**OLDHAM COUNCIL**

**REDUNDANCY POLICY**

**December 2014**

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|  | **Redundancy Policy** |  |
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**1. Introduction**

1.1 This policy applies to all employees of Oldham Council excluding those staff who fall within the purview of a School Governing Body.

1.2 It is the policy of Oldham Council by careful forward planning to ensure as far as possible security of employment for its employees.

1.3 It is recognised, however, that there may be changes in competitive conditions, organisational requirements and technological developments which may affect staffing needs. Both the council and the trade unions will work together to enhance efficiency, quality of service and competitiveness in order to safeguard the current and future employment of council employees and make compulsory redundancy a last resort.

1.4 The council, in consultation with the trade unions, will seek to minimise the effect of redundancies within any time scale available by maximising redeployment opportunities. Where redundancy is inevitable the council will handle the redundancy in the most fair, consistent and sympathetic manner possible and attempt to minimise any hardship that may be suffered by the employees concerned.

**2. Consultation**

2.1 The Council will consult appropriate trade unions or workplace representatives about staffing requirements and any need for redundancies. The council undertakes to give the maximum possible time for consultation - subject to the needs of the service and will fully comply with any statutory requirements for collective consultation before issuing any individual notices of redundancy. These are:

* at least 30 days collective consultation where the council is considering making between 20 and 99 employees redundant
* at least 45 days collective consultation where the council is considering making 100 or more employees redundant

2.2 The consultation will include the following:

* the reasons for the proposals;
* the numbers and descriptions of employees it is proposed to dismiss as redundant;
* the total number of employees of any such description employed by the council;
* measures to avoid or to minimise redundancies;

The council will consider any alternative proposals put forward by the appropriate trade unions or workplace representatives and give reasons if any point is rejected.

2.3 Individuals affected by the proposed redundancies will be made aware of the agreed procedures and will be consulted irrespective of membership of a recognised trade union.

**3. Measures to Avoid or Minimise Redundancy**

3.1The council will make every effort to reduce the number of redundancies by:

* Natural wastage
* Vacancy control management
* Voluntary options (e.g. voluntary early release; voluntary reduced working hours; etc)
* Filling suitable vacancies with existing employees by the use of redeployment which involves a commitment to training and retraining.
* Flexible retirement in line with the council’s policy

**4. Offers of Suitable Alternative Employment**

4.1 Where redeployment is involved as an alternative to redundancy then, if there is an agreed redeployment policy relevant to that category of employee, the procedures laid down in that redeployment policy will be followed. Written offers of suitable alternative employment will comply with statutory requirements in content and timing. The council’s current Redeployment Policy is attached at Appendix 1.

4.2 The employee has a statutory right to a trial period of four weeks in an alternative job where the provisions of the new contract differ from the original contract, the period to begin when the previous contract has ended.

4.3 The council will use the trial period to assess the employee’s capability. Should the council wish to end the new contract within the four weeks for a reason connected with the new job, the employee will preserve the right to a redundancy payment under the old contract. If the dismissal was due to a reason unconnected with redundancy (e.g. discipline) the employee may lose that entitlement.

**5. Assistance with Job Seeking**

5.1 The council acknowledges the statutory right of employees under notice of redundancy to reasonable time off to look for work or to arrange for training for new employment and will co-operate fully in this matter. Where further guidance is required, this can be provided by the HR Advisory Service.

**6. Staff Support**

6.1 The council, through the HR Advisory Service and other partners, will assist employees who are at risk of redundancy. Such support may include:

* details of potential payments relating to a redundancy
* guidance on how to find another job
* advice on completion of application forms
* guidance on attending interviews
* preparing for retirement

**7. Redundancy Payment**

7.1 Payments to staff will be made in line with the council’s Redundancy & Efficiency

 Release Scheme which is at Appendix 2.

**8. Selection Criteria**

8.1 The council is committed to a fair, consistent, objective and non-discriminatory selection procedure. In selecting employees for redundancy, the agreed Redundancy Selection Criteria will be applied.

**9. Appeals Procedure**

9.1 Employees who feel that they have been unfairly treated will have the right of appeal against dismissal to a Redundancy Appeals Panel.

APPENDIX 1

**REDEPLOYMENT**

**POLICY**



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**1.0 Policy Overview**

1.1 This policy sets out the arrangements for managing employee redeployment. The policy is designed to both facilitate and provide guidance on redeployment.

