

Managing Organisational Change

Restructuring and Redundancy

Procedure, (including Assimilation Process)



Contents		
Section	Title	Page
1.	Introduction	3
	Policy	3
	Definition of redundancy	3
	Roles and responsibilities	4
	Advice	4
2.	Redundancy Procedure	5
	Approval for redundancy consultation and redundancies	5
	Consultation process and selection for redundancy	6
	Issuing notice and appeals	7
3.	Assimilation Process	8
4.	Appendices	
	Appendix A - Report Template	13
	Appendix B - Draft Staff Consultation Report	16
	Appendix C - Redundancy Consultation – Managers Checklist	18
	Appendix D- Assimilation Process - Checklist	19
	Appendix E - Notice of Appeal	21-9
	Appendix F - Assimilation Matrix	23

1. Introduction

Council Policy

1. It is the Council's Policy by the use of careful forward planning to ensure as far as possible security of employment for its employees but it is recognised that there may be times when unavoidable changes in staffing levels are required e.g. as a result of budget restraints, organisational requirements or reduced need for particular skills etc.
2. The Council, in consultation with employees and the recognised trade unions, will always seek to minimise the effect of redundancies. Where redundancy is inevitable the Council will handle the redundancy in a fair, consistent and sympathetic manner.
3. The Redundancy Procedure follows ACAS guidance, as well as "Best Practice". The Procedure applies to all employees directly employed by the Council and is recommended to schools with delegated authority for staffing matters, as "Best Practice". It does not apply to Elevate employees.

Definition of redundancy

4. Under the Employment Rights Act 1996 a redundancy situation arises when employees are dismissed in the following circumstances: -
 - (a) The employer has ceased, or intends to cease:
 - i) to carry on the business for the purposes of which the employee was employed by him; or
 - ii) to carry on the business in the place where staff were so employed; or
 - (b) The fact that the requirements of that business:
 - i) for employees to carry out work of a particular kind; or
 - ii) for employees to carry out work of a particular kind in the place where staff were employed; have ceased or diminished, are expected to cease or diminish.

In local government, this may be as a result of a shortfall in funding (arising from budgetary decisions, a change in funding arrangements or a reduction in the buy back of services), or as a result of a re-organisation.

5. The Council has a statutory duty to consult when proposing to dismiss 20 or more employees and recognises that trade unions play an important part in the consultation process and in resolving employee issues. It also has a responsibility to consult directly with its employees.
6. The Council will try to redeploy employees whose post is redundant, where possible, as detailed in the Redeployment Arrangements. Employees are required to fully co-operate with the redeployment process.

Roles and Responsibilities

7. Managers and employees are required to comply with arrangements detailed in this Procedure. These are designed to try and ensure that potential redundancy situations and restructures are dealt with fairly, objectively and consistently.

Employees are required to:

- Fully co-operate with the process
- Attend any meetings at the time and place designated
- Comply with process for applying for posts under the Assimilation Process and/or submitting appeals
- Comply with the deadlines for making applications and/or representations and for submitting appeals
- Accept a reasonable offer of alternative employment, (if they unreasonably refuse an offer they will forfeit any entitlement to a redundancy payment).

Managers are required to:

- Fully co-operate with the process
- Obtain DMT and/or CMT approval to start formal consultation on potential redundancies and proposed restructures
- Obtain the Chief Executive's and/or Chief Finance Officer's prior approval for all redundancy payments (and demonstrate the action taken to redeploy employees and avoid redundancy) using the Report template provided at Appendix A
- Consult the employees affected, (including those absent on maternity leave, long-term sickness and secondments etc), on the reasons for the proposals, including the timescales and proposed arrangements for achieving this.
- Meet with their employees basis to:
 - keep them informed as to the progress
 - discuss any concerns and/or any alternative proposals put forward
 - discuss any changes or developments that may impact on the proposals
 - discuss what support may be available
- Consult employees on the proposals for assimilation to posts in a new structure and arrangements for appeals before starting the matching process
- Consult Human Resources where there is any concern as to the process to be followed and the proposed method(s) for selection for redundancy

Advice

8. Human Resources will provide appropriate support and advice to managers and employees on the Procedure. **Managers must seek advice before commencing any action under these procedures.**
9. The Divisional Director of Human Resources will provide corporate guidance via the Human Resources Service, to managers and employees to ensure that redundancy issues are dealt with appropriately, in accordance with these procedures, employment legislation and "Best Practice".

