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Redundancy and Redeployment Policy

1. Introduction

This document sets out Wirral Council’s policy in managing potential redundancy situations and outlines how the redeployment procedure will be applied.

The policy sets out the Council’s commitment to meaningful consultation, provides information about the legal framework around redundancy, and outlines the key steps and principles that will be followed in managing a potential redundancy situation. This includes the Council seeking to redeploy employees where possible to reasonable alternative work.

A flow chart to illustrate the policy and procedure to be followed is detailed in Appendix 1.

2. Commitment

Wirral Council delivers a wide range of services to local people through the skills, commitment and contribution of our employees.

The Council has to ensure that it is able to operate efficiently and effectively within a changing context. This means that organisational change may be necessary and may also lead to circumstances where there is a need to reduce the number of people employed in a particular service area.

The Council is committed to minimising compulsory redundancies wherever possible. Alternative methods will always be considered before compulsory redundancies are made and the Council will take all reasonable steps to support employees affected by organisational change.

The Council is committed to managing redundancy processes and redeployment procedures fairly and transparently, and ensuring that employees, Trade Unions and other key stakeholders are engaged through a process of consultation.

3. Definition of Redundancy

Under the Employment Rights Act 1996, a redundancy arises when an employee is dismissed because:

- The employer has ceased, or intends to cease to carry on the business for the purposes of which the employee was employed or in the place where the employee was so employed; or
- The requirements for the business for the employee to carry out work of a particular kind, have ceased or diminished or are expected to cease or diminish
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- The requirements for the business for the employee to carry out work of a particular kind, in the place they were so employed, have ceased or diminished or are expected to cease or diminish

4. Key Redundancy Principles

Where redundancies are necessary, the Council will ensure that:

- The total number of redundancies made is kept to a minimum.
- All employees and their Trade Union representatives are fully consulted on any proposals and their implementation.
- Selection for redundancy is based on clear criteria that will, as far as possible, be objectively and fairly applied.
- All individuals selected for redundancy will be placed on the Corporate Redeployment Register for a minimum period of 12 weeks that runs concurrently with their notice period.
- Every effort will be made to redeploy individuals.
- Support and advice is provided to employees selected for redundancy to help them find suitable work when their employment has come to an end.
- Individuals redeployed to lower graded posts may be eligible for transitional pay arrangements in accordance with Transitional Pay policy.
- Employees dismissed on the grounds of redundancy have the right of appeal.

5. What are the alternatives to Redundancy?

In seeking to minimise or avoid compulsory redundancies the Council will consider other methods of achieving employee reductions, which include:

- Minimising recruitment.
- Advertising all posts internally prior to external advertisement.
- Not filling vacant posts.
- Review of Fixed-term contracts use.
- Reduction of Agency use.
- Reduction of overtime.
- Voluntary Redundancy
- Early Retirement
- Voluntary reduction in working hours.
- Flexible working arrangements.
- The Corporate Redeployment Register.

6. Voluntary Redundancy

In a potential redundancy situation managers should consider asking for volunteers for redundancy.
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Employees who wish to take Voluntary Redundancy are entitled to one week's notice for every year of service or their contractual notice, to a maximum of twelve weeks, which ever is the greater, unless they wish to waive their right to a notice period.

7. Consultation process

The Council will undertake full consultation with employees and the recognised Trade Unions on the organisational proposals which could lead to redundancies. At all stages in the consultation process an employee is entitled to be represented by a recognised Trade Union, of which they are a member or by a fellow employee.

7.1 Initial Consultation

Initial consultation will include:

- The reasons for the proposed redundancies
- Ways of avoiding and/or reducing the number of redundancies
- Mitigating the effects of any redundancies

Where redundancies are a potential outcome, the purpose of consultation is to provide as early an opportunity as practicable to share the problem and explore the options.

7.2 Consultation timescales

Legally, the minimum consultation periods that must be observed are:

- At least 90 days if 100 or more employees are affected by the proposals
- At least 30 days in all other cases

The consultation process must begin within the above timescales before the first of the dismissals takes effect (that is, when the employment contract is terminated).