1.2 Redeployment is the process of securing alternative employment for staff who

are displaced as a result of ill health, performance issues or service redesign.

1.3 Redeployment is a positive measure which enables the council to retain the skills and experience of valued employees, as well as meeting legislative requirements.

**2.0 Employees Covered**

2.1 This Policy applies to all employees of Oldham Council, except those falling under the purview of a school governing body (unless that governing body has specifically adopted the Policy) and Teachers to whom a national scheme applies.

2.2 The Policy will apply under the following circumstances:

* Where a section or service is restructured and employees are displaced.
* Where an employee is unable to continue with their substantive duties due to a medical restriction.
* Where an employee is unable to continue with their substantive role due to performance issues.

2.3 In such circumstances, the employee will be placed on the council’s Redeployment Register. Support and guidance on the redeployment process and access to information will be available from the HR Advisory Service. This will include access to the council’s Employee Support programme for employees at risk of redundancy.

**3.0 Policy Statement**

3.1 The council aims, as far as possible, to ensure security of employment for all of its employees and is committed to attracting and retaining excellent, committed staff valuing their experience, skills and knowledge.

3.2 As a result of service redesign, ill health or performance issues, employees may need to be considered for redeployment. In these circumstances, it is recognised that these staff may have experience and expertise which will enable them to continue to contribute to the success of the council, in another role, if given the appropriate opportunity to do so.

3.3 The council will make all reasonable efforts to retain staff through the Redeployment Policy.

**4.0 Aims of the Policy**

4.1 The aims of the Policy are:

* To support the council in retaining key skills and knowledge within the organisation to deliver its future aims, objectives and Cooperative ambitions.
* To realise the council’s ambition of being an Employer of Choice by supporting employees at risk in finding alternative employment within the council or externally.

**5.0 Procedure and Processes**

5.1 The council will undertake a process of matching employees at risk with available vacancies. Should a suitable vacancy become available, the employee will undertake a Job Trial which will form basis of the recruiting manager and employee’s assessment in terms of suitability for the role.

5.2 The process in summary is:



 *\* Trial may extend beyond 4 weeks.*

5.3 Role Matching

 The council will undertake a process of matching employees at risk with available vacancies.

 In assessing potential matches appropriate flexibility will be applied to those essential criteria on the post’s person specification, allowing for re-skilling and retraining as necessary. This will better enable the employee to meet the full Person Specification within the Job Trial period (outlined in section 5.4).

* The appropriateness of the role in terms of level of pay, location, status, service conditions and skills required, including the transferability of skills.
* The reasonableness of the offer taking into account the employee’s own personal circumstances.

 In circumstances of service redesign, redeployment will be operated at two levels. Employees who have been identified at risk of redundancy, though not yet served with notice of redundancy, will be considered Tier 2. Tier 2 redeployees will not be actively matched to vacancies. For those employees served with formal notice of redundancy, they shall be considered a Tier 1 employee in which case active matching will take place.

5.4 Job Trial

 Where a suitable opportunity is identified, a job trial of normally 4 weeks will be arranged. This job trial will form the basis of assessment, with the managerial view as to whether the opportunity constitutes a suitable offer of alternative employment being confirmed at the end of the trial.

 If statutory notice of redundancy has been issued and the employee turns down an offer of suitable alternative employment during this notice period, then the employee may forfeit his/her right to receive a redundancy payment with the dismissal remaining effective.

**6.0 Statutory Four Week Trial**

6.1 The above process allows a pro-active redeployment process by facilitating trials in advance of an employee’s termination date. As such, trials undertaken in this way would not constitute the statutory four week trial period provided through the Employment Rights Act 1996. Trials undertaken in either way will follow the same process of matching and assessment.

**7.0 Disputes**

7.1 Disputes are not expected but where, exceptionally at the end of the trial, the recruiting manager and employee’s view as to the post’s suitability differs, an adjudication process will be instigated to give a final decision. The adjudication meeting will be chaired by an independent officer of Assistant Executive Director level with an HR Advisor present in an advisory capacity.

7.2 At the meeting, both employee and recruiting manager will be able to submit any evidence in support of their view for consideration by the panel. The decision of the Assistant Executive Director will be final.

