
  - support and advice is provided to employees selected for redundancy;
  - every effort will be made to redeploy employees selected for redundancy.
- 2.3 The Council will ensure that this policy and associated procedures comply with relevant employment legislation as summarised in the Legislative Framework at Appendix I.
- 2.4 This policy must not be utilised to remove employees from the organisation in relation to disciplinary, sickness absence or capability issues for which other policies and procedures are in place.
- 2.5 This policy has been written to minimise any adverse impact on an individual by reason of a protected characteristic that falls under the Equalities Act 2010.

### **3 Scope**

- 3.1 This policy will apply to all full and part time employees and any other employee who, by virtue of their length of service, has acquired employment protection rights.

## **SECTION TWO: POLICY IMPLEMENTATION**

### **4 Redundancy Definition**

- 4.1 Under the Employment Rights Act 1996 (S139), an employee will have been dismissed by reason of redundancy if the dismissal is wholly or mainly attributable to:
- (i) the fact that the employer has ceased or intends to cease
    - to carry on the business for the purposes of which the employee was employed, or
    - to carry on that business in the place where the employee was so employed, or
  - (ii) the fact that the requirements of that business
    - for employees to carry out work of a particular kind, or

- for employees to carry out work of a particular kind in the place where the employee was employed by the employer, have ceased or diminished or are expected to cease or diminish.

## **5 Roles and Responsibilities**

### **5.1 Chief Executive**

The Chief Executive has responsibility to;

- inform councillors of large scale organisational change which has the potential to result in significant redundancies of 20 or more.

### **5.2 Directors of Service**

Directors have overall responsibility to;

- apply the Organisational Change/Redundancy Policy to achieve the fair and consistent management of organisational change in relation to employee reductions within Chelmsford City Council;
- monitor the outcomes of the application of this policy;
- to review and approve changes to this policy as required;

Directors may delegate authority for the management of the consultation and any resultant redundancy process to the relevant Service Manager. This is provided for by completion of the Proposal for Change document at Appendix 2.

### **5.3 Service Managers**

Service Managers have a responsibility to;

- be fully conversant with and support the implementation of the policy;
- manage organisational change and employee reduction as required by the implementation of this policy
- ensure the fair and consistent application of the policy, including meaningful consultation with the trade unions, supported by Human Resources, taking into account legal advice as appropriate;
- in consultation with the relevant Director(s), prepare the Proposal for Change in the event of the potential need to reduce staffing numbers;

- consult with employees and unions to progress the Proposal for Change;
- take account of health and diversity considerations in applying this policy including legislative requirements as determined by the Health & Safety at Work Act and the Equality Act and other relevant legislation.
- offer support and inform employees of the counselling and information services available through the employee assistance programme as appropriate.

#### **5.4 Employees**

Employees have a responsibility to:

- participate in consultation meetings;
- provide suggestions and feedback in order to minimise the requirement for compulsory redundancies where possible;
- provide suggestions and feedback on the Proposal for Change, and other relevant documentation including, for example; amended job descriptions, person specifications and redundancy selection processes as appropriate;
- to arrange, after the initial group consultation meeting, the on-going attendance of their chosen union or employee representative and to provide him / her with copies of relevant documentation;
- to confirm the attendance of their union or employee representative to the HR Business Partner in advance of any redundancy consultation meetings;
- support the implementation of an effective change process.

#### **5.5 Human Resources**

Human Resources have a responsibility to;

- ensure the fair and consistent application of the policy;
- advise Council Directors and Managers in consulting with employees and unions in the event of the application of this policy;
- arrange consultation meetings with affected employees and union representatives and to provide written details of the Proposal for

Change and other relevant documentation as appropriate throughout the process;

- provide advice and support to Council Directors, Managers and employees;
- provide management information as required;
- identify affected employees as potentially 'At Risk' to HR colleagues for the purpose of vacancy management and redeployment.
- consider and provide advice in relation to the health and diversity implications of applying this policy including legislative requirements as determined by the Health & Safety at Work Act and the Equality Act.
- complete documentation and advise regulatory bodies as appropriate.

## **5.6 The Trade Union**

UNISON, as the recognised Trade Union within Chelmsford City Council, has a responsibility to;

- participate in meaningful consultation;
- advise any members affected by the application of this policy.

# **6 Principles of Consultation**

- 6.1 The Council is committed to ensuring that full and meaningful consultation takes place with employees and trade unions throughout any restructuring and reorganisation process. This commitment to consult underpins this policy and is important in achieving successful change.
- 6.2 The purpose of the consultation process will be to seek to identify ways of avoiding, reducing or mitigating redundancies, wherever possible.
- 6.3 There will normally be a number of individual and collective consultation meetings to ensure that employees and trade unions are given sufficient opportunity to consider the proposals, ask questions and suggest alternative options. This may be varied according to the scale of the proposed change. The period of consultation will meet legislative requirements.

- 6.4 At Chelmsford City Council, UNISON is the recognised trade union for collective bargaining purposes.
- 6.5 Whilst relevant legislation does not require agreement to be reached through the consultation process, the Council is committed to timely consultation, conducted in good faith and will seek to achieve agreement where possible.
- 6.6 Consultation will begin at the earliest opportunity and will comply with the statutory minimum timescales.
- 6.7 The period of formal consultation will commence at the point that the first Consultation Meeting takes place with affected staff.
- 6.8 In accordance with legislative requirements, no notices of dismissal will be issued until the period of collective consultation is complete.

## **7 Employee Reduction Measures**

- 7.1 The Council will take all reasonable steps to avoid compulsory redundancies and, subject to operational and service delivery requirements, will consider the alternative measures as identified below. This list is not exhaustive and all measures will be considered.

### **7.1.1 Reduction of non-essential expenditure.**

The Service Director and / or manager will conduct a review of all non-essential expenditure within the affected service area to determine whether activities and expenditure can be ceased or alternatives identified.

### **7.1.2 Cessation or reduction in the use of casual, temporary or contract staff.**

A review of the use of casual, temporary or contract staff will be completed to determine whether their usage can cease with the work being redeployed to permanent staff.

