



London Borough
of Hounslow

Redundancy & Redeployment Policy

Transformation & Human Resources

Issued by HR Policy Team
Effective from 1 September 2015

REDUNDANCY AND REDEPLOYMENT POLICY

1 General Principles

Purpose

- 1.1 The purpose of the policy is to ensure there is a structured process for dealing with employment matters and supporting employees during periods of change where the deletion of posts and staff redundancies may be involved.
- 1.2 Staff are required to engage actively in the process of redeployment, with redundancy seen as the last resort.
- 1.3 In determining whether or not changes faced by the Council may lead to redundancies, the Council will apply the legal definition of redundancy set out at paragraph 1.7.
- 1.4 In cases where services are transferring to another provider, the Transfer of Undertakings (Protection of Employment) Regulations 2006 (TUPE) will apply. Separate advice should be sought from legal and HR in these situations.
- 1.5 When redundancies may arise, the Council will consult at an early stage and take appropriate steps to keep the number of redundancies to a minimum, whilst taking into account the needs of the organisation.
- 1.6 Managers will seek to ensure that the redundancy and redeployment process is conducted with fairness, transparency, consideration and confidentiality. Access to appropriate and reasonable support / assistance will be made available (see paragraph 2.40).

Legal Definition of Redundancy

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

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Who does the policy apply to?

- 1.8 This Policy applies to all employees of the Council, except those appointed by the Governing Bodies of schools, for whom procedures adopted by the Governing Bodies will apply. For the purpose of this policy, employees are as defined in section 230 of the Employment Rights Act 1996 <http://www.opsi.gov.uk/acts/acts1996/96018-ah.htm#230> or any substituting or amending legislation.
- 1.9 Where reference is made throughout this Policy to 'Staff Side Secretaries', this should also be taken to include the secretaries of the recognised teacher unions where appropriate.

Representation

- 1.10 All employees have the right to be accompanied by a Trade Union representative or a work colleague throughout this process.

Appeals

- 1.11 An employee who wishes to appeal against their selection for redundancy, or who feels that the Redundancy and Redeployment Policy has been inappropriately applied, should use the appeals mechanism set out in this Policy (see paragraphs 2.27-2.33).
- 1.12 Where discrimination, bullying or harassment issues are raised at an appeal, the Assistant Director of Transformation & Human Resources will be notified. The Assistant Director of Transformation & Human Resources will determine whether it is appropriate for these issues to be dealt with separately or if it is appropriate for the Redundancy Panel to consider them within the scope of the appeal.

Redeployment

- 1.13 The Council will make every effort to redeploy an employee who has been selected for redundancy. The Redeployment Procedure, set out in Part 3, will apply in these circumstances. Redundancy is seen as a last resort.

Employees with a Disability

- 1.14 Where an employee who is vulnerable to redundancy has a disability, consideration must be given to any reasonable adjustments which may be necessary. This is to ensure that the employee will be able to participate fully in the Redundancy and Redeployment Policy.

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2 Process

Measures to avoid or minimise redundancy

2.1 It is the Council's policy to take all possible steps to avoid redundancies and, where they are unavoidable, to keep the number of redundancies to a minimum. Other courses of action will be considered as possible alternatives to redundancies. These may include a consideration across the organisation of whether:

- the Council can reduce the numbers of casual, temporary or agency staff
- a temporary ban can be placed on recruitment to certain posts that become vacant
- any employee whose job might be redundant can be retrained to carry out other types of work
- any employees wish to volunteer to leave under the Council's severance terms

Consultation about possible redundancies

2.2 Where it appears that the Council may need to consider redundancies, employees who may be affected, and Staff Side will be notified at an early stage.

2.3 Employees will be issued with a letter confirming that they are vulnerable to redundancy. At the same time, employees will be invited to a consultation meeting, along with the appropriate Staff Side Secretary, the purpose of which is to:

- set out the reasons why redundancy is possible
- notify the date that redundancies will happen, if known, or give an indication of likely timescales
- propose a selection process (see paragraph 2.13– 2.16)
- propose a pool for selection, if known
- enable possible alternatives or measures to minimise redundancy to be suggested and considered (see paragraph 2.1)
- enable employees who may be affected to take early steps to:
 - understand the relevant facts
 - consider alternative solutions
 - if appropriate, seek alternative employment in the organisation or elsewhere

2.4 If all above issues are not covered in the initial letter, a consultation paper should be provided to staff as soon as possible to ensure that any remaining issues are addressed.

Absent Employees

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- 2.5 Employees who are away from work, for example on long-term sick leave, maternity leave, secondment or suspension, will be included in the consultation process, though this may be in writing.

Consultation Period

- 2.6 Employees and the appropriate Staff Side Secretary will be notified of the dates of the consultation period. Within that period, they will be invited to raise any issues or concerns and put forward any proposals in connection with the potential redundancy situation.