The key to these timescales is the reference to 'at least'. The timescales are the absolute minimum and consultation should commence at the earliest opportunity regardless of the numbers of employees involved. It is important to allow sufficient time in the process to ensure consultation is full and meaningful.
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7.3 Further Consultation

There is a legal requirement to disclose the following information to the appropriate Trade Union representatives in writing, when proposing to make individuals redundant:

- The reasons for the proposals – The Business Case.
- The numbers and descriptions of employees affected by the proposals.
- The total number of employees of that description employed at the establishment.
- The method of selecting employees for redundancy.
- The method of carrying out the redundancies including the agreed procedure and the period over which the redundancies are to take effect.
- The method of calculating the amount of any redundancy payments.

8. Business Case for Service Change

Before any action is taken under the redundancy policy, the Chief Officer, Head of Service or Senior Manager tasked with undertaking a service review must produce a detailed report in conjunction with the Head of Human Resources and Organisational Development (HR/OD). Further advice and standard reports can be found in the Managers Guide to Managing Restructures. The report must include the following information:

- The current position
- The organisational and financial context
- The rationale for service change
- The change required
- The potential impact on structures and people
- Summary of proposed consultation process and timescales
- The numbers and roles of employees that may be affected
- The areas where affected employees are based
- The proposed timetable for implementation of revised structure/deletions of posts/closure of service.
- The costs involved
- The consultation and communication methodology

The Head of HR/OD (or nominated representative) must be consulted on the final contents and proposals contained within the business case and must give their approval for the proposals.
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9. Identification of selection pool

To identify those affected by potential redundancy, the following process will be used:

- All employees carrying out the work or roles of which there is a changed or reduced requirement are potentially ‘at risk’.
- Employees are declared ‘at risk’ when the proposals for change have been agreed.
- An ‘at risk’ letter will be sent to employees detailing the situation and the next steps that will be followed.

The group of employees ‘at risk’ is known as the selection pool if selection is required. The ‘at risk’ group may apply to one or more locations across the Council.

10. Managing Redundancies where all employees in the selection pool are redundant

There may be situations where specific groups or all posts within the selection pool are redundant. Examples of this would be:

- The funding for a particular service / area is withdrawn and / or;
- The service is no longer required

In these circumstances all posts would be declared redundant. This means that in certain situations it may not be necessary to undertake any selection exercises where the selection pool contains only one person, or where every person in the pool is to be made redundant.

10.1 Notifying employees

Where all employees within the selection pool are declared redundant as outlined above, they will be invited to a meeting with the Head of Service (or nominated representative), and a HR Officer to discuss reasons for the redundancy, and employees are entitled to be represented by their Trade Unions. It is usual practice to have discussed the purpose and context of the meeting with the Trade Unions prior to the meeting taking place.

Where possible this would be an individual meeting with the employee (and their representative), however this may not always be feasible, and in such situations a group meeting may take place.

The Manager should provide details of the redundancy payment and/or pension benefits.
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The Head of Service will also inform employees that they are being placed on the Redeployment Register from the date of the meeting and that the period of redeployment will run concurrently with their respective notice periods. Further details regarding Redeployment are outlined in Point 17. The Head of Service will also inform employees that if they do not secure suitable alternative employment with the Council by the end of their notice period they will be made redundant.

Following the meeting employees will receive a letter confirming the reason of redundancy and will also give notice of the termination of their employment. The letter will also outline details of the redundancy payment and/or pension benefits.

In these circumstances there is no right of appeal against selection criteria, however employees still have the right of appeal against their dismissal on the grounds of redundancy (which is detailed in point 15).

11. Managing Redundancies where a Selection process is required

When managing the selection process there are a number of methods which need to be managed accordingly:

11.1 Slotting in and appointment

Slotting in (or assimilation) describes the process of automatically placing an employee into a job where, in a restructuring exercise, the employees post in the old structure is the same or very similar to a job in the new structure.

Where the overall purpose of a post in the new structure matches the previous post by at least 70% of the duties, the post holder will normally be slotted into to the post. This is applicable when the number of posts equates to or is greater than the number of people.