### **7.1.3 Natural wastage of employees.**

Vacant posts created by employees leaving within the affected service area will not normally be filled until such time as the Proposal for Change and consultation process has been completed. In addition, the Service Director and / or Manager will be required to review the post to identify whether the post can be re-organised or re-designated in order to alleviate the potential redundancy situation.



#### **7.1.4 Voluntary reduction in working hours.**

Employees may volunteer to request a reduction in working hours, either on an individual or job share basis, with a subsequent reduction in pay. Such requests should be submitted to the Service Manager in the first instance. In addition, those Employees with a qualifying dependant may volunteer to request a change to working hours under the Flexible Working section of the Council's Entitlement and Procedures for Time Off Policy.

#### **7.1.5 Voluntary early retirement.**

Employees who are members of the Local Government Pension Scheme, (LGPS), may volunteer to retire and access their accrued pension benefits from the age of 55. It should be noted that early retirement may incur additional strain on pension fund costs for the Council which, necessarily, will be taken into consideration when deciding whether to authorise an early retirement request.

#### **7.1.6 Voluntary Flexible Retirement.**

Employees who are members of the Local Government Pension Scheme, (LGPS), may volunteer to take flexible retirement from the age of 55 years and over. With agreement of the Council, the LGPS allows for flexible retirement with the early release of benefits linked to a reduction in hours and / or grade. Full details are available in the Council's Planning for Retirement Policy.

#### **7.1.7 Redeployment.**

The Council is committed to actively seek redeployment opportunities for all employees identified as at risk of dismissal due to redundancy. Employees may elect to volunteer to be considered for suitable redeployment opportunities. Full details on redeployment are available in the Council's Redeployment Policy.

#### **7.1.8 Secondments**

The Council will facilitate and make arrangements for secondments where suitable opportunities arise at the time that redundancies are being proposed. However, it will not be possible to guarantee the availability of further employment within the Council at the end of the secondment, and the principles of redeployment will apply at this point.

### **7.1.9 Voluntary Redundancy.**

Employees may elect to seek voluntary redundancy. To support this, the Council will ensure that redundancy payments and pension information is provided to affected employees to enable them to make an informed decision. In all circumstances, the decision to award voluntary redundancy is at the discretion of the Council and will, necessarily, include consideration of the resulting financial and organisational issues.

Once the selection process has taken place, employees will receive written confirmation of the outcome and, if appropriate will be given notice of dismissal by reason of redundancy.

## **8 Principles of Re-structuring and Redundancy**

- 8.1 Employees whose job function, role and responsibilities do not change, or the changes are minimal, and the number of required posts and working hours remains unchanged, will transfer into the new organisational arrangements and structure and no redundancies will occur. No formal redundancy consultation process would be required in this instance and the Director of Service and / or Service Manager will decide how to communicate the changes as appropriate.
- 8.2 Where the re-organisation results in broadly similar job function, role, responsibilities and grade within a service area, but the number of available posts is being reduced, or a post is being reduced from full to part time hours, a system of ring fencing will be used for the selection pool and affected employees will be required to participate in a closed selection process as appropriate.
- 8.3 Larger scale service re-organisation may result in a wider selection pool being identified but, again, available posts will be ring-fenced for those employees at risk of redundancy in the first instance, provided the broadly similar principle applies.
- 8.4 Where a large scale service re-organisation results in insufficient posts available for all employees within the new structure or the new posts are not broadly similar, a selection process will take place to identify which posts are redundant and which individuals will be within the redundancy selection pool.

## **9 The Redundancy Process**

The redundancy process and 30 day consultation period timeframe is summarised at Appendix 3. However, if the restructure has the potential to result in 100 or more redundancies the consultation period must be increased to 45 days.

## **9.1 Proposal for Change**

When a change situation is identified which may result in reorganisation or reduction in employee numbers, the Director of Service and / or service manager will complete the written Proposal for Change.

The Director of Service and / or the Service Manager will inform their HR Business Partner. HR will then provide advice and support to Directors / Managers as appropriate and will identify the affected employees as potentially 'At Risk' within HR for the purposes of vacancy management and redeployment at the earliest opportunity.

In preparing the Proposal for Change document the Director of Service or Service Manager will;

- identify employees on maternity, extended paternity or adoption leave or long term sickness absence etc. and ensure their inclusion in the redundancy consultation process;
- consider, with the HR representative, the equality information of the affected employees to identify any potential equality issues and respond appropriately;
- identify any employee with a disability, as defined by the Equality Act 2010, and ensure appropriate adjustments are made to the consultation and selection processes.

The completed Proposal for Change will include the following information, (where relevant);

- The background, context and reason for the potential proposed redundancies, including any financial implications and/or outcomes.
- Details of any proposed structural and / or job changes
- The number and category of employees who may be redundant
- The proposed selection method for carrying out the redundancies
- The period over which the redundancies may occur

In addition, relevant supporting documentation will be attached to the Proposal for Change as appropriate / applicable which may include;

- Revised job description(s) and person specification(s)
- Draft Redundancy Selection Matrix, where relevant, (Template at Appendix 4)
- Existing and proposed structures
- Proposed timeline

## **9.2 Consultation with Trade Unions**

9.2.1 The period of consultation with UNISON will commence once Human Resources has written to the union and provided notification of the potential redundancy situation. This will be achieved by the provision of a copy of the Proposal for Change and all relevant supporting documentation and the Council's Redundancy and Staff Reduction Policy. Consultation with the union will take place regardless of the number of potentially affected employees and the duration of the consultation period will meet statutory requirements and good practice guidelines as outlined in Section 6.

9.2.2 UNISON will be invited to attend the initial group meeting with affected employees with a minimum of 5 working days notice. Every effort will be made to agree the date, time and venue of the meeting(s) with the appropriate trade union representative. However, the responsibility to consult remains with the employer and, on occasions, it may be necessary for the meeting to proceed subject to having given reasonable notice to both employees and their representatives.