- 2.7 Redundancies and/or variations in contracts affecting 20 or more employees within the Council will trigger the following consultation requirements set out in the Trade Union and Labour Relations (Consolidation) Act 1992, or any substituting or amending legislation. These are a legal duty and must be incorporated into the timetable. Consultation must **begin:**

- in good time
- at least 30 days before the first of the dismissals takes effect (i.e. when the employment contract is terminated) where 20-99 redundancy dismissals are proposed at one establishment within a period of 90 days or less
- at least 45 days before the first of the dismissals takes effect where 100+ redundancy dismissals are proposed within a period of 90 days or less.

- 2.8 The council is one establishment, therefore all anticipated redundancies taking place across the organisation will need to be taken into account in determining when the statutory obligations arise.

- 2.9 It is therefore essential that consultation documents clearly identify the number of potential redundancies. The Assistant Director Transformation & HR is responsible for completing the HR1 form and can advise on corporate figures. Copies of the HR1 form will also be provided to the trade unions.

- 2.10 After the expiry of the consultation period, a decision about whether or not redundancies are necessary will be made and communicated to the staff that were notified of their vulnerability to redundancy at paragraph 2.3. Details of the selection process to be used (see paragraphs 2.13 – 2.16) will also be notified.

Ending Consultation Early

- 2.11 It is possible to end consultation early, providing consultation efforts have been genuine, where either agreement has been reached or the possibility of agreement exhausted.

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2.12 Consideration of ending consultation early where it is clear consultation has been exhausted can be achieved via agreement with the Staff Side Secretary on the basis that staff affected by the process have no objections to consultation ending early.

Selection Process

2.13 The Council is committed to following a fair, objective and non-discriminatory selection procedure.

Selection Criteria

2.14 The selection criteria adopted will be:

- clear, objective and precisely defined
- applied in a reasonable, fair and objective manner
- capable of being backed up with evidence and data
- clearly understood by managers, employees and the trade unions.

2.15 The following are examples of selection criteria which may be adopted, though this list is not meant to be, nor should be taken as, exhaustive. Managers must always ensure that the selection method is agreed with the Trade Unions for each selection process. Details of the selection process should be included in consultation papers sent to staff and the trade unions.

- competitive interview / selection
- skills or experience
- standard of work performance or aptitude for work
- attendance record (see paragraph 2.14)
- volunteers

2.16 Absences relating directly to an employee's disability or those that are pregnancy-related will be discounted when using attendance as a selection criteria.

Voluntary Severance Selection criteria

2.17 Where an employee volunteers to leave under the council's severance terms, consideration will be given to the following factors in assessing their request:

- **Financial** – Does the total cost of the voluntary severance package including the pension strain outweigh the ability to recover the costs? Recovered costs defined as two years' gross salary including on costs.
- **Service Delivery** – Is the individual critical to delivering the service, would service delivery be seriously comprised if they left?

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- **Skills and Knowledge** – Does the individual have specialist skills that are required by the organisation that are not available elsewhere in the service area and retraining another employee to undertake the role would not be viable within a reasonable timeframe?

2.18 Chief Officers will make recommendations on applications for voluntary severance. Decisions will require the approval of the Assistant Director Transformation & HR and the Assistant Director Strategic Finance.

Pool for Selection

2.19 The pool for selection will be clearly identified and defined and the selection criteria will be fairly and objectively applied to it.

Provisional Selections for Redundancy

2.20 Following the initial consultation meeting and having provided feedback to staff and the trade unions, the appropriate line manager and a HR advisor will make provisional selections for redundancy, applying the selection process as notified.

Individual Consultation

2.21 Employees who are provisionally selected for redundancy will be sent a letter setting out the basis of their selection and invited to attend a meeting with their line manager. The purpose of the meeting is to discuss matters relating to their possible redundancy, including redeployment (see Part 3). The employee has the right to be accompanied at this meeting.

2.22 The meeting will be held as soon as is reasonably practicable after the provisional redundancy selections have been made, although the employee should be given a reasonable opportunity to consider their position before attending the meeting.

2.23 An employee facing redundancy is expected to take all reasonable steps to attend the meeting at paragraph 2.21. If the employee cannot attend the meeting, every effort will be made either to reschedule a meeting to an alternative date, receive a written submission from the employee or hear from the employee's representative. In the event that the employee cannot or does not attend the rescheduled meeting, or make other representations, the Council will proceed in their absence.

Decision to Terminate

2.24 If there are no apparent alternatives to redundancy, and a decision is made to terminate employment by reason of redundancy, the employee will be informed of this decision, in writing, as soon as is practicable after the meeting. Normally this will be within 3 working days of the

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meeting set out at paragraph 2.21.