**8.0 Salary Protection Rules**

8.1 Whilst ‘matches’ will be assessed in line with section 5, individuals are encouraged to apply for any other posts within the council. In circumstances where an individual is completes a successful work trial and is appointed to a lower graded post, salary protection will be applied up to a maximum of one grade higher than the grade of the post for a period of 1 year.

8.2 Protection does not apply where the reduction in salary results from a reduction in working hours or where an additional payment associated with the old role e.g. unsocial hours banding has been removed or reduced.

8.3 Protection does not apply to employees at risk of dismissal due to performance issues.

**9.0 Terms and Conditions of Employment**

9.1 Where redeployment results in a change in terms and conditions of employment e.g. Soulbury to NJC, the terms and conditions of the new post will apply.

**10.0 Outplacement**

10.1 In addition to redeployment, employees at risk will be provided assistance in finding alternative employment via the council’s Outplacement service. The Outplacement service offers practical support to employees at risk of redundancy.

10.2 Employees at risk will be entitled to reasonable time off to attend interviews, Job Centres, etc.

APPENDIX 2

**REDUNDANCY & EFFICIENCY RELEASE PAYMENT SCHEMES**

**Redundancy Payment Scheme – Non teaching**

**Status of scheme**

The councils discretionary payments scheme will be reviewed from time to time, as required under Regulation7 of Local Government (Early Termination of Employment Discretionary Compensation) Regs 2006, to ensure that the scheme is workable, affordable and reasonable having regard to the foreseeable costs.

Applied where the employee is made redundant on a voluntary or compulsory basis.

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| **Redundancy Payment** | Statutory number of weeks, eachweek paid at the actual level of a weeks pay |
| **Additional Payment** | 0.5 times the redundancy payment |
| **Total Payment** | 1.5 times redundancy pay subject to a ceiling of 30 weeks gross pay |

**Pension release (only if applicable)**

Access to pension in line with scheme rules at age 55 or above.

Efficiency Retirement / Release

Only applies where managers make a business case for efficiencies. Efficiency is a management / organisation led process. Employees cannot request efficiency retirement.

**Discretionary Payment** 1 weeks pay for every year of continuous service with Oldham Council subject to minimum of 12 weeks

**Pensions** Access to pension in line with scheme rules

Retirement at the Employee’s Request

Employees in the scheme are able to retire at age 55 without the employer’s permission. In these cases pension will be payable with actuarial reduction depending on the scheme rules and their individual circumstances.

**Redundancy Payment Scheme for Teachers**

Applied where a teacher is made redundant

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| --- | --- |
| **Redundancy Payment** | Statutory number of weeks, eachweek paid at the actual level of a weeks pay |
| ***Additional Payment*** | 0.5 times the redundancy payment |
| ***Total Payment*** | 1.5 times redundancy pay subject to a maximum of 30 weeks. |

**Pensions** Access to pension in line with scheme rules (actuarially reduced)

Efficiency Retirement / Release

Only applies where a business case for efficiencies is made by a school that is acceptable to the Authority. Efficiency is a management / organisation led process. Employees cannot request efficiency retirement.

**Discretionary Payment** 1 weeks pay for every year of continuous service with Oldham Council or Oldham Schools where the council is the employer subject to minimum of 12 weeks

**Pensions** Access to pension in line with scheme rules

Retirement at the Employees Request

The Teachers’ Pension Scheme allows for employees to retire early from age 55 onwards and access actuarially reduced benefits, subject to criteria available at the Teachers’ Pension Website <https://www.teacherspensions.co.uk/>

APPENDIX 3

**REDUNDANCY SELECTION CRITERIA**

1. **Introduction**
	1. Where a (potential) redundancy situation is identified, employees within the area affected (or wider where considered appropriate) will normally be asked if they wish to volunteer for early release in accordance with the provisions of the council’s Redundancy and Efficiency Release Scheme. It should be noted that the decision to allow the employee to leave will lie with the council and will depend of the council’s needs.
	2. Where a specific function is to be discontinued then those employees directly related to the provision of that function will automatically be selected for redundancy. If it is reduction in provision (of this function), which continues to demand the retention of some employees, then the criteria set out below will determine the selection for redundancy.
	3. Where specific abilities or qualifications are required for the future effective operation of the service those employees will be excluded from the redundancy selection. Where more employees possess the ability than are needed, the criteria set out below will determine selection for redundancy.
	4. The detailed factors comprising the selection criteria will be determined and evaluated by the Executive Director (or named senior officer nominated by the Executive Director) and applied in an objective and non-discriminatory manner.
2. **Criteria**