## **9.3 Meeting One: Initial Group Employee Meeting**

**9.3.1 Service Director / Manager.** The Service Director or Manager will write to employees within the affected Service area(s), (Appendix 5), confirming that a review process has taken place within their relevant service area, identifying the potential for redundancies and inviting all affected employees to attend an initial consultation meeting. Employees on maternity / adoption / extended paternity leave, long term sickness absence, secondment and career breaks will also be included in the consultation process and it will be the responsibility of the Service Director and / or Manager to identify and include these individuals. A minimum period of 5 working days notice of the meeting will be given.

At the consultation meeting the employees will be provided with a copy of the Proposal for Change and relevant attachments which will be used to inform discussions.

The consultation meeting will be chaired by the service manager supported by an HR representative. The role of the meeting chair will be to;

- identify the reasons for the proposed changes
- clarify the potential impact of the proposed changes on employees and their roles
- provide information on the revised job descriptions and person specifications, (where applicable).

- outline the proposed selection method and /or criteria in the event that alternatives to redundancy are not identified;
- gather initial feedback from employees and union representatives;
- outline the consultation process and timeframes;
- request feedback on the Proposal for Change and associated documentation within 10 working days, of the date of the meeting.

**9.3.2 Employees.** Following the meeting the affected employees should consider the information, documentation and processes presented and provide a written response to the service manager within 10 working days. Employees should provide comments, suggestions and ideas for alternative approaches having considered, for example;

- whether the business case requires further clarification;
- if the revised person specification and job description align with the business case;
- if the proposed redundancy selection method appears appropriate or whether they have suggestions for an alternative approach;
- whether they have any suggestions to avoid redundancy;
- any individual requests, e.g. flexible retirement, reduction in hours, voluntary redundancy, etc.

#### **9.4 Meeting Two: Individual Employee Meetings**

Following the initial group meeting the Service Manager will write to each affected employee and invite them to an individual consultation meeting giving 5 working days notice.

The individual employee meetings will be chaired by the Service Manager, supported by a representative from HR. The purpose of the meeting will be to;

- discuss relevant individual circumstances as they relate to the potential redundancy;
- provide individual potential redundancy payment information;
- discuss the redundancy selection criteria;
- provide an opportunity for feedback and suggestions from the individual employee.
- remind employees to submit their written response regarding the Proposal for Change and associated documentation if they intend to do so.

Employees have a right to be accompanied by a work colleague or trade union representative, and should provide the name of the selected individual to the HR representative in advance of the meeting.

### **9.5 Director of Service / Manager Review Meeting**

At the end of the 10 working day period the Service Manager will collate the responses and arrange a review meeting with the Service Director and HR representative.

The meeting will take place within 5 working days and its purpose will be to consider and evaluate the proposals.

In the event that no responses are received during the 10 day period, the process will progress as detailed in Section 9.6.

Where alternatives to redundancy have been identified and can be implemented these will be progressed as appropriate,

Meaningful feedback should be provided if any suggestions received are not deemed to be valid and Unison to be advised of any decisions.

### **9.6 Selection for Retention / Compulsory Redundancy**

Where no alternatives to redundancy have been identified, or the proposals only provide a partial solution, selection for compulsory redundancy will be progressed using a transparent, fair, objective and evidence based selection process.

The proposed selection process and / or criteria will have been shared with the union and potentially affected employees during the consultation period.

When considering selection for retention / redundancy, the underlying consideration will be the needs of the Council in maintaining a skilled, experienced and balanced workforce with the ability to meet existing and future service delivery requirements. There will be two main approaches to the selection of employees for retention / redundancy which can be utilised either individually or in combination;

- An interview and assessment process.
- The application of an agreed selection matrix.

In both instances, the Service Director and / or Manager, with advice from HR, will define the appropriate technical, professional or other selection criteria based on the requirements of the job person specification.

Relevant selection criteria will depend on the circumstances but may include some or all of the following;

- Relevant qualifications.
- Skills and experience to meet present and proposed requirements of the Council.
- Proven flexibility and an ability to acquire new skills.
- Performance, based on quality of contribution and outputs
- Disciplinary records.
- Attendance records.
- Cost.

This list is not intended to be exhaustive and may be varied dependent upon the circumstances of each case.

The selection process and decision making must be adequately documented and appropriate evidence identified and attached.

#### **9.6.1 Interview and Assessment**

Where it is deemed appropriate to undertake a selection and assessment process, the principles and processes of the Council's existing Safer Recruitment Procedure will apply, although subject to ring-fencing as appropriate.

#### **9.6.2 Selection Matrix**

It may not be necessary or desirable to require employees to participate in a full interview and assessment process, particularly, for example, where available posts remain largely unchanged, or in a specific service area where the selection pool is limited but available posts are reducing.

The selection matrix provides an objective measure and, effectively, scores or ranks the potentially redundant employees against the agreed selection criteria.

The pro-forma at Appendix 4 must be completed in all instances where the selection matrix is the chosen method of selection. The completion of the matrix will be a shared responsibility between the Service Director and/or Manager and HR, with their respective scorings combined. In accordance with the Service's Managing Ill-Health and Sickness Absence Policy, where sickness absence is included as one of

the selection criteria, absences related pregnancy, disability or work-related accidents will be excluded. Appropriate supporting documentation must be attached to support the decision making process. The employee(s) with the highest score(s) will be selected for retention and those with lower scores will be selected for redundancy in rank order.

The key objective of the selection matrix is to maximise objectivity in both the criteria and in the scoring and the matrix, scoring system and weightings cannot be changed to manipulate the results.

## **9.7 Meeting Three: Redundancy Dismissal**

Once the selection process has been completed all affected employees will be invited to attend an individual consultation meeting with a minimum of 5 working days notice. A Template letter is at Appendix 7. Where the Selection Matrix is used as the sole selection method the completed Matrix and supporting evidence should be sent with the letter in order to provide the employees with an opportunity to consider the information prior to the meeting.

The purpose of the meeting will be to;

- confirm the outcome of the selection exercise pending the outcome of any appeals process;
- where applicable, that their post is to be made redundant, pending the outcome of any appeals process;
- inform employees of the right to appeal a redundancy decision, (refer Section 15.)
- provide information about the redeployment process and a copy of the Redeployment Policy.