Where an employee matches the new post by at least 70% of the duties but there are more employees than posts available; all the employees will be ring-fenced to the posts and a competitive selection process will take place.

The Council will ensure that where there may be a case or potential for slotting in, this will form part of the consultation process.

11.2 Bumping

Bumping occurs where an employee whose job is not at risk of redundancy leaves voluntarily and by doing so means a post other than theirs is deleted as part of the exercise which may avoid a compulsory redundancy situation.
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Bumping may also allow the Council to retain the skills and knowledge of an employee whose job is to be made redundant through another employee leaving voluntarily.

The Council will ensure that where there may be a case or potential for bumping, this will form part of the consultation process.

11.3 Selection of employees for Redundancy

This section sets out the minimum redundancy criteria that should be followed. This may be supplemented with service specific criteria, where appropriate. This will be determined by the relevant service area with respect to the relevant person specification.

Employee and Trade Unions must be consulted about the proposed redundancy selection criteria as part of the statutory consultation period. Once finalised and before any redundancy selection, all affected employees must receive a copy of the redundancy selection criteria and an explanation of how it will be applied.

The redundancy selection requires an objective assessment of each employee against the following set of criteria:

<table>
<thead>
<tr>
<th>Redundancy Selection Criteria</th>
<th>Assessment approach</th>
<th>Scoring criteria</th>
<th>Score</th>
</tr>
</thead>
<tbody>
<tr>
<td>Performance Assessment (Relevant skills, knowledge and experience)</td>
<td>Interview or other assessment method (eg assessment centre)</td>
<td>Demonstrate full range of skills, knowledge and experience that meet or exceed the role</td>
<td>10</td>
</tr>
<tr>
<td>Disciplinary record (live warnings only)</td>
<td>Personal file</td>
<td>No disciplinary record</td>
<td>10</td>
</tr>
<tr>
<td>Sickness Absence record over preceding 2 years (Managers need to read the guidance in Appendix 2)</td>
<td>Document review</td>
<td>Sickness Absence record (no triggers reached)</td>
<td>10</td>
</tr>
</tbody>
</table>
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<table>
<thead>
<tr>
<th>Redundancy Selection Criteria</th>
<th>Assessment approach</th>
<th>Scoring criteria</th>
<th>Score</th>
</tr>
</thead>
<tbody>
<tr>
<td>when utilising this criteria as absences related to disability / maternity can not be included)</td>
<td></td>
<td>Sickness Absence record (Verbal Warning)</td>
<td>5</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Sickness Absence record (Written or Final Written Warning)</td>
<td>2</td>
</tr>
<tr>
<td>Optional other (service specific)</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

All scoring must be recorded.

11.4 Selection Panel

The selection criteria assessment is to be carried out in respect of each employee by a Selection Panel comprising: The Head of Service (or nominated representative) in conjunction with the relevant line manager(s) and a Senior HR Officer.

Panel members must try to ensure that the process is managed in a supportive way and understand that employees are likely to be very anxious and concerned about the process and may not be experienced in an interview situation.

After the assessments have been completed each employee is given a score. All employees in the selection pool are then rank ordered by score. The employee(s) with the lowest scores will be selected for redundancy.

(Managers should be aware that, under the Maternity and Parental Leave regulations 1999 employees who are on or due to take maternity / adoption leave and whose post is made redundant have the right to an offer of a suitable alternative post without competition, even if there are other suitable qualified or better qualified candidates. If a suitable alternative post is not available they have the right to payment for 39 weeks statutory maternity/adoption leave even if they are made redundant before or part way through the leave).

11.5 Notification of selection for redundancy (following selection process)

Following the selection process, employees who have been potentially been selected for redundancy should be invited to a meeting where practical with the
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Head of Service (or nominated representative), and a HR Officer to discuss reasons for the redundancy. The purpose of the meeting is to discuss the application of the selection criteria and to discuss with the employee any possible alternatives to redundancy. Employees are entitled to be represented by their Trade Unions at this meeting.

Prior to the meeting the employee will receive written details outlining the reason for the redundancy, details of the selection criteria and their applicable scores and ranking on the redundancy matrix.