10. Any queries or disputes as to the interpretation of the procedures that cannot be resolved at departmental level in the first instance, should be referred to the Divisional Director of Human Resources or their nominated officers for consideration.

2. Redundancy Procedure

Approval for redundancy consultation and redundancies

1. Where there is a reduction in the Council's overall budget or funding and the proposals for achieving the required savings involves potential redundancies, the Budget Report with the options proposed by Members will be the formal approval for redundancies.
2. In all other cases, the Divisional Director, (or Corporate Director as appropriate), must submit a report to their DMT and CMT or Cabinet where appropriate (using the standard report format), to obtain their agreement for redundancies, detailing the following;
 - i) The reason(s) for the proposed redundancies;
 - ii) The progress of any informal/formal consultation with the trade unions and/or employee representatives, including any objections or issues raised;
 - iii) The action taken to mitigate the circumstances and avoid redundancies;
 - iv) The criteria to be used for selecting employee(s) for redundancy and how will be applied;
3. In the event of circumstances arising which may lead to redundancies within any of the Council's services as a result of unavoidable changes in staffing levels, the Divisional Director, (or Corporate Director as appropriate), will make every effort to avoid compulsory redundancies in the first instance; this may include the following:-
 - the process of natural wastage
 - reviewing recruitment strategies and/or deleting or limiting recruitment to vacant posts
 - a reduction or cessation of overtime working other than contractual or emergency overtime
 - exploring alternative working arrangements e.g. part-time working, job sharing or a shorter working week (with the agreement of the employees affected)
 - reviewing the use of non-permanent employees (including casual and temporary employees, consultants, contractors, agency workers and volunteers)
 - exploring the possibility of the "buy-out" of hours (with the agreement of the employees affected)
 - redeployment, in accordance with any agreed procedure, including where possible the provision of appropriate training
 - seeking applications for redeployment with the potential for redundancy if a match cannot be found
 - any other means the Council may consider appropriate after consultation.

All of the above will be subject to the overall responsibility of the Council to maintain a balanced and effective workforce and subject to the consultation process outlined in

paragraph 5 (on page 3).

4. The Divisional (or Corporate) Director must pursue all other options before proposing a redundancy/retirement decision, using the Report template at Appendix A.

Consultation process and selection for redundancy

5. There is a legal requirement for consultation where the Council is proposing to dismiss 20 or more employees. The Manager will start consultation where there are:
 - i) 20-99 employees at one establishment at least 30 days before the first of the dismissals takes effect or
 - ii) 100 or more employees at one establishment at least 45 days before the first dismissals takes effect.

There is no legal requirement to consult when it is proposed to dismiss as redundant less than 20 employees, but there will be at least 30 days and wherever possible, 45 days consultation before the first dismissal takes effect.

6. If, in consultation with Human Resources and the Trade Unions, it becomes apparent that redundancies are inevitable, the Divisional (or Corporate) Director will write to the relevant trade unions to formally notify them of the proposed redundancies, with details of the arrangement for a consultation meeting to discuss the proposals. The letter will provide information as to:
 - i) The reasons for the proposed redundancies;
 - ii) The number and description of employees whom it is proposed to dismiss as redundant (including any fixed-term employees whom it is proposed to dismiss by reason of redundancy before their contracts are due to terminate);
 - iii) The total number of employees of any such description employed at the establishment in question;
 - iv) The total number of agency workers temporarily working for and under the supervision and direction of the employer, the parts of the business in which they are working and type of work they are carrying out.
 - v) The proposed method of selecting employees who may be dismissed;
The proposed method, or combination of methods, should be a matter for consultation and agreement between management and the trade unions. (Advice must be sought from Human Resources if there is any dispute or concerns as to the proposed method).
 - vi) The proposed method of carrying out the dismissals, with due regard to any agreed procedure, including the period over which the dismissals are to take effect;
 - vii) The proposed method of calculating the amount of redundancy payments to be made (other than in compliance with an obligation imposed by or by virtue of any enactment) to employees who may be dismissed.
7. Managers may commence informal consultation before formal agreement to the proposals, in order to allow time to explore means by which the number of potential redundancies might be kept to a minimum or avoided altogether.