Employees have the right to be accompanied by a work colleague or trade union representative and should provide the name of the accompanying individual to the HR representative in advance of the meeting.

During the meeting the employee will be given the opportunity to make representations against the selection for redundancy.

Any representations will be considered prior to confirming a decision to dismiss by reason of redundancy. In some circumstances, it may be necessary to adjourn the meeting to consider the suggestions adequately.

If no alternatives to redundancy have been found the manager will confirm within the meeting the decision to dismiss by reason of redundancy.



Following the meeting the Manager will write to the employee(s) confirming the decision to dismiss and informing them of their right to appeal and attaching a copy of the Notification of Appeal form, (Appendix 10). A template letter is at Appendix 8.

Once the redundancy dismissal letter has been issued, the responsible HR Business Partner will confirm the affected employee(s) status as 'At Risk' within HR in order to commence the redeployment process. HR will then arrange a redeployment meeting with the affected employee(s) and provide a copy of the Redeployment Policy and profile for consideration in advance of their meeting.

Authority for dismissal lies with the Director of Service or Service Manager with prior delegated authority, (Appendix 2).

## **10. Redundancy payments**

- 10.1 Redundancy payments will be made to employees who have qualified for employment protection by working continuously for the Council and/or for another organisation subject to the Redundancy Payments (Continuity of Employment in Local Government, etc) (Modification), Order (Amendment) Order 2010, for 2 or more years.
- 10.2 The Council will calculate how many weeks' pay the employee is statutorily entitled to. The number of week's statutory pay due will then be doubled and the employee's actual week's pay (rather than the statutory limit), applied to determine the redundancy payment due.
- 10.3 Statutory and non-statutory redundancy payments are tax free for the first £30,000.
- 10.4 Redundancy pay will not be paid, or will need to be refunded where it has already been paid, if an employee takes up an appointment with the Council, other local authority or modification order body before their employment with Chelmsford City Council ends or within four weeks of the effective date of the redundancy dismissal.

## **11. Redeployment**

Full details of the redeployment arrangements for employees at risk of redundancy are available within the Council's Redeployment Policy.

## **12. Time off to look for new employment**

- 12.1 Employees who have been given notice of dismissal by reason of redundancy are able to request reasonable paid time off during working hours to:

- Attend Job Interviews

- Visit the Job Centre / Recruitment agency
- For training for future employment

12.2 All time off must be agreed in advance with the line manager and recorded appropriately.

### **13. Counselling and support**

It is recognised that redundancy can be a difficult experience and can impact differently depending upon individual circumstances. Chelmsford City Council has in place an Employee Assistance Programme which provides information services and telephone and face to face counselling services. Managers will ensure that employees are reminded of the services available to support them through the redundancy process and any associated wider issues as appropriate.

### **14. Notice Period**

Contractual notice periods will apply for all employees issued with a notice of redundancy. Normally, employees will work their period of notice and take any untaken accrued annual leave during this time. However, where it meets the needs of the service, the Council may waive the right to require employees to work their notice period.

### **15. Appeal Process**

An employee has the right of appeal against a redundancy notification and must do so within 7 days of receipt of the notice of dismissal by reason of redundancy. The employee should complete the Notification of Appeal form at Appendix 10. The appeal process is summarised at Appendix 11.

Once the appeals process has been completed a letter will be sent to the relevant employee(s) confirming the outcome of the appeal. A template letter is at Appendix 9.

## **APPENDIX I**

### **Legislative Framework:**

This summary document is only intended to serve as a guide to the main legislation as it applies to the termination of employment by reason of redundancy and should not be regarded as a complete or authoritative statement of the law.

#### **1. Trade Union and Labour Relations (Consolidation) Act 1992, (TULR(C)A).**

- Section 188; There is a statutory duty to undertake collective consultation in the event that it is proposed to dismiss as redundant 20 or more employees at one establishment over a period of 90 days or less.
- Section 195; Provides a wider definition of redundancy for consultation purposes as follows; “the reference to dismissal as redundant are references to dismissal for a reason not related to the individual concerned or for a number of reasons all of which are not so related”.

#### **2. Collective Redundancies and Transfer of Undertakings (Protection of Employment) (Amendment) Regulations 1995.**

- Require employers to consult either elected representatives of the employees or representatives of a recognised trade union.
- Provide protection for elected representatives against dismissal and against being subjected to any other detriment and confer on them a right to time off with pay to carry out their functions.

#### **3. Employment Rights Act 1996**

- (Section 155) an employee must have at least two years' continuous service with the employer in order to qualify for a redundancy payment.
- (Section 162) provides that a redundancy payment will be calculated on the basis of the period of continuous employment.

#### **4. Unfair Dismissal and Statement of Reasons for Dismissal (Variation of Qualifying period), Order 2012**

This Order amends Sections 92(3)(2) and 108(3) of the Employment Rights Act 1996 and, with effect from 6th April 2012, increases from one year to two years the qualifying period of continuous employment needed. It provides;

- for the entitlement, on request, to a written statement of reasons for dismissal and;
- to acquire the right not to be unfairly dismissed.

**5. Collective Redundancies and Transfer of Undertakings (Protection of Employment) (Amendment) Regulations 1999 (SI 1999/1925)**

- The Regulations amend the provisions of TULRA 1992 and the provisions of the Transfer of Undertakings (Protection of Employment) Regulations 1981 relating to information and consultation requirements with trade union or elected employee representatives.

**6. Information and Consultation of Employees Regulations 2004**

- Directive 2002/14/EC gives employees in the UK the right to be informed about, for example, decisions likely to lead to substantial changes in work organisation or in contractual relations.

**7. The Collective Redundancies (Amendment) Regulations 2006 (SI 2006/2387)**

- This amends Section 193 of the Trade Union and Labour Relations (Consolidation) Act 1992 and requires the written notification, by either letter or by completing and forwarding form HRI, to be sent to BIS “before any notices of redundancy have been issued”.

**8. The Redundancy Payments (Continuity of Employment in Local Government, etc), (Modification), Order, (Amendment), Order 2010**

- Consecutive employment with employers named in this Order count as ‘relevant service’ for the purposes of qualifying for a redundancy payment and, where applicable, the redundancy payment calculation.