- 2.25 This notification is the formal notice of dismissal to the employee.
- 2.26 Throughout the notice period there will continue to be discussion between the employee and their line manager regarding the individual's situation. Efforts will continue to be made to redeploy the employee up until the date of dismissal.

Right of Appeal

- 2.27 An employee who wishes to appeal must notify their Chief Officer, in writing, within 5 working days of receiving the formal notice of dismissal (see paragraph 2.24). The notification must set out their specific grounds of appeal.
- 2.28 The employee will be invited to a meeting at which their appeal will be heard. The appeal meeting will take place as soon as is reasonably practicable, normally within 10 working days of the appeal notification. The employee must make every effort to attend this meeting. If the employee is unable to attend, the steps set out at paragraph 2.23 will apply.
- 2.29 The appeal will be conducted by a Panel normally comprising a more senior manager than the person who conducted the first meeting and a representative from Human Resources.
- 2.30 The employee has the right to be accompanied at this meeting. A note taker will also attend.
- 2.31 Where issues of discrimination, bullying or harassment have been raised at the appeal, the Chair of the Panel will notify the Assistant Director of Transformation & Human Resources. The Assistant Director of Transformation & Human Resources will need to determine whether these issues should be dealt with separately or if it is appropriate for the Redundancy Panel to respond to them within the scope of the appeal. This may result in the Appeal Panel being adjourned to allow for such a consideration.
- 2.32 The employee will receive written notification of the appeal outcome as soon as is practicable after the end of the hearing. Normally this will be within 5 working days.
- 2.33 There is no further right of appeal.

Redundancy Pay

- 2.34 An employee whose post is redundant and has at least two years' continuous local government service will qualify for statutory redundancy pay. The amount payable as is set out in s162 of the

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Employment Rights Act 1996
<http://www.opsi.gov.uk/acts/acts1996/96018--w.htm#162> or any substituting or amending legislation.

- 2.35 The Council may, at its sole discretion, award redundancy compensation, above the statutory redundancy pay limit, in accordance with the Local Government (Early Termination of Employment) (Discretionary Compensation) (England and Wales) Regulations 2000 <http://www.opsi.gov.uk/si/si2000/20001410.htm> and the Local Government Pension Scheme Regulations 1995 http://www.opsi.gov.uk/si/si1995/Uksi_19951019_en_1.htm or any substituting or amending legislation.
- 2.36 In accordance with the Council's Severance Policy, employees who are dismissed on grounds of redundancy will receive a payment on the terms set out in this procedure. Any payment, made under the Severance Policy, includes an employee's entitlement to statutory redundancy pay.
- 2.37 The Redundancy Compensation Panel may convene to consider individual pension issues.
- 2.38 The level of any enhanced compensation may be varied by the Council, at its sole discretion, at any time up to and including the date of redundancy.
- 2.39 Under certain circumstances, employees may lose their entitlement to redundancy pay where they take up employment with certain public sector bodies immediately or shortly after leaving the Council. Advice on this should be sought.

Support for Redundant Employees

- 2.40 Consideration will be given to appropriate ways of supporting employees who have been issued with notice of redundancy e.g. outplacement services.

Time Off to look for new employment

- 2.41 An employee, who has been issued with notice of dismissal for redundancy, will be granted reasonable time off work with pay during their notice period in order to look for new employment or to make arrangements for training for future employment. All requests for time off must be agreed with the employee's line manager.

Bringing forward Date of Termination

- 2.42 An employee who wishes to bring forward the date of dismissal on grounds of redundancy must discuss this with their line manager and HR team. If agreement is reached on an earlier date, the employee is

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still entitled to a redundancy payment. However, the payment will be recalculated with the date of dismissal being their last day of service and not the date in the original notice of dismissal (see paragraphs 2.24).

3 Redeployment

General

- 3.1 The Council will actively seek to redeploy any employee who is vulnerable to redundancy or has been provisionally selected for redundancy.
- 3.2 Redeployments will be managed and controlled by Human Resources, and a designated HR Manager will have lead responsibility for the process.
- 3.3 The procedure below is to be followed when employees are placed on the “At Risk” Register, meaning that the employee is vulnerable to redundancy. Human Resources will maintain the At Risk Register.
- 3.4 Some of the provisions of this procedure may be extended to other cases of redeployment e.g. ill-health or efficiency.
- 3.5 It is a requirement of all displaced staff (those on At Risk register) to participate actively in the redeployment process. A failure to do so could result in the withdrawal of redundancy payments.
- 3.6 Redeployment will usually involve seeking a match of jobs at similar grades, although the determining factor will be whether the post is a suitable alternative.
- 3.7 Redeployment into a higher graded post does not normally apply as staff should seek a higher graded post through promotion. Occasionally, however there may be a direct skills match with an opportunity for redeployment to a post which is a grade higher.
- 3.8 The Organisational Change Policy sets out the process for managing reorganisations within the Council. Redeployment will be actively sought for employees identified, as being at risk of redundancy from reorganisations.