8. In exceptional circumstances, the formal consultation period may commence before formal agreement to the proposals, when funding for posts is removed or when a delay may put other posts at risk or prevent the Council carrying out its statutory responsibilities etc.
 - i) Managers will establish and agree a timetable for the redundancy process; this should include: -
 - dates for meetings with trade unions and affected employees, including any on maternity or long-term absence or secondment etc (see Note: i below);
 - timescales for responding and/or follow up action and obtaining estimates etc;
 - the date(s) for the selection panel and/or for interviews;
 - dates for issuing notice.
 - ii) Where there is a restructuring, the consultation will include the arrangements and timescales for appointing to posts in the new structure e.g. assimilation, ringfencing or competitive interview, and considering appeals. The Assimilation Process (at page 8) will apply.
- Note:**
- i) Employees must be notified in writing of the reason(s) for the proposals, the options to be considered and arrangements for a meeting to discuss these. (The arrangements for meetings should always be confirmed in writing). A draft Staff Consultation Report and Managers Checklist are provided at Appendices B and C.
 - ii) Employees will be able to apply for redeployment when the “at risk” letters are issued.
9. The Divisional (or Corporate) Director will ensure the consultation process is carried out in accordance with this Procedure and that the selection of any employee for redundancy is based on objective, fair and justifiable criteria.
 10. The Divisional Director of Human Resources and OD shall notify the Department for Business, Innovation and Skills where it proposed to dismiss as redundant more than 20 employees:
 - i) At least 30 days before the first dismissal takes effect where it is proposed to dismiss 20-99 employees at one establishment within 90 days or less or
 - ii) At least 45 days before the first dismissal takes effect where it is proposed to dismiss 100 or more employees at one establishment within 90 days or less

Issuing notice and appeals

11. The Divisional (or Corporate) Director must obtain the Chief Financial Officer's and Chief Executive's approval for the payment of a redundancy/retirement dismissal by submitting a report, using the template at Appendix A, detailing the following;
 - i) The reason(s) for the proposed redundancies;
 - ii) The progress of consultation with the trade unions and/or employee representatives, including any objections or issues raised during the process;
 - iii) The action taken to mitigate the circumstances and avoid redundancies;

- iv) The criteria used for selecting employee(s) for redundancy and how this was applied;
- v) The names of the employee(s) whom it is proposed to make redundant along with the costs of redundancy;
- vii) The names of employee(s) who appealed against selection for redundancy, together with the reason(s) for their appeal and the outcome of this;
- viii) Action taken to date to identify opportunities for redeployment/retraining, (including the reason(s) why they was unsuccessful or refused an offer of suitable alternative employment or unable to be redeployed) and support for the employee(s) affected.

Note: The Chief Finance Officer may approve termination and/or pension costs up to £1,000 inclusive; costs in excess of £1,000 must be approved by the Chief Executive.

12. Once the redundancy has been approved the employee will be issued with formal notice of the termination on their employment on the grounds of redundancy and informed of their right to appeal against the redundancy dismissal.

The employee will then be placed on the Redeployment Register with a view to trying to find suitable alternative employment during the period of notice where possible, as detailed in the Redeployment Arrangements.

13. Employees, including those who accept voluntary redundancy terms, will have a formal right of appeal against the application of the selection criteria or redundancy because of the non-renewal of a fixed-term contract as follows:

Appeals against dismissal on the grounds of redundancy will be determined by:

- i) The Personnel Board for employees below JNC Level; or
- ii) The Assembly on the recommendations of a Members Panel for JNC employees

14. Employees should write to the Divisional Director of Human Resources within 10 working days of the notification of the decision, setting out the grounds for the appeal, (using the standard form provided at Appendix E).

15. The employee will be formally notified in writing of the arrangements for the appeal meeting. This is the final stage; there is no further right of appeal.