## **APPENDIX 2: PROPOSAL FOR CHANGE**

### **CONFIDENTIAL**

**Directorate / Service areas affected:**

**Background and context to Proposal for Change:** *(refer to section 9.1 of the policy)*

**Summary of proposed changes:** *(Expand section as necessary)*

- *List*

**Staffing matters:** *(Expand section as necessary)*

- *List*

**Timescales:**

- Consultation will commence on *(date)*
- Proposed implementation date for revised structure and / or proposed redundant posts is *(date)*
- *Other relevant dates*

**Details of employee and trade union consultation proposed / completed and documentation provided, (Please specify):**

A copy of this document will be provided to employees and UNISON with relevant attachments which may include for example;

- The background, context and reason for the potential proposed redundancies, including any financial implications and/or outcomes
- Details of any proposed structural and /or job changes with existing and new structure charts
- The number and category of employees who may be redundant
- The proposed selection method for carrying out the redundancies
- The period over which the redundancies may occur

**Delegated powers of authority to :**

Manager Name:

Date:

Title:

**Delegated powers of authority from:**

Director Name

Director Signature:

Date:

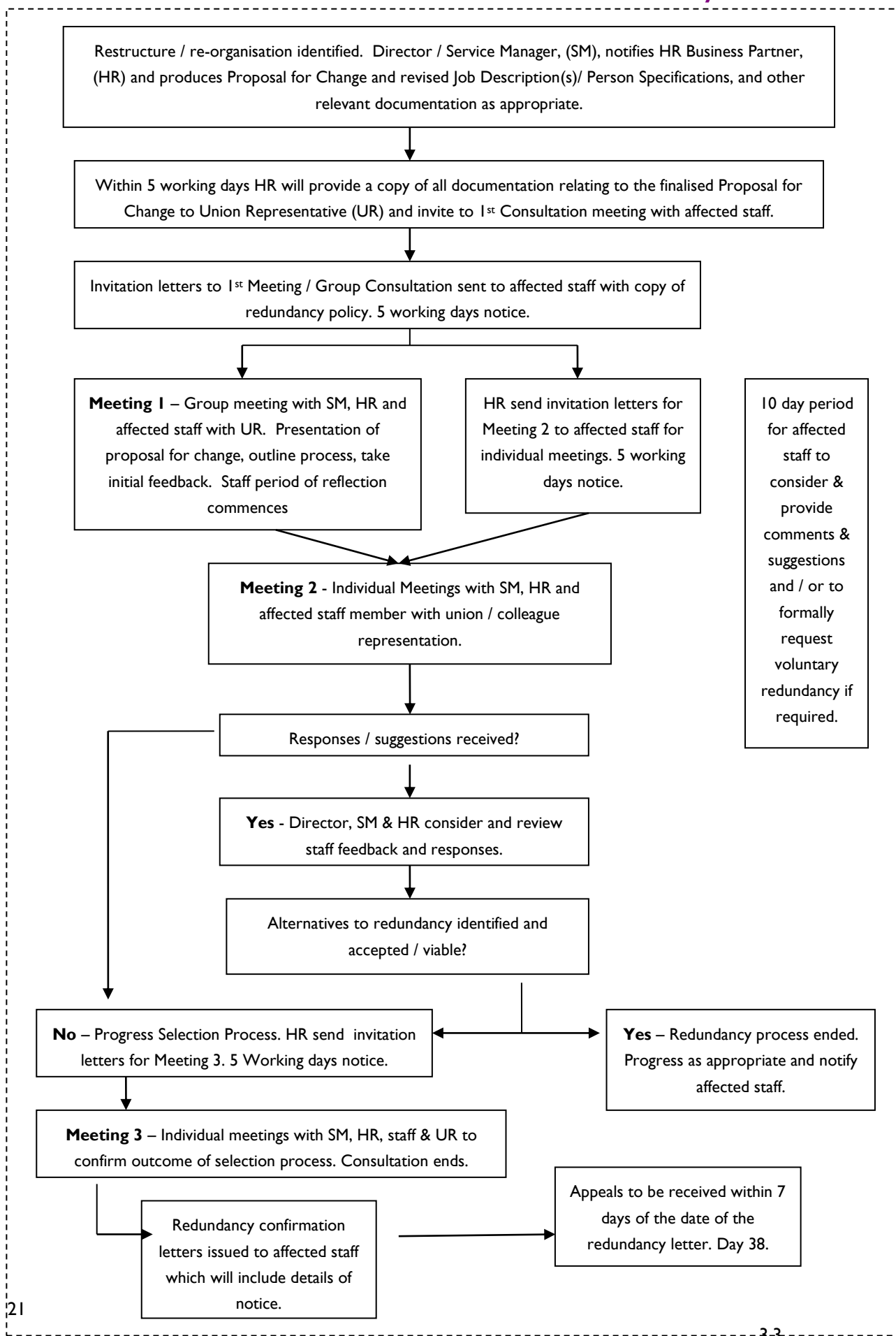
Title:

Manager Signature:

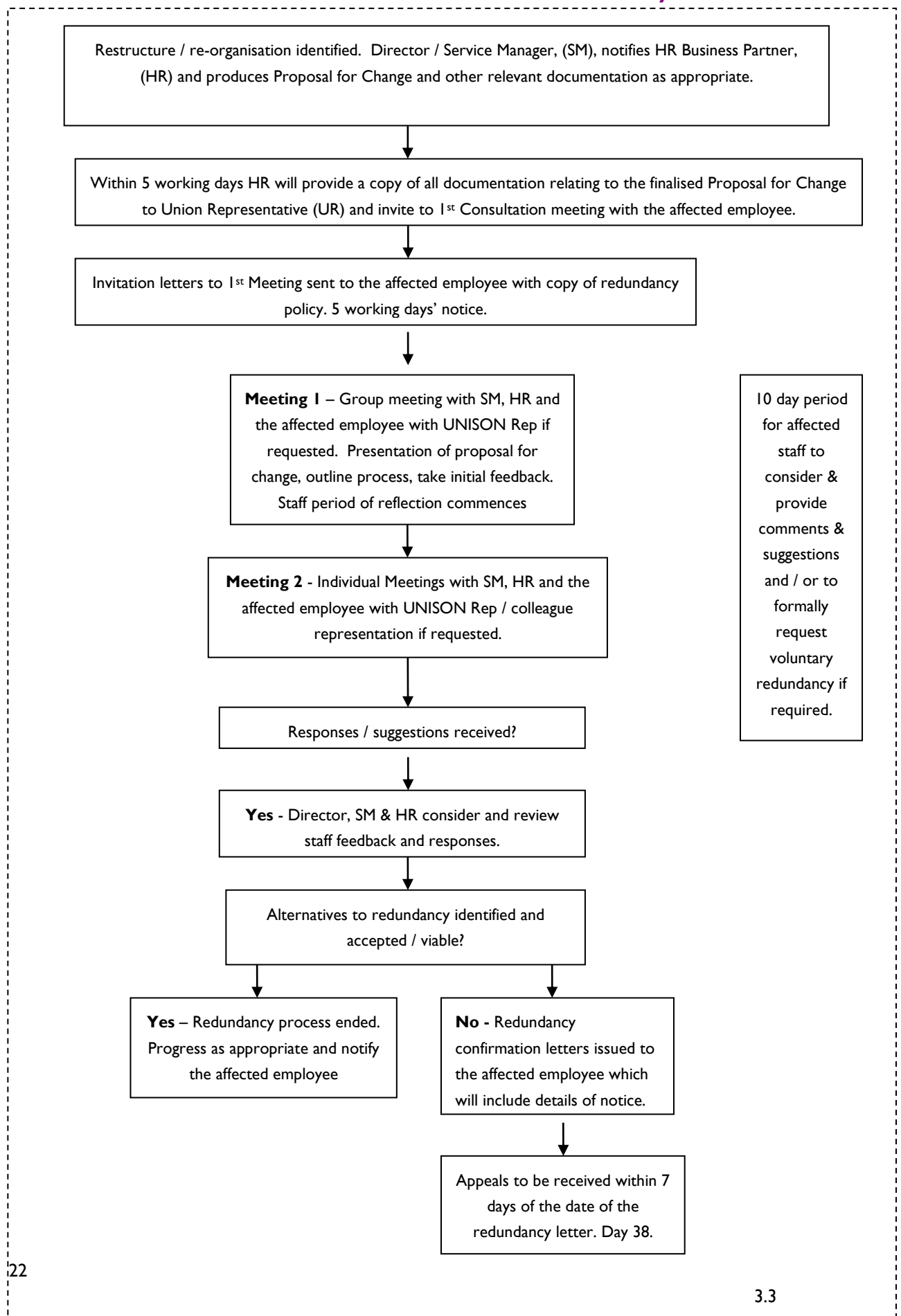
Date:

Please ensure that a copy of the report has been passed to HR and the recognised trade union.

## APPENDIX 3: CONSULTATION PROCESS & TIMELINE – 30 Days



## APPENDIX 3a: CONSULTATION PROCESS & TIMELINE FOR A REDUNDANCY INVOLVING ONE POSITION ONLY – 30 Days





## APPENDIX 4: DRAFT SELECTION MATRIX

Directorate:

Service:

<b>Section 1: Personal Details (to be completed by HR)</b>	
<b>Employee name:</b>	
<b>Current job title:</b>	
<b>Date appointed to post:</b>	
<b>Continuous service date:</b>	

Section 2: Knowledge, Skills and Experience				55%
Criteria Extracted from Revised Person Specification	Met (5)	Part Met (3)	Not Met (0)	

Section 3: Length of Service (Cost to Release)				15%
	Lowest (0)	Med (3)	Highest (5)	
Redundancy (10%)				
Strain on Pension Fund (5%)				

**Section 4: Disciplinary Record over last 2 years** (to be completed by HR /UNSPENT ONLY) **15%**

	Issued on	Effective until
Verbal Warning		
First Written Warning		
Second Written Warning		
Final Written Warning		

**Section 5: Attendance Record over last 2 years** (to be completed by HR) **15%**

(absence related to industrial injury, disability or maternity should be excluded)

**Data as at (Date)**

Number of working days lost	<b>(5%)</b>	
Number of occasions of sickness absence	<b>(10%)</b>	

**Section 6: Scoring**

	Records attached	Score	Total (weighted) (Score / 5 x weighting)
Job Criteria met=5, part met=3, not met = 0			
Length of Service (cost to release) Lowest = 0, Middle = 3, Highest = 5			
Disciplinary Records none = 5, vw = 4, 1 <sup>st</sup> ww=3, 2 <sup>nd</sup> ww, = 2 final ww = 1			
Attendance Number of days: (none = 5, up to 5 = 4 up to 10 = 3, up to 15 = 2, over 15 = 0)			

Number of occasions:  none = 5, one occasion = 4, two occasions = 3, three occasions = 2, over three occasions = 0			
<b>Total</b>			

Completed by *(Name)*, *(Title)*, *Human Resources*

Signature:

Date:

Completed by *(Name)*, *(Title)*, *(Directorate)*

Signature:

Date:

Checked by *(Name)*, *(Title)*, *(Directorate)*

Signature:

Date:

### Guidance Notes

- The proposed selection criteria and weightings will be the subject of consultation with the Trade Union(s).
- The criteria and their relative weightings will be determined by service delivery requirements and the need to maintain a balanced workforce as set by the Director of Service / Manager in consultation HR.
- To achieve a total score for each employee, criteria should be weighted by a factor to reflect its relative importance.
- Assessments must be objective and supported by documentation and verifiable evidence where possible.
- Scoring will be carried out by the relevant Service Manager and HR Business Partner and combined to give a total score for each employee.
- Detailed notes should be kept at all stages of the assessment process in order that they can be referred to in any appeal process.