**(i) Additional Skills and Qualifications**

These are the skills and qualifications which employees are required to possess in order to ensure that effective delivery of council services in the future. Prior to selection, the relevant manager must list the additional skills and qualifications which would be rated as valuable by the service. These must be relevant to future service delivery and justified by reference to objective criterion such as the revised job decription, Service Plan, national or statutory provisions etc.The nature, type and area of additional skills and qualifications must be established and communicated to staff and trade unions prior to the selection process together with how the scoring will be allocated. Additional skills will be scored as set out below;

**Additional Skills and Qualifications (Weighting x 4)**

Excellent skills / qualifications match 50

Very good skills / qualifications match 40

Good skills / qualifications match 30

Some skills / qualifications match 20

Low skills / qualifications match 10

No skills / qualifications match 0

**(ii) Performance**

The levels of these criteria match those of the current PPF scheme of 5 levels (pre April 2015) and the new scheme of 4 levels (post April 2015). Under the PPF scheme the full year review will take place once per year typically in March / April with an option of a review at any time should performance change significantly in that time, either as an improvement or detriment. Where there is an appeal against the outcome of the PPF score, the redundancy selection process will not take place until this is concluded. PPF scores (for the purposes of redundancy selection) will be based on an average of the previous 2 performance ratings, where they exist.

**Performance (Pre April 2015) (Weighting x 4)**

Consistently exceeds expectations 40

Always meeting but sometimes exceeds 30

Meeting expectations 20

Partially meeting expectations 10

Not meeting expectations 0

**Performance (Post April 2015) (Weighting x 4)**

High performer 40

Good performer 30

Developing performer 20

Supported performer 10

**(iii) Absence**

Attendance will be calculated over a 3 year period or from the date of commencement for shorter serving staff. In all cases this will be the total number of working days lost disregarding one single longest period of absence. Where employees have atypical working patterns their score will be based upon a pro rata calculation to avoid any disproportionate impact.

**Absence (Weighting x 2)**

For Equality compliance, the handling of the Absence factor will mirror the Council’s Improving Attendance policy in that:

* All pregnancy related absence will be discounted.
* In cases of **disability related absence**:
1. Disability related absence(s) should be fully discounted where attendance in the qualifying period has temporarily worsened because of the onset of, or changes to, the disability.
2. Where there has been prior and recorded adjustment to the attendance targets in a case of disability, the attendance record will be similarly and proportionately discounted in that case.
3. Where this (ii) hasn’t happened prior to redundancy selection, consideration may be given to discounting disability related absence(s) by an amount not exceeding 50% of the annual target.
* Absences relating to recorded cases of industrial injury will be discounted.

In addition, no account must be taken of absences which have been approved as Special Leave or those which have been dealt with as unauthorised absence, for which pay has been withheld.

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 **(iv) Disciplinary Record and Performance Improvement**

Only live, formal warnings which have been issued following an investigation in line

with the council’s Disciplinary Procedure will be taken into account. Informal warnings, cautions or warnings which have been expunged will not be counted. Individual scores will be allocated as set out below;

**Disciplinary Record and Performance Improvement (Weighting x 3)**

Final written warning or

Formal Stage 2 of the Performance Improvement Policy -100

Written warning or

Formal Stage 1 of the Performance Improvement Policy -50

Verbal warning or

Informal stage of the Performance Improvement Policy -25

No record 0

1. **Tie Break**

Where final scores are tied, a decision must be made in advance of the selection process as to which criterion will be used as the deciding criterion for selection.

APPENDIX 4

**REDUNDANCY SELECTION PROFORMA**

**Employee Reference number:**

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| --- |
| **Positive Scoring Factors** |
| **Factor** | **Score** | **Weighting** | **Total** |
| Additional skills and qualifications |  | **x 4** |  |
| Performance |  | **x 4** |  |
|  | **(A)** |

|  |
| --- |
| **Negative Scoring Factors** |
| **Factor** | **Score** | **Weighting** | **Total** |
| Absence due to ill health |  | **x 2** |  |
| Disciplinary record |  | **x 3** |  |
|  | **(B)** |

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| --- |
| **TOTAL** |
| **(A)** |  |
| - **(B)** |  |
| **TOTAL SCORE** |  |

**NOTE: The employees with the lowest total scores will be selected for redundancy.**