

Redundancy Policy

1. INTRODUCTION

Trowbridge Town Council (“the Council”) aims to maintain and enhance the efficiency and financial sustainability of the Council in a way which will, as far as possible, safeguard the employment of its employees.

However, the Council recognises that there may be changes in service or organisational requirements which have an impact on staffing needs. In such circumstances the Council will seek to minimise the effect of redundancies through the provisions made in this policy.

2. SCOPE

In line with its Equal Opportunities Policy, the Council is committed to ensuring that this policy does not discriminate directly or indirectly on grounds of race, colour, ethnic or national origin, religion or belief, gender, sexual orientation, marital status, disability, age or trade union membership and activity.

In addition, part-time staff and those working under fixed-term contracts will, under no circumstances, be singled out for selection on different criteria to those applied to full-time staff.

3. APPLICATION

This section details the process which will be undertaken where changes in service or organisational requirements may affect staffing needs/levels.

3.1 Preventative Measures

Where the need for redundancies has been identified, and in an attempt to avoid these occurring, one or more of the following measures may be considered:

- job-sharing, part-time employment and/or other flexible arrangements
- a review of existing workloads and overtime levels
- a salary freeze for a specified period
- suspending advertising and recruitment
- discontinuing casual employment contracts
- the likely effects of natural wastage

Any measure being considered will ensure that it does not adversely affect service delivery and development or prevent the Council from recruiting personnel to help avert or prevent the conditions which give rise to the problem

3.2 Compulsory Redundancies

3.2.1 Selection criteria

3.2.1.1 When selecting employees for redundancy, the following criteria will be taken into account. **Note:** the list is not exhaustive and is not necessarily in order of priority.

- loss of contract based work or funding for a post
- relevant experience, qualifications, capability and adaptability
- appraisal/review records
- attendance and disciplinary records
- further social criteria relevant to affected employees e.g. employment prospects due to disability, age, etc.

3.2.1.2 No employee will be selected for redundancy for any of the following:

- maternity-related reasons
- on grounds of gender, race, religion or belief, sexual orientation, marital status, age or (without sufficient justification on operational grounds) disability
- health and safety-related reasons
- for asserting a statutory right
- union-related reasons
- for carrying out the function of, or standing as, an employee representative

3.2.1.3 In instances where the Council plans to make 20 or more employees redundant it will act in line with relevant legislation in force at that time, follow a formal consultation process in conjunction with the recognised trade union and notify the appropriate government department. In such cases if a recognised union is not in place employees may elect appropriate representatives for consultation purposes.

3.2.2 Consultation

When the Council has reached a decision on which posts are being made redundant they will arrange consultation meetings with those employees affected. These meetings will involve all staff concerned including those who may be absent from work due to maternity/paternity.

The first meeting, with the Town Clerk/ **Head of Service for Resources and Venues** and the affected employee(s) direct line manager, will be to advise that their job is at risk of redundancy. At this meeting a copy of this policy will be distributed to all present.

Directly following the meeting employee(s) will be issued with written details on;

- the grounds on which the redundancy is being considered
- the process that will be followed
- an invitation to attend a meeting to discuss the matter in person

Subsequent meetings, to be held within two weeks of the initial consultation, will take place with employees on a one-to-one basis.

Notice of dismissal will not be issued until the consultation period has been completed. In such cases notice periods are as follows;

Length of Continuous Service	Notice Entitlement
One month – 2 years	1 week
2 years – 3 years	2 weeks
Each additional year (up to 12 years)	One additional week
12 years plus	12 weeks (maximum entitlement)

3.2.3 Suitable Alternative Employment

3.2.3.1 Employees under notice of redundancy will be advised of all vacancies within the Council, including those which are expected to arise, during the period of their notice.

3.2.3.2 For each available vacancy the Council will establish whether an employee under notice of redundancy should be assimilated (see below) into the vacant post, or offered a redeployment (ring-fenced) interview for it. Records of this process will be kept on file for six months.

3.2.3.3 Assimilation

Assimilation will occur when a vacancy is similar to a job being made redundant. The Council will determine this by comparing the two job descriptions and person specifications and assessing similarity on the basis of 90% * or more match. This comparison will be made at the start of the redundancy process. Where only one employee meets the criteria for assimilation for a vacancy they will be slotted into the available post. Where more than one employee is eligible for assimilation to a vacancy each will be invited to an interview. In such cases this is no longer assimilation but redeployment and interviews will take place as stated in below. Employees may have a union representative or a work colleague of their choice present at the interview, in an advisory capacity.