## **APPENDIX 5**

### **Meeting 1 - Initial Group Employee Meeting Letter**

#### **Guidance:**

*Please be aware that this is a guidance document only and should be tailored to suit the individual circumstances.*

#### **Template:**

Dear

<Enter reason for review> e.g. Following the introduction of (activity) and the need to reduce service delivery costs, the Council has recently reviewed its service delivery methods and activities within the (name) Directorate. As a result of the review it is likely that a re-organisation will occur within the (name) area of the (name) Directorate which may, regrettably, result in some redundancies.

The decision to contemplate redundancies has not been taken lightly. It is therefore proposed to meet with employees to see whether job losses can be avoided or reduced. The meetings will also inform you as to the nature of the reorganisation, the areas of the <enter directorate and if appropriate service area> that are likely to be affected and the likely impact of the proposals upon you.

The meeting will take place at xxx on xxx in xxx. I will conduct the meeting and [HR BP] will also be in attendance as a representative of Human Resources. <Enter name of union rep> will be in attendance as a representative of UNISON.

At the meeting you will be given the opportunity to ask questions and to make any suggestions that you might have in connection with the proposals put forward. Any such suggestions will be carefully considered by the Council.

I enclose a copy of the Council's Organisational Change/Redundancy policy for your information.

Yours sincerely

[ ]

## APPENDIX 6

### Meeting 2 - Individual Employee Meeting Letter

#### **Guidance:**

*Please be aware that this is a guidance document only and should be tailored to suit the individual circumstances.*

#### **Template:**

I write further to the group consultation meeting that took place on <enter date>, when I informed you and the team that [provide details of what you said – reason for redundancy – need to reduce costs, leading to restructure and redundancies, etc.].

As you are aware one of the proposals being considered is a reduction in the number of <enter job title> within < enter directorate/service area>.

As you are currently employed as a <enter job title> your post is one which is likely to be affected by the proposal. I would therefore like to invite you to a meeting at <enter time> on <enter date> in <enter location> to discuss this. The purpose of the meeting is to discuss the application of the selection criteria and to consult with you about possible alternatives to redundancy. At the meeting you will be given a full opportunity to ask questions and to make any representations or suggestions that you may have in connection with the proposals, which will be carefully considered.

I will conduct the meeting and [HR BP] will also be in attendance as a representative of Human Resources. You have the right to bring a work colleague or trade union representative of your choice to the meeting.

Please be aware that whilst no formal decisions have yet been made, a possible outcome of the process will be that your post will be selected for redundancy.

During the next 5 days from the date of this meeting you are requested to submit, in writing, any suggestions you may have to avoid or reduce the need for redundancy.

A copy of the Council's Organisational Change/Redundancy policy has already been given to you, but please let me know if you need another copy.

If the time or date of the consultation meeting is not suitable for you, please contact me and I will try to reschedule it to suit all parties.

Yours sincerely

□

## **APPENDIX 7**

### **Meeting 3 - Individual Employee Meeting Letter**

#### **Guidance:**

*Please be aware that this is a guidance document only and should be tailored to suit the individual circumstances.*

#### **Template:**

I write further to our previous individual and group meetings of <enter dates>, when I informed you that [provide details of what you said – reason for redundancy – need to reduce costs, leading to restructure and redundancies].

The period for submission of written suggestions for the avoidance or reduction of redundancies has now expired. In addition, the selection exercise had now been completed and I would therefore like to invite you to meeting at <enter time> on <enter date> in <enter location> to discuss this.

At the meeting you will be given a further opportunity to ask questions and to make any representations or suggestions that you may have in connection with the proposals, which will be carefully considered.

I will conduct the meeting and [HR BP] will also be in attendance as a representative of Human Resources. You have the right to bring a work colleague or trade union representative of your choice to the meeting and I would be grateful if you could inform me, in advance, who will attend, if relevant.

Please be aware that whilst no decisions have yet been made, a possible outcome of our discussions is that your employment will be terminated by reason of redundancy.

If the time or date of the consultation meeting is not suitable for you, please contact me and I will try to reschedule it to suit all parties.

Yours sincerely

## **APPENDIX 8**

### **Redundancy Confirmation Letter**

#### **Guidance:**

***Please be aware that this is a guidance document only and should be tailored to suit the individual circumstances.***

Thank you for attending the meeting with [name] on [date] to discuss the Council's provisional proposals to make a number of posts redundant. Having carefully reviewed the representations made by both you and, <enter union rep>, <enter manager name> has concluded, regrettably, that the post of <enter job title> is no longer needed. You are therefore under formal notice of the termination of your employment by reason of redundancy.

As explained at the meeting, you have the right to appeal this decision. If you would like to exercise that right of appeal, you must do so in writing, within seven working days of the date of this letter, using the enclosed Notification of Appeal form. The completed form must identify the grounds on which you wish to challenge the decision and should be sent to the HR Manager. Any appeal will be heard by a Director appointed by the Chief Executive.

It is hoped that we will be able to identify suitable alternative employment for you by <enter date>. However, should this not be possible, your employment will terminate by reason of redundancy on that date. Should this be the case you would be entitled to a redundancy payment, based on the following:

Age:

Number of complete years' service:

Weeks pay:

The Council's policy is to double the statutory multiplier and is based on actual weekly earnings. Therefore you would be entitled to <£enter amount> inclusive of all statutory redundancy entitlements.

Payments up to £30,000 are payable gross, without deduction for tax and national insurance or pension contributions. [As your payment exceeds £30,000, it is subject to tax but not national insurance on the amount over £30,000. i.e. the payment due is <£enter amount> consequently tax is payable on <enter amount over £30,000>].

In addition, you would be entitled to all other monies normally payable upon termination of employment such as pay in lieu of any outstanding leave entitlement etc. These payments are subject to deductions (state which).

As discussed at our meeting, a representative of HR will need to meet with you to complete a 'redeployment profile' in order to help the Council identify suitable

alternative employment opportunities. An appointment has been booked with <enter HR rep name> for <enter time> on <enter date> in <enter location>.

A copy of the blank redeployment profile is included with this letter. I would be grateful if you could take time before the meeting to consider the information required. If you would like to start completing the profile prior to the meeting, please bring an up to date copy with you.

If you are unable to attend this meeting please call me on <enter phone number> and I will try to reschedule this to suit all parties.