The Manager should also provide details of the redundancy payment and/or pension benefits.

The employee can only challenge the following grounds:

- Belief that they have been selected for redundancy inappropriately
- Belief that the information considered by the selection panel is incorrect

Employees can expect to be shown their own assessment but there is no requirement to show assessments of other employees or where the cut off point in the scoring system is.

The Head of Service will also inform the employee that they are being placed on the Redeployment Register from the date of the meeting and that the period of redeployment will run concurrently with their notice period. Further details regarding Redeployment are outlined in Point 17. The Head of Service will also inform them that if they do not secure suitable alternative employment with the Council by the end of their notice period they will be made redundant.

11.6 Issuing Notice to those employees selected for Redundancy

Where a meeting has taken place the employee should be written to; to confirm the discussion and outcome of the meeting. In situations where the outcome of the meeting is redundancy, this will confirmed and the letter will also give notice of the termination of their employment. The letter will also outline details of the redundancy payment and/or pension benefits.

The Council will continue to consider options for redeployment throughout the period of notice. The Council will also continue to work with the Trade Unions to find solutions to help those individuals on the Redeployment Register.
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12. Termination of Employment

If at the end of the notice period the Council is unable to identify a suitable alternative post the employee’s employment will be terminated on the grounds of redundancy.

A redundancy payment will then be paid to the individual as set out below.

13. Redundancy Payments

Employees should be advised that a redundancy payment is only due if the employee has at least 2 years continuous service with any employer who is covered by the Redundancy Payments (Modification) Order 1999.

The Council operates a discretionary redundancy policy and details of the discretionary redundancy compensatory payment calculator – payment of weeks pay entitlement is shown at Appendix 3.

14. Securing alternative work during the notice period

Employees under notice of dismissal may ask to leave early before the expiry of notice period if they have secured alternative employment.

They may issue the Council with notice of their intention to leave. This is known as Counter Notice.

If the alternative employment is with an employer covered by the Redundancy Payments (Modification) Order 1999, this will invalidate the right to a redundancy payment. If the alternative employment is not with an employer who is covered by the Redundancy Payments (Modification) Order 1999, they will still be deemed to have been made redundant and will be entitled to a redundancy payment. The redundancy will come into effect on the expiry of the employee’s notice and not of the original notice from the Council.

15. Appeal

All employees have the right of appeal against their dismissal on the grounds of redundancy. In accordance with terms and conditions of service, this appeal will be heard by an Appeal sub-committee compromising of Elected Members.

Where possible this would be an individual hearing with the employee (and their representative), however this may not always be feasible, and in such situations a group hearing or written appeal may take place.
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16. Support

The Council is committed to ensuring that all employees are supported whilst they are facing a redundancy situation and has developed a Redundancy Support Programme for employees.

This programme comprises of a range of support sessions, comprehensive information sessions, workshops, jobs fairs and specific individual training and development. This could include; customer care skills, IT skills and effective project management techniques.

Once employees are placed on the Redeployment Register they will receive information and further details of the Redundancy Support Programme.

Employees under notice of dismissal by reason of redundancy have a legal right to take time off during their working hours before the end of their notice period, to seek alternative employment or make arrangements for training for a new job.

An employee taking such time off will not be required to make up for the time taken by working additional hours at another time. Employees wishing to take advantage of this right should make the appropriate arrangements with their Line Manager.

17. Redeployment

All employees selected for redundancy will be notified formally and advised that they are to be placed on the Corporate Redeployment Register for a period a minimum of 12 weeks to run concurrently with their notice period, to establish if suitable alternative employment can be found.

This is only applicable for employees with over 12 months service. Employees will receive confirmation of placement on the register from Human Resources.

In normal circumstances employees will not be redeployed to a higher graded post without such vacancies being open to competition.

The current department is responsible for:

- Covering all costs of the redeployment process, including re-skilling and development until the employee is redeployed.
- Arranging all re-skilling and development to facilitate the employee’s redeployment.
- Additional costs incurred under the Council’s Early Voluntary Retirement Scheme plus any other conditional costs where redeployment to another department occurs, which results in an indirect or ‘bumped’ redundancy.
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- Arranging review meetings at the relevant intervals.