3. Assimilation Process

Introduction

1. This Process is to be used when there is a need to restructure a section/team in the organisation and where the existing permanent posts are to be deleted and/or replaced in the new structure.
2. The Process will determine whether those employees whose posts are to be deleted should move into posts in the new structure, by identifying where there is a substantial overlap between the duties in the old and those in the new post. This applies to permanent posts and employees only and excludes the following:

- agency workers, placements (paid/unpaid) or volunteers
 - apprentices or trainees
 - employees on fixed-term contracts, (unless they have been contracted to and continuously covering (for a minimum 12 months) a permanent post that will transfer to the new structure)
 - employees acting-up or on secondment, (who will return to their substantive post)
3. Managers must consult the trade unions and their employees on any restructuring where jobs may be affected and/or posts deleted, and seek advice from Human Resources before starting the process.

General

4. Assimilation will involve matching the items on the old and new job descriptions, (excluding items that are common to all job descriptions, e.g. Equalities and Diversity, Health and Safety and mission statements) and/or the time spent on specific tasks.
5. Matching will be against the duties detailed on the job description only, not grades or salary. Acting up arrangements (unless the person can clearly demonstrate that they have been doing the full range of the duties for more than two years), secondments and honoraria will not be taken into account nor shall performance issues.
6. Managers must ensure their employees have a relevant, up-to-date job description before starting the process. Where there is not an up to date job description, the manager must prepare and agree with their employees a list of the duties and responsibilities being undertaken.
7. The Process may be adapted by agreement with the trade unions and employees to suit the particular circumstances of the restructure; this should be agreed before “matching” and may include arrangements for selection when two or more employees are equally matched, appeals e.g. what information should be made available (such as “anonymised” scores) and advertising posts where there is not a match or which are not appointed to. In all cases, it is important to note that:
 - i) Any queries or disputes as to the interpretation of the process must be referred to Human Resources, Business Change Team
 - ii) Managers must use the standard pro-forma assimilation matrix form when matching posts, as provided by the Human Resources, Business Change Team
 - iii) The arrangements for any appeals, including the timescales etc should be agreed and communicated to employees before the matching process starts.
 - iv) Managers must retain all documentation i.e. written notes of meetings; the matching process and/or selection criteria (tests and interview scores) etc for six months after the assimilation process, in order to respond to any possible complaint of unfair treatment.

A checklist of the issues to be discussed prior to commencing the “matching” process is provided at Appendix D.

8. Employees assimilated to a higher graded post will normally be placed on the minimum salary point on the new scale (or their existing scale point if this is higher). Employees assimilated to a lower graded post will be eligible for pay protection as detailed at Paragraph 18 of the Redeployment Arrangements.

Matching

9. The matching process will normally commence with the most senior post in the new structure first with the remaining posts appointed to in order of seniority.
10. Managers will carry out an assessment of the duties in the new job description and/or time spent on these against those in the old job description i.e. assess what percentage of the requirements of the new job (excluding items that are common to all) is covered in the old job description.

Managers must use the standard pro-forma assimilation matrix provided by the Human Resources Business Change Team. See example at Appendix F.

11. Where there is a 65% or more match i.e. the employee is assessed as carrying out 65% of the duties on the new job description (excluding items that are common to all), they will normally be assimilated directly into the post. Where two or more employees are similarly matched, selection will be by competitive interview.
12. Where there are clear similarities between the duties of old and new job descriptions and/or the time spent on specific tasks of at least a 50% but less than a 65% match, the posts will be ringfenced and selection shall be by competitive interview.

Employees do not have any right of appeal against the outcome of a ring-fenced interview; unplaced employees may re-apply for any unfilled posts advertised at the end of the assimilation process on the same basis as other redeployees, as detailed in the Council’s “Redeployment Arrangements”.

Employees who are unplaced at the end of the assimilation process will have the formal right of appeal against the application of the selection criteria for redundancy, as detailed at Paragraph 22.

13. Where posts are not considered to be matched at 10-11, employees and trade unions will be notified and any subsequent representations first considered; the posts will then be advertised at the appropriate time in accordance with the normal recruitment and selection procedures.
14. Once the matching process has been completed, details of the proposed assimilations (the Assimilation List) will be presented to employees along with details of the arrangements for applying and/or to make representations or appeal.

15. Employees will have the right of appeal against inclusion/non-inclusion on the Assimilation List. Appeals must be submitted to the Head of Human Resources within 10 working days of the notification of the decision and detail the reason(s) for the appeal using the Form at Appendix D.

Employees claiming a 65% match for assimilation or 50% match for a ring-fenced interview must show how they meet this.