3.2.3.4 Redeployment

Where a vacancy is not similar enough to justify assimilation, but there is a 70%-89% * match, the employee will be invited to a redeployment interview. The employee may have a union representative or a work colleague of their choice, present at the interview in an advisory capacity.

* Suggested percentage matches are given as guidance only

The purpose of the re-deployment interview is to:

- a) establish whether, with a reasonable amount of training (if necessary), the employee is able to satisfactorily undertake the tasks detailed in the job description for the alternative post. This will be done by:
 - considering the employee's complete work experience to date (whether paid or voluntary)
 - the skills they have acquired over this time
 - whether these constitute at least 90% of the essential requirements for the vacant position.
- b) establish whether the employee considers the post to be a suitable alternative and is willing to accept it. Where two employees are equally successful in applying for the same post, the post may, if an additional alternative post cannot be found, be offered to both by way of a job-share.

Where an employee under notice of redundancy is to be redeployed, the Council will provide relevant retraining as far as is reasonably practicable. In doing this, consideration will be given to both the cost of retraining and the requirement for the employee to carry out the duties of the redundant post during the notice period.

3.2.3.5 General Recruitment

Where a vacancy is not similar enough to justify assimilation or redeployment the Council may, at their discretion, invite employees to apply for other suitable alternative posts. In such cases the employee will be shortlisted and interviewed before any other applicants for the post.

If, through any of the processes highlighted above, an employee finds suitable alternative employment within the Council a written offer should be made. Offers of a new contract will result in an employee's redundancy notice and the Council's liability for redundancy payments being removed, providing that the new offer;

- Is made before the redundancy takes effect
- Starts within four weeks of the date of redundancy
- Gives a trial period, under the terms detailed in 3.2.4
- States that if the employee accepts the job they will not be dismissed under redundancy

If the employee unreasonably refuses a new job offer, dismissal will take effect. In such cases dismissal will still be for redundancy but the Council can refuse to pay any redundancy payment. An employment tribunal would determine whether the job which was offered was suitable for the employee and whether the Council was correct in refusing to pay.

3.2.4 Trial periods

Alternative employment is subject to a statutory four-week trial period from the date at which the new job is taken up. If, after this period, the employee or the Council decide that the new role or employee's performance in the post is not suitable, then either party may give notice.

In such cases redundancy rights are not lost. Where a trial period is unsuccessful both parties return to the "pre-trial period" situation i.e. as if the trial had not taken place and a redundancy payment will be made. Any such payment will be calculated based on the day that the job being made redundant ended.

For the purpose of retraining, trial periods may be extended for up to 3 months, providing that written confirmation of the following is made prior to the start of the new position;

- the retraining agreement
- the date on which the period of retraining ends
- the terms and conditions of appointment applying after retraining

3.3 Appeals

Employees who are to be made redundant are entitled to appeal against the decision if they feel that the selection criteria have been unfairly applied to their case.

Employees may also appeal if they are not offered suitable alternative employment following the interview processes outlined in Section 3.2.3 above

In either of the above cases appeals must be submitted, in writing, within ten working days of the employee being advised of the decision.

Employees wishing to appeal are entitled to be accompanied at an appeal hearing by a trade union representative or a work colleague of their choice.

In the event of appeals being made the Council will set up an appeals panel consisting of senior members/officers of the Council who have not been previously involved with the specific case to be heard. Wherever possible membership of the panel will be the Mayor, Chair of the Policy and Resources Committee and the Town Clerk.

The panel will meet within ten working days of an appeal being submitted and their decision, based either on unanimous agreement or majority vote, will be final.

The employee will be advised of the panel's decision, in writing within five working days of the appeal hearing.

3.4 Employee Entitlements

3.4.1 Voluntary Redundancy

The Council is not obliged to offer voluntary redundancy but may consider it an option in certain circumstances. Employees may opt for redundancy if they are in a post whose termination would enable the Council to avoid a compulsory redundancy and if their voluntary redundancy is accepted by the Council. Volunteers for redundancy will be entitled to a statutory payment as outlined in 3.4.2.3. below.

3.4.2 Redundancy

Employees to be made redundant will be informed of their potential redundancy as soon as possible (see Section 3.2.2 - Consultation).

Employees affected by redundancy are encouraged to contribute to the consultation process with their own ideas for preventative measures or possible alternative employment within the Council.

Employees who are to be made redundant are entitled to appeal as detailed in Section 3.3.

Employees affected by redundancy are entitled to a minimum consultation period of 30 days. Additional notice period entitlements are detailed in Section 3.2.2 (Consultation).