Please be aware that should you take up an offer of employment from a Local Authority, or modification order body, before your employment with Chelmsford Council ends or less than 4 weeks of it ending you will not be entitled to a redundancy payment.

If you obtain employment with another local authority after your termination date you will be entitled to retain any monies paid to you in respect of notice and redundancy payments on the basis that you do not commence your new employment until 4 weeks after the termination date. (If the termination date is on Friday, Saturday or Sunday the 4 weeks begins on the following Monday.)

I appreciate that this is a difficult time for you and that this letter contains a lot of information for you to take in, so if you have any questions regarding this letter, or the process generally, please do not hesitate to call me.

Yours sincerely



## **APPENDIX 9**

### **Outcome of Redundancy Selection - Retention**

#### **Guidance:**

***Please be aware that this is a guidance document only and should be tailored to suit the individual circumstances.***

#### **Template:**

Further to our recent meeting of <enter date>, in relation to the reorganisation of the <enter directorate>, and the initial outcome of the redundancy selection process.

At this meeting you were also informed that all affected employees had the right to Appeal against a decision to terminate employment by reason of redundancy and that any such appeal could affect the outcome of this redundancy process.

I am now writing to inform you that we have not received any appeals / the appeals process has been concluded (delete as appropriate) and that you have been selected for continued employment with Chelmsford City Council. I can confirm that the redundancy process is now complete.

Yours sincerely

## APPENDIX 10: NOTIFICATION OF APPEAL FORM

<b>NOTIFICATION OF APPEAL</b>	
<b>Name:</b> .....	<b>Post:</b> .....
<b>Directorate:</b> .....	
<b>Date of letter notifying decision to terminate employment by</b> <b>reason of redundancy:</b> .....	
<b>Reason for Appeal:</b> <i>(Please note your reason for appeal would normally be on the basis of incorrect process or unfair selection for redundancy).</i>	
<b>I wish to appeal against the decision to terminate my employment by</b> <b>reason of redundancy. By reason of;</b>  <b>Process:</b>          <b>Unfair selection for redundancy:</b>          	
(Please continue on a separate sheet if necessary)	

I intend / do not intend\* to be represented at the Appeal hearing. (\* delete as applicable.)

I intend / do not intend\* to submit additional supporting documentation in advance of my hearing date. (\* delete as applicable.)

Name of representative [if applicable]:

Do you wish an additional copy of the documentation/correspondence relating to this appeal to be provided to you in order that you can send it to your representative? \* Yes / No. (\* delete as applicable.)

I understand that if a meeting is convened to hear my appeal and that if, without good reason, I fail to attend that meeting then my appeal may be treated as having been withdrawn.

Signed:.....

Dated:.....

## **APPENDIX I I**

### **Redundancy Appeal Process**

- 1 The employee will submit a notice of appeal, to the HR Manager within 7 working days of receipt of the notice of dismissal by reason of redundancy.
- 2 The HR Manager will arrange for the Director of Service to chair the Appeal Hearing, supported by an HR Representative, unless s/he has been directly involved in the prior consultation process in which case an alternative Director will be identified.
- 3 The HR Manager will arrange for the Appeal Hearing to take place within one month of receipt of the appeal notification. This may be varied, by agreement, to facilitate the attendance of the employee's union representative or work colleague, but the hearing will not be unreasonably delayed.
- 4 The Director of Service / Hearing Chair will arrange an Appeal Hearing giving a minimum of 5 working days notice and;
  - advise that the employee may be accompanied by union representative or work colleague
  - advise the employee of Appeal Hearing attendees which will include the Service Manager or Director responsible for presenting the case for redundancy and the witnesses including the HR representative responsible for advising on the redundancy process and any other manager directly involved in the redundancy consultation process.
  - confirm an exchange date for the Hearing documentation and any relevant supporting documentation from the employee a minimum of three working days in advance of the Appeal Hearing date.
- 5 **The Hearing**
  - 4.1 On the day of the Appeal Hearing, the Chair will;
    - Ensure the employee is aware of their right to be accompanied by a trade union or work colleague;
    - Introduce hearing panel members;
    - Confirm the Hearing process.
  - 4.2 The Chair will invite the employee or their representative to submit their case in the presence of the Service Manager or Director who took the original decision to dismiss by reason of redundancy and any attending witnesses.
  - 4.3 The Service Manager will be given the opportunity to ask questions of the employee and/or their representative.

- 4.4 The panel chair may ask questions of the employee and/or their representative.
- 4.5 The Service Manager will submit the case for redundancy in the presence of the employee and their representative, (if relevant) and any attending witnesses.
- 4.6 The employee and/or their representative shall be given the opportunity to ask questions of the Service Manager and any attending witnesses.
- 5 The panel chair may then ask questions of the Service Manager and any attending witnesses.
- 6 The employee and/or their representative and the Service Manager will be given the opportunity to sum up their respective cases if they so wish.
- 7 The Service Manager, the employee and his/her representative and any attending witnesses will then withdraw.
- 8 The panel chair will consider the information presented by both parties, supported by the HR representative, and make a decision.
- 9 If the chair panel requires further information or clarification from either party, then both parties will be recalled, even though it may be the case that only one is needed to deal with the point in question. Both parties will then withdraw a second time to allow the chair to consider the further information.
- 10 The panel chair will then recall both parties and may;
  - announce their decision verbally, to be confirmed in writing within 5 working days of the date of the hearing;
  - indicate that their decision will be confirmed in writing within 5 working days without giving a decision at the hearing.
11. The decision of the Panel Chair is final and no further appeal processes will be allowed.

Version Number	Creation Date	Changes Made	Changes Made By:	Authorised/Checked?	Date of Changes
3.3	Mar 2021	Removed reference to flexi scheme	K Knowles	Y	03/03/2021
3.2	Jan 2011	Replaced two ticks with disability confident	M Barnett	Y	18/10/2016
3.1	Dec 15	PILON in 10.3 removed as per HMRC	A Cartwright	Y – As advised	01/12/2015
3.0	Jan 2011	FAQ's from the redundancy Intranet site (now switched off) have been added to the end of the document	A Felton	Y	02/01/2013