



**London Borough
of Hounslow**

Redundancy & Redeployment Policy

Transformation & Human Resources

Issued by HR Policy Team
Effective from 12 August 2014

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 actively engage 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 2.32).

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.

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 2.20-2.26).
- 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 employees whose job might be redundant can be retrained to carry out other types of work
- any employees wish to volunteer for redundancy

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 or convenor, 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 2.8 – 2.11)
- propose a pool for selection, if known (see paragraph 2.12)
- 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 and Convenor 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 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 2.9 – 2.13) will also be notified.

Selection Process

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

Selection Criteria

- 2.10 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.
- 2.11 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.

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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 2.11)
- volunteers

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

Pool for Selection

2.13 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

2.14 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

2.15 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.

2.16 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.

2.17 An employee facing redundancy is expected to take all reasonable steps to attend the meeting at paragraph 2.15. 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

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absence.

Decision to Terminate

- 2.18 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 meeting set out at paragraph 2.14.
- 2.19 This notification is the formal notice of dismissal to the employee.
- 2.20 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

- 2.21 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 2.18). The notification must set out their specific grounds of appeal.
- 2.22 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 2.16 will apply.
- 2.23 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.
- 2.24 The employee has the right to be accompanied at this meeting. A note taker will also attend.
- 2.25 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.
- 2.26 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.

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2.27 There is no further right of appeal.

Redundancy Pay

- 2.28 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 Employment Rights Act 1996
<http://www.opsi.gov.uk/acts/acts1996/96018--w.htm#162> or any substituting or amending legislation.
- 2.29 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.
- 2.30 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.
- 2.31 The Redundancy Compensation Panel may convene to consider individual pension issues.
- 2.32 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.
- 2.33 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

- 2.34 Consideration will be given to appropriate ways of supporting employees who have been issued with notice of redundancy.

Time Off to look for new employment

- 2.35 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

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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

- 2.36 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 still entitled to a redundancy payment. However the payment will be recalculated with the date of dismissal being the expiry of the employee's notice period and not the date in the original notice of dismissal (see paragraphs 2.18).

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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 and may extend some of the provisions of the redeployment procedure to other cases where an employee's continued employment in their substantive post is no longer viable, eg ill-health.

Redeployment Procedure

- 3.2 An employee who is vulnerable to redundancy or has been provisionally selected for redundancy will receive support from Human Resources. Wherever possible a dedicated caseworker will be assigned, although this will not always be possible in situations of large scale redundancies.
- 3.3 At the outset, the employee must complete an employee profile. On this profile, the employee will have an opportunity to state preferences, and/or training which may be appropriate
- 3.4 Where the employee has a disability, it will be necessary for them to volunteer sufficient information to the HR Team about the nature of their disability and how it affects their ability to carry out certain tasks. This will ensure that any assistance which may be needed in carrying out the tasks at paragraph 3.3 can be considered. The HR Team will also discuss with the employee whether any reasonable adjustments may be appropriate and seek appropriate advice where necessary.

Initial Matching Exercise

- 3.5 Following receipt of the employee profile, the HR Team will consider whether any existing posts, for which approval to recruit has been given, may be suitable.
- 3.6 Where it appears that a post may be suitable, the recruitment and selection process for that post will be suspended.
- 3.7 Human Resources will notify the recruiting manager that an employee seeking redeployment is interested in the post. The employee's profile and an expression of interest in the post will be submitted to the recruiting manager immediately.
- 3.8 Where more than one redeployee expresses an interest in a post, a competitive selection process will be held, in accordance with Step 6 of the Council's Recruitment and Selection Policy.

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- 3.9 A meeting will be arranged to consider the employee's suitability for the post and to discuss whether any training would be appropriate. The meeting, which will normally take place within 5 working days of the expression of interest being submitted, will be attended by the employee, the recruiting manager and either another manager or a HR Adviser.
- 3.10 Where it appears that the post may be suitable, a trial period will be arranged. The arrangements for the trial period, including its duration, must be specified, in writing, before its commencement. Trial periods will normally last for 4 weeks, though it may be possible to extend this by mutual agreement. The purpose of the trial period is for both the employee and the recruiting manager to assess whether the post is suitable.
- 3.11 If it appears that the post is suitable, a written offer of employment will be made to the employee. The offer will clearly set out the job title, grade, salary, hours of work, location and any aspects of the job which differ from the original contract. To preserve the employee's continuity of service, the offer of the new job will be made before the redundancy takes effect and start no later than four weeks after the first job ended.
- 3.12 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 2.27 – 2.31).
- 3.13 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.
- 3.14 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.

Subsequent Matching Exercises

- 3.15 If there were no suitable posts available for the employee following the initial matching process, set out at paragraph 3.5, Human Resources will continue to consider the employee for any new suitable posts which arise until the date of their dismissal.
- 3.16 Employees who have been issued with notice of dismissal for redundancy are expected to look at the weekly lists of job vacancies on the Council's website and consider whether any may be suitable. Employees who do not have access to the website may request a printed copy.
- 3.17 The HR Team will also consider continue to work with the employee and ensure that all potentially suitable alternative posts are pursued. Where it appears that a post may be suitable, the process set out at

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paragraphs 3.5 – 3.14 will be followed.

Pay Preservation

- 3.18 An employee who is permanently redeployed into a new job, will be issued with a new contract of employment.
- 3.19 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.
- 3.20 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.
- 3.21 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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