During their notice period employees are entitled to a maximum of 5 working days without loss of pay to attend interviews/training.

Employees under notice of redundancy may ask to leave the Council early i.e. before the end of their notice period. Consideration to such requests will be given on individual basis and the Council's agreement will be dependant on whether the request is made on reasonable grounds.

Note: An offer to commence employment with an alternative employer during the notice period, where failure to commence will result in the offer being withdrawn, may not constitute reasonable grounds.

Requests to leave the Council early do not invalidate an employee's right to a redundancy payment unless the Council refuses the request. The employee is still considered dismissed through redundancy but on the date of expiry of the employee's notice rather than the original notice from the Council.

3.4.2.1 Redundancy during maternity leave

In cases of an employee being absent from work due to maternity leave the Council will ensure that, if affected by redundancy, they are fully consulted at all times.

Redundancy during maternity leave ends any contractual obligations to both maternity pay and the right to return.

An employee on maternity leave and under notice of redundancy will be offered any suitable alternative vacancy in preference to other employees.

The Council will, as detailed by current legislation, automatically send a written statement of the reason for redundancy to an employee who is pregnant or on maternity leave.

3.4.2.2 Continuous Service

To qualify for a redundancy payment an employee must have two-years' continuous service.

In cases where an employee has taken strike action the period of action will not count towards continuous service, although continuity of service will not be broken.

Under the terms of "The Redundancy Payments (Continuity of Employment in Local Government) (Modification) Order 1999 (as amended)" the Council will include continuous service in local government (and other specified bodies) when calculating entitlement to, and the amount, of redundancy payments.

3.4.2.3 Redundancy payments

3.4.2.3.1 Calculation date

The calculation date for determining a week's pay for redundancy is the date on which statutory notice starts or, in instances where no notice or less than the statutory notice is given, the date employment ends.

3.4.2.3.2 Payment calculations

Without prejudice an employee who meets the criteria of 3.4.2.2 will receive, at the very least, statutory redundancy payments, calculated as follows:

- (i) 0.5 week's pay for each full year of service, where age during the year is less than 22
- (ii) 1.0 week's pay for each full year of service, where age during the year is 22 or above but less than 41
- (iii) 1.5 week's pay for each full year of service, where age during the year is 41+;

The Council may, at its discretion, make enhanced redundancy payments; these will be dependant on circumstances at the time.

In calculating statutory redundancy payments, a week's pay is based on the maximum statutory weekly rate of pay in force at the time or the employee's normal rate of pay, whichever is lower. Overtime is not included.

If an employee works variable hours from week to week, a week's pay is the average remuneration for the 12 weeks prior to the calculation date.

3.4.2.3.3 Holiday

Payments in respect of outstanding accrued holiday entitlement will be made if it is not reasonably practicable for the entitlement to be taken during the notice period.

Holiday taken up to the annual entitlement but not earned will not be deducted.

3.4.2.3.4 Pay in lieu of notice (PILON)

Employees will, wherever possible, be expected to work out their notice. PILON will only be paid where there is good reason for an employee not working the full notice period.

In exceptional cases when a PILON is made the Council will ensure that the employee is clearly advised, in writing, that payment is being made and that the employment ends when they payment is given.

Lance Allan – Town Clerk & Proper Officer

Signed :.....

Date:.....

*This policy was approved at a meeting of the Policy & Resources Committee on 4 September 2018.
It will be kept up to date as the size and nature of the Council changes or as new legislation is introduced.
Otherwise date of next review September 2022*

APPENDIX I

Redundancy Checklist – Guidance for Senior Managers

- ✓ Is there really a redundancy situation?
- ✓ Has there been adequate consultation?
- ✓ Do we need to notify the government Department? (20 or more redundancies). *Notification can be made in writing or via an HRI form obtainable from any Redundancy Payments Office.*
- ✓ Have we considered all potentially affected employees (including those on maternity/paternity leave or absent through illness)?
- ✓ Do we need to send a written statement detailing the reason for redundancy to an employee who is pregnant or on maternity leave (*an automatic right*)?
- ✓ Are the selection criteria objective, non discriminatory and justifiable?
- ✓ Have we consulted adequately on the selection criteria?
- ✓ Have we considered suitable alternative offers of employment, including the possibility of trial periods?
- ✓ Have we given adequate written notice of redundancy?
- ✓ Is the employee eligible for a redundancy payment?
- ✓ Is the employee eligible for a severance payment/early retirement benefits?
- ✓ Have we ensured that the employee is not taking up an offer of alternative employment with another body covered by the Modification Orders within four weeks of the date of redundancy?