16. Appeals will be held within 10 working days of the deadline to appeal at 15 above, and considered by an independent departmental/service manager with no previous involvement in the assimilation or matching process. Their decision on the proposed assimilations will be final.

Note:

- i) The timescales for submitting and hearing appeals must be followed, as the outcome may have an impact on other employees and/or delay appointments to posts in the new structure.
 - ii) Employees will have the option of presenting a brief summary of their case in person to the manager considering the appeal.
17. Depending on the outcome of the appeals, the Assimilation List will be amended as necessary and the final proposals notified to staff. There is no further right of appeal.

Assimilation

18. The process of assimilating employees into posts will begin with the most senior post.
19. The assimilations will normally be effective from the date the individual starts the new post. The offer will be confirmed in writing and a new contract issued.

Unplaced staff/unfilled posts

20. Employees who are unplaced will be issued precautionary notice of the termination of their employment due to redundancy, pending final approval.
21. Any posts not filled through assimilation or ring-fenced interviews will be advertised to redeployees first and then in accordance with the normal procedures.

Appeals

22. Employees will have a formal right of appeal against: -
 - i) inclusion/non-inclusion on the list and/to resolve conflicting claims for posts as detailed at 15 and 16 above;
 - ii) where unplaced, the application of the selection criteria for redundancy.
23. Employees should write to the Head of Human Resources within 10 working days of the notification of the decision of the Selection Panel, setting out the grounds for the appeal, (using the form provided at Appendix D). Employees claiming a 65% match for assimilation or 50% match for a ring-fenced interview must show how they meet this.

24. As detailed at paragraph 13 of the Redundancy Procedure, appeals against dismissal on the grounds of redundancy will be determined by:
- i) the Personnel Board for employees below JNC Level; or
 - ii) the Assembly on the recommendations of a Members Panel for JNC employees
25. The employee will be formally notified in writing of the arrangements for the appeal meeting. This is the final stage; there is no further right of appeal.

Human Resources will automatically update the Procedure to comply with any changes to legislation and / or ACAS guidance and notify employees of the amendments.

Appendix A

PRIVATE AND CONFIDENTIAL REPORT OF THE CORPORATE DIRECTOR (DIVISION) date

Title: <i>Insert Name of Service being reviewed/restructured</i>	For Decision								
Summary: <i>State the overall aim of the review and/or restructure and the improvements that are expected to the service provision as a result and any deadlines for completion.</i> <i>Give details of the teams and staff affected and the benefits to and implications for the service as a result of the review and whether the proposals have been equalities impact assessed. Please indicate where there are links and/or implications for other service areas/departments.</i> <i>Provide details of the time table, structure charts showing the current and proposed structures including grades and/or proposed grades in Appendices to the report.</i>									
Implications: Financial: Direct The restructure amounts to a pressure/saving of £XX,XXXX. This is shown in the table below: <table border="1"><thead><tr><th>Current Cost</th><th>Proposed Cost</th><th>Variance (+/-)</th></tr></thead><tbody><tr><td>£XX,XXX</td><td>£XX,XXX</td><td>£XX,XXX</td></tr></tbody></table>		Current Cost	Proposed Cost	Variance (+/-)	£XX,XXX	£XX,XXX	£XX,XXX		
Current Cost	Proposed Cost	Variance (+/-)							
£XX,XXX	£XX,XXX	£XX,XXX							
The available funding for these posts is made up from the following sources: <table border="1"><thead><tr><th>Budget Available</th><th>Amount</th></tr></thead><tbody><tr><td>Insert Budget and Code</td><td>£XX,XXX</td></tr><tr><td>Insert Budget and Code</td><td>£XX,XXX</td></tr><tr><td>Total</td><td>£XX,XXX</td></tr></tbody></table> <i>Note here if there is any surplus between available and proposed funding and any additional information that is relevant in terms of funding/savings/finance.</i> Indirect <i>Give any indirect costs of the review, for example any opportunities to realise savings in the future.</i>		Budget Available	Amount	Insert Budget and Code	£XX,XXX	Insert Budget and Code	£XX,XXX	Total	£XX,XXX
Budget Available	Amount								
Insert Budget and Code	£XX,XXX								
Insert Budget and Code	£XX,XXX								
Total	£XX,XXX								

People Issues:

The report is requesting the authorisation to delete the following posts. Please note where there is more than one post holder we have used the highest capital costs.