Redeployment Procedure

- 3.9 All employees identified as “at risk” will be asked to complete a skills profile. The completed profile, together with the employee’s current job description, will assist in the early “matching” of potential redeployments.

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- 3.10 Priority will be given in redeploying employees who have been displaced.
- 3.11 Where an employee has a disability, it will be necessary for them to volunteer sufficient information to Human Resources about the nature of their disability and how it affects their ability to carry out tasks. This information should support the detail provided in the skills profile. Human Resources will, in conjunction with the employee, discuss and consider whether reasonable adjustments may be appropriate. This may involve seeking specialist advice.
- 3.12 Recruitment advertising will be suspended by one week (7 days) during which time these vacancies will only be available to those employees on the “At Risk” register. Employees will receive details of how to access these vacancies.

Matching Exercise

Initial matching decisions will be based on:

- Employee’s skill profile
 - Current role as set out in their job description
 - Existing key terms and conditions i.e. grade/salary
 - Potential to learn and develop skills/knowledge in a 1 month trial period
- 3.13 If a potential match is identified, and confirmed by Human Resources the individual, will be alerted to the vacancy and asked if they wish to apply. If so, the recruitment process will be suspended to allow for the redeployment meeting to be held.
- 3.14 The employee will be provided with the details of the post and may be asked to submit a supporting statement to complement their skills profile.
- 3.15 The recruiting manager will be notified immediately that a redeployment applicant has been identified and that arrangements are being made for a redeployment meeting.
- 3.16 An employee who unreasonably refuses to consider a post, deemed to be a suitable match, may jeopardise any future severance payment.

Redeployment Meeting

- 3.17 The redeployment meeting must be held quickly, ideally within 5 working days of the redeployment match. The employee’s profile and supporting statement should be submitted to the recruiting manager immediately.

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- 3.18 In addition to the employee and the recruiting manager, the meeting will be attended by either another manager or a HR Adviser. The meeting is a consideration of the employee's suitability for the post and an opportunity to discuss whether any training would be appropriate within the one month trial period.
- 3.19 Where more than one employee has been deemed a suitable match, a competitive selection process will be necessary. This should be held in accordance with the principles of the Council's Recruitment Policy.
- 3.20 Where the outcome of the redeployment meeting is that an employee is suitable for the post, the employee will be offered a trial period. If the post is not deemed to be suitable efforts will continue to be made to match against other/future vacancies.

Trial period

- 3.21 All employees who are successfully matched against a redeployment opportunity will be offered a trial period. This will be for one month and should be arranged as a matter of urgency. The details of the trial period will be confirmed in writing, before its commencement. The purpose of the trial period is for both the employee and the recruiting manager to confirm the individual's suitability for the post.
- 3.22 During the trial period the manager should arrange regular supervision meetings with the employee. This will allow managers to offer feedback on performance, identify and address issues or concerns such as training needs.
- 3.23 Should the trial period be successful, the employee will be offered the post and a new contract of employment will be issued. Continuity of employment will be preserved.
- 3.24 If the trial period continues after the notice period has expired, the contract will be extended to the end of the trial period. In this circumstance:
- If trial period is confirmed, the new contract will commence immediately at the end of the trial period and continuity of employment preserved
 - If trial period is not confirmed, redundancy will take effect immediately at the end of the trial period. The redundancy payment may need to be recalculated in light of the later date of termination.
- 3.25 An employee who is offered a post that is deemed to be suitable alternative employment, but unreasonably refuses to accept it, will lose their right to a redundancy payment (see paragraph 3.16).

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- 3.26 If the manager considers that the employee is not suitable for the post, they will write to the employee setting out the reasons for their decision.

Subsequent Matching Exercises

- 3.25 Human Resources will continue to seek redeployment opportunities for displaced employees throughout their notice period, until the date of their dismissal.

Pay Preservation

- 3.26 An employee who is permanently redeployed into a new job, will be issued with a new contract of employment.
- 3.27 An employee who is redeployed to a post, which is a maximum of two grades lower, will have their pay preserved on the following basis:
- their contractual salary will be frozen at current levels and preserved for one year.
 - any other non-contractual elements of pay (e.g. overtime, allowances) will not be preserved.
 - At the end of the year, pay preservation will cease. The employee will revert to the contractual terms and conditions (including pay) of the post into which they were redeployed.
- 3.28 Where an employee is redeployed into, or engages in a trial period for, a post in a different department, the department they are leaving is responsible for meeting any pay preservation costs which arise.
- 3.29 An employee who accepts redeployment into a post which is more than two grades lower than their existing post is not entitled to have their pay preserved.

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