17.1 Redeployment Process

When an employee is placed on the Redeployment Register, the employee may be invited to a meeting with a HR Officer. The purpose of the meeting is:

- To identify potential re-skilling and development needs
- To offer any other support which will enhance the prospect of redeployment
- Identifying any adjustments which may be necessary to support the redeployment of disabled redeployees.
- Assistance with completion of the Redeployment Profiling Form (M56), which will assist to identify suitable alternative work.

A copy of the Council’s Human Resources Bulletin (which details vacancies) will be sent to employees on the Redeployment register by Human Resources.

It is the employee’s responsibility to apply for all suitable alternative roles, however prior to vacancies being advertised internally / externally they will be ring fenced in the first instance for redeployees.

Human Resources will seek to match Redeployees to suitable alternative opportunities where possible.

17.2 Matching Redeployees to vacancies

Human Resources will be notified of all posts before they are advertised and will ring-fence vacancies for redeployees prior to posts being advertised internally / externally. Redeployees can be considered for posts at the same grade (as their substantive post) or a lower grade.

Where the redeployee is able to match the skills and experience outlined on the person specification (or could do so subject to a short period of training and support) they will be offered a priority informal interview before any other employees are considered.

Where more than one employee on the Redeployment register meets the specification of the role, the vacancy will be ring-fenced to the group and they will be invited to participate in a competitive selection process.

17.3 Posts not ring fenced for Redeployment

Where a redeployee wishes to apply for a post of a higher grade (to their substantive post) they will need to contact Human Resources who will arrange for a copy of their Redeployment Profiling Form (M56) and supplementary information (M56.1) to be passed to the selection panel.
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If they meet the essential requirements of the post they will be guaranteed an interview, which will be a competitive selection process along with other candidates.

Where employees are successful in securing a post as outlined above they are not entitled to a trial period in the role.

17.4 Trial Period
Employees will be entitled to a trial period of 4 weeks in the new role to evaluate the suitability of it and where required, to allow for reasonable training and development. In exceptional circumstances the trial period may be extended, up to a maximum of 13 weeks, to allow for further training and development to enable the employee to meet the requirements of the role. In all situations HR must be consulted on the proposed extension of trial periods.

During the trial period the line manager will formally review the performance of the employee on a weekly basis, using the Redeployment Trial Form (M57).

If following the trial period either the Council or the employee does not consider the post to be suitable, the employee will return to the Redeployment Register for the remaining notice period.

17.5 Employee Responsibility
All employees have a responsibility to consider alternative roles put to them through the Redeployment Register. In the event that an employee rejects two offers of suitable alternative employment, the Council may arrange a hearing to determine whether the employee’s employment should be terminated.

17.6 Alternative Duties
Whilst suitable redeployment is being identified the employee may be required to undertake alternative duties, including temporary or project work.

17.7 What happens if the employee is successfully redeployed?

Employees who are successful in securing alternative employment within the Council during the redeployment period are no longer in a redundancy situation and will therefore not be entitled to a redundancy payment.

Employees, who are redeployed into a lower graded job, may be eligible for a period of Transitional Pay to allow them to manage the financial implications of the loss of pay. Full details of arrangements for Transitional Pay are detailed in the Transitional Pay policy.
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17.8 What happens if the employee cannot find alternative employment with the Council within their notice period?

Employees who have not accessed suitable alternative employment within the Council at the end of their notice period will be made redundant.

17.9 Disability Discrimination Act (DDA) Redeployment

If an employee is at risk from losing their post due to a disability, as a 'reasonable adjustment' under the Disability Discrimination Act (1995) the Council will consider if the employee can be transferred to an alternative role that may allow their continued employment.

In such situations employees are subject to same terms and conditions of the redeployment policy as set out above.

However, if after a period of 12 weeks the employee has not been redeployed there will be a further review process which will be managed via the Council’s Attendance Management Procedure. Please refer to the Attendance Management Policy for more details.