Post Title	Salary inclusive of on costs £	Capital costs of Redundancy/Early Retirement £

Action taken to avoid redundancy

What action has been taken to avoid redundancy, including opportunities for redeployment and reviewing the use of agency workers, consultants, fixed-term employees and volunteers

Risk Management:

There are a number of business risks in not taking the decision to restructure. Included in these are:

Give the risks to the Council/Department or Service of not making the changes and any risks associated with the changes and how these will be mitigated.

Also include Equalities Impact Assessment

Recommendation(s):

The Panel (Corporate Director, Section 151 Officer, Divisional Director of HR and Chief Executive) are asked to agree:

- i) To the proposed restructure, deletion of posts and subsequent release of capital costs as outlined in this report**
- ii) That the employee(s) be made redundant if they cannot be redeployed**

Contact Officer:**Title:**

Divisional Director

Contact Details:

Insert telephone and e-mail contact details

List of Appendices to be included:

- Appendix 1 – Current Structure
- Appendix 2 – Proposed Structure
- Appendix 3 – Detailed Financial Breakdown
- Appendix 4 – Time Table
- Appendix 5 – Panel Sign Off

Panel Sign Off

Corporate Director

Date	
Comments	
Signature	

Human Resources

Date	
Comments	
Signature: (Martin Rayson, Divisional Director of HR&OD)	

Finance

Date	
Comments	
Signature (Jonathan Bunt, Section 151 Officer)	

Chief Executive (where the termination and/or pension costs are in excess of £1,000).

Date	
Comments	
Signature	
Chief Executive	

Completed copies of this report to be sent to: Name - Divisional Director
Name - HR Business Partner

Appendix B

Draft – Staff Consultation Report

Review of Service

Name of Sponsoring Officer:

(This should be at Divisional Director or Corporate Director level even where the consultations are led by a Group Manager or Head of Service.)

Business Case

(This section should set out the rationale for the review. For example, as a result of financial constraints or loss of funding, possibly Member agreed savings proposals, service improvement or modernisation, improvements in ICT, new systems, shared service, legislative changes and so on.)

Service Proposals

(Where possible this should include options and arguments for and against, and the preferred option supported by management.)

Organisation Structure Charts

(These should include the current and proposed structures and may be included as an appendix to the report.)

Job Descriptions

(This section should include existing as well as the draft new job descriptions. In addition, staff should be advised that they where there is no current up to date job description, a list of duties will to be agreed by management, for the purpose of assimilation only.)

Process

(This section should refer to the Redundancy Procedure (including Assimilation Process) and ensure all aspects of the checklists at Appendix C are covered. Proposed arrangements for assimilation appeals need to be outlined.

In addition, if redundancies are envisaged, the reports should identify the numbers; description of posts or job titles (but not people's names), as well as any agency workers or volunteers in that area. It should also set out proposed 'selection for redundancy' criteria and proposed selection pools, if appropriate and the timescales or implementation date.)

Support for Staff

The Council recognises that reorganisations and service reviews are potentially stressful for some staff, particularly where these may lead to redundancy. A wide range of support initiatives have been developed to help staff through these difficult times. Details of the support on offer can be found on the Council's intranet site (????). If you are not able to access this, please ask for details from your manager.

Financial Analysis

(This section should demonstrate the financial impact of the proposals and how they relate to any savings targets.)

Consultation Process

The purpose of this report is to consult with those affected by its proposals and their trade union representatives in a fair and meaningful way. In order to do so, it is incumbent upon the staff affected to respond to management's proposals and give their views and counter proposals. It is possible to do so on an individual basis, or as part of a group or through your trade union representatives, by email or by requesting meetings to discuss the issues.

Timetable

(This should take the form of the following template. Timescales should allow sufficient time for fair and meaningful consultation.)

Open consultation with unions and staff, (including any absent on approved "leave"). Distribute consultation documents.	Week 1*
Consultation meetings formal/informal. Include agreeing job descriptions or a list of duties. Explain process to be followed when selecting employees, and for assimilation and appeals	Weeks 1 to 4.
End consultation taking on board comments and respond to any alternative proposals put forward.	Week 4
Job evaluation process completed	Week 4/5
Job descriptions and proposed grades to the unions for the sounding board exercise.	Week 4/5
Sounding Board ends.	2 weeks
Publish assimilation matrices.	Week 5 (or after Sounding Board)
Appeals completed (if any) against inclusion/non inclusion on the assimilation list.	Week 5/6
Assimilation interviews.	Week 6/7
Issue assimilation/at risk letters.	Week 6/7
Redundancy report drafted and signed if necessary.	Week 8
Issue notice letters if necessary.	Week 9

*NB, the timescales will vary dependant on the complexity of the review.

Appendix C

Redundancy Consultation – Managers Checklist

Planning

Approval for redundancy consultation and payments

☐

Equality impact assessment of the service provision

☐

Managers involved in the process have had suitable training e.g. recruitment and selection training is up to date

☐

Review the workforce profile to ensure that no groups of staff are dis-advantaged by the proposals

☐

Prepared proposed timescales for consultation process, and identify deadlines, (the arrangements for meetings etc should include part-time employees and those absent on maternity absence etc)

☐

Prepare list of all employees / posts in the service affected, (including any on maternity leave, long-term sickness, secondment and suspension)

☐

Review usage of agency workers, consultants and temporary employees (or use of volunteers)

☐

Managing resilience and pressure assessment

☐

Check what support arrangements are available for employees

☐

Information to be provided (to employees and trade unions)

See the Draft Consultation Report at Appendix B for details of the information to include in the consultation document and during the redundancy process

☐

Details of who will be responsible for the consultation / selection process

☐

Details of support arrangements available, (including Employee Welfare Line, stress workshops, interview skills training, money advice)

☐

Appendix D

Pre-Assimilation - Checklist

Manager should discuss with employees and employee representatives the arrangements for assimilating to posts before commencing the matching process, as detailed at Paragraph 7 of the Assimilation Process; this should include:

The information to be provided

- List of all the employees/posts in the team/service, including any away on maternity leave, long-term sickness absence or secondment
- Relevant up to date job descriptions or an agreed list of duties and responsibilities
- The job descriptions/ person specifications for the new structure and structure chart
- The proposed time-scales for carrying out the assimilation process, ring-fenced interviews, appeals and for issuing notice
- Any deadlines / dates that must be adhered to

Who is/is not included in the assimilation process

- Employees on maternity or additional paternity leave, long-term sickness absence or away on secondment must be consulted and included in the “matching” process
- The following are not included in the “matching” process; agency workers, consultants, employees on fixed-term contracts (unless they have been contracted to and continuously covering (for a minimum 12 months) a permanent post that will transfer to the new structure) and employees on secondment to that team/service; these do not have a right of appeal to be included in the “matching process”
- “Acting-up” arrangements are not taken into account unless the employee can demonstrate they have been doing the full range of duties for more than 2 years

Note: Any queries as to who is included/excluded in the process must be referred to the Human Resources, Business Change Team **before commencing the “matching process”**.

The arrangements for matching posts for assimilation and ring-fencing

- Who will be carrying out the “matching process”
- This will start with the most senior post first and the remaining posts in order of seniority
- Matching is against the duties detailed on the new job description, (excluding those common to all “Customer Care”, “General Accountabilities and Responsibilities” etc) and not the grade or salary
- Managers will assess what percentage of the duties of the new job, (excluding those common to all), are being carried out on the old job description, using the standard matrix
 - Where, there is a 65% match employees will be matched for assimilation
 - Where there is a 50% but less than 65% match employees will be matched for a ring-fenced interview
- Once the “matching process” has been completed, details of the proposed assimilations and ring-fenced posts will be presented to employees

Appeals

- What is the right of appeal i.e. what employees can/cannot appeal against.
- What is the process and timescale to register an appeal
- When will appeals be heard
- Who will consider appeals
- What information will be provided by management, (employees are not entitled to see another individual's information but may be provided with details of "anonymised" scores from the assimilation matrices)
- What information will be provided by employees, (employees appealing against not being "matched" must demonstrate how they meet the 65% match for assimilation or 50% match for a ring-fenced post)

Unfilled posts

- How will posts not matched for assimilation or ring-fenced interviews be recruited to
- How will other posts unfilled at the end of the assimilation process be recruited to, (these may be re-advertised within the team/service or made open to all redeployees)
- When will those excluded in the assimilation process e.g. agency workers and temporary employees be able to apply for unfilled posts (normally when these go to internal advert)

Assimilation process

- Process when more than one person matched for assimilation to a post (selection will be by competitive interview)
- Process where person matched for more than one post, (employees will normally be asked to indicate their preference and managers may look to fill the most senior post first)
- Whether interview tests or other assessments will be used or presentations required (these must be relevant to the post)
- How the outcome of assimilations etc will be communicated
- How employees and other workers will be kept informed and updated generally

Arrangements for support to staff and those not placed at the end of the process

- What support do the employees think will be helpful
- Interview skills (time-permitting this may be considered before competitive or ring-fenced interviews)
- "Supporting Staff Through Tough Times"
- Redeployment Arrangements

Note: The Assimilation Process may be adapted by agreement with the trade unions and employees to suit the circumstances of the restructure but the Human Resources Business Change Team must be consulted before this is agreed.

Appendix E

Confidential REDUNDANCY and ASSIMILATION - NOTICE OF APPEAL-

Section 1: Employee Details

Name:..... Post:

Section:..... Department:

Section 2: Employee Representative Details

Please detail the name of your representative. (You are entitled to be represented by a trade union representative or a work colleague).

Name: Contact No:

Name of trade union (if applicable):.....

Section 3: Appeal

i) Please indicate whether you are appealing against:

Selection for redundancy	<input type="checkbox"/>
Non-renewal of fixed-term contract	<input type="checkbox"/>
Inclusion/non-inclusion for assimilation.....	<input type="checkbox"/>
Redundancy dismissal.....	<input type="checkbox"/>
Other, please detail	<input type="checkbox"/>

ii) Please confirm

That you were notified of the selection criteria (redundancy cases): Yes ☐ No ☐

The date your fixed-term contract is due to expire (non-renewal cases):

That you were notified of the reason(s) for assimilation/non assimilation: Yes ☐ No ☐

That you have/have not been offered a post (assimilation cases): Yes ☐ No ☐

That you have been issued with formal notice of the termination of your employment by reasons of redundancy. Please confirm your last day of service..... Yes ☐ No ☐

iii) Please detail the reason(s) for the appeal (continue overleaf if necessary)

If your appeal is against inclusion/non inclusion for assimilation, please detail the post(s) that you were considered for and/or which you are claiming assimilation to. If you are claiming a 65% match for assimilation or 50% match for a ring-fenced interview, you must demonstrate how you meet this.

.....
.....

[illegible]

Signed: **Date:**

..... by*

.....

A) To be completed by Human Resources

Date of Appeal Hearing/Personnel Board

Appendix F

Assimilation Matrix

Current Post:

New Post:

Note: To be assimilated, employees must be undertaking 65% of the duties of the new post (excluding the standard clauses that apply to all job descriptions including “Customer Care” and “General Accountabilities and Responsibilities” etc).

	Old Post		New Post		Total % per activity *
	Key Activity Areas	% of new post 1	Key Activity Areas	% in previous role 2	
1.	Main activities	60		75	45
2.	Specialist responsibilities				
3.	People management (where appropriate)				
4.	Finance management (where appropriate)				
5.	Performance management (where appropriate)				
6.	Project management (where appropriate)				
7.	Joint working (where appropriate)				
8.	Health and safety (where appropriate)				
9.	Any other				
	Total	100%		N/A	
	* The Total % per activity is calculated by multiplying the % of the task in the new post by that out in the old post e.g. “Main activities” is 60% of the new post 1 and 75% in the previous role 2: $60 \times 75\% = 45\%$ (Total % per activity)				65% total required for assimilation

London Borough of Barking and Dagenham
Call direct on 020 8215 3000

Out of hours emergencies only
Phone: 020 8594 8356
Fax: 020 8227 3470
Email: 3000direct@lbbd.gov.uk
Web: www.barking-dagenham.gov.uk

We have tried to make sure that this information is correct at the time of going to print. However, information may change from time to time.

You must not copy this document without our permission © 2011 London Borough of Barking and Dagenham.

Date: 10 December 2013
Version: 1f Review date: 31 December 2014

