

Restructure Policy

December 2015

Policy History	
Version History	Updated in August 2013 to take account of legislative changes to consultation periods (Trade Union & Labour Relations (Consolidation) Act 1992 – amended April 2013). Approved by General Purposes Committee on 29 March 2010.
Summary of Change	<p>Changes made to reflect changes to delegated authority procedure (July 2014), one grade up / down changes to become voluntary and appeal process introduced to reflect employment best practice.</p> <p>December 2015 update clarifies point at which suitable alternative employment is offered to those on Family Leave (excluding parental leave).</p>
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Links and Dependencies to other policies
Redeployment Policy, VR Procedure
Recruitment Policy
Related Forms

Contents

1. Purpose.....	5
2. Scope	5
3. Policy Statement and Principles	5
4. Procedure	5
4.1.1 Consultation on proposed redundancies	5
4.1.2 Minimum consultation periods	5
4.1.3 Notice of dismissal for redundancy	6
4.1.4 Notifying absent employees	6
4.1.5 Steps in the Restructure	6
5. Methods of selection for posts in the new structure.....	7
5.1 Principles	7
5.2 Assimilation	8
5.3 Ring Fences	8
5.3.1 Examples of ring fences	9
5.4 Selection Methods.....	10
5.4.1 Interview processes including tests as appropriate	10
5.4.2 Management Assessment	10
6. Redundancies	11
6.1 Issuing redundancy notices	11
6.2 Appeal Process against selection for redundancy.....	11
6.3 Early retirement and redundancy payments.....	12
6.4 Redundancy Calculations.....	12
6.5 Redundancy - Awards of additional pensionable membership	12
6.6 Redundancy - Multiple contracts	13
6.7 Advance Notification of Redundancies (HR1)	13
6.8 Failure to co-operate with the Restructure Process	13
7. Equal Opportunities.....	13
7.1 Discrimination.....	13
7.2 Employees with a disability	13
7.3 Trade Union Officials on full-time release.....	14
7.4 Employees on Family Leave.....	14
7.5 Suitable Alternative Employment.....	14
7.6 Trial Period.....	14
8. Equalities Impact Assessments (EqiA)	15

9. Monitoring.....	15
9.1 Equalities Monitoring	15
Appendix A: MANAGEMENT ASSESSMENT FORM – PART A	9-1
Appendix A: ROLE ASSESSMENT – PART B	9-3
Appendix B: Restructure Supporting Statement	9-4
Appendix C: Restructure – Expression of Interest Form.....	9-6
Appendix D: Trial Period – Assessment Form	9-7
Appendix E: Selection for Redundancy - Appeal Form	9-9
Appendix F: Appeal Hearing	9-10
Appendix G: Haringey Council Redundancy Payments and Pension Benefits on Redundancy	9-12

1. Purpose

This policy sets out the legal and organisational responsibilities that will be met when restructuring and redundancy is necessary.

2. Scope

This procedure applies to all Council employees, except all staff appointed by schools operating under the Local Management of Schools, who have their own procedure.

The procedure will be varied for certain senior staff to ensure compliance with local government law and JNC conditions of service for Chief Executives and Chief Officers.

3. Policy Statement and Principles

This Policy applies to an organisational restructure. Restructuring may occur due to the following reasons, although this is not an exhaustive list:

- Closure of a service
- Change in funding
- Change in legislation
- Change in working practice
- Re-organisation to meet business needs

Where reasonably practical and in accordance with this Policy the Council will look at ways to minimise any redundancies arising from restructuring. The Council may for example, put in place recruitment freezes, reduce overtime, give consideration to employee requests for voluntary redundancy or redeploy staff into suitable posts in other areas.

4. Procedure

4.1.1 Consultation on proposed redundancies

Consultation on proposed redundancies should begin in good time and there is a statutory requirement that consultation must begin:

- At least 30 calendar days before the first dismissal takes effect if 20-99 employees are to be made redundant, within a period of 90 days or less.
- At least 45 calendar days before the first dismissal takes effect if 100 or more employees are to be made redundant, within a period of 90 days or less.

4.1.2 Minimum consultation periods

The Council has determined that there must be a minimum period of 30 calendar days of formal consultation. A shorter period of consultation may be agreed by the Trade Unions

before a decision is taken which leads to redundancy, providing that the minimum statutory periods are met.

4.1.3 Notice of dismissal for redundancy

No notice of dismissal for redundancy will be issued or the selection process will begin until the period of consultation is complete.

4.1.4 Notifying absent employees

The Service must ensure that employees who are absent for any reason, for example long term sickness, maternity leave, sabbatical or secondment, are also included as part of the consultation process.

4.1.5 Steps in the Restructure

Step 1	<p>Plan the re-organisation, which will include producing the details of proposed structure.</p> <p>Follow good practice by informally notifying staff & trade unions of early thoughts.</p> <p>Commence the EqIA and Delegated Authority Process.</p>
Step 2	<p>When proposals are finalised commence formal consultation with Trade Unions and staff by arranging a meeting and issuing the Information Pack to all affected employees. Issue the Section 188 notice when 20 or more employees are at risk, within a 90-day period or less, to the Trade Unions. A Section 188 notice must be issued if legally required and can take the form of the Information Pack, providing this includes:</p> <ul style="list-style-type: none">• Purpose and reason for the proposal;• The numbers and descriptions of employees who are included in the restructure;• The numbers and descriptions of employees whom it is proposed to dismiss as redundant;• The total number of employees of that description employed by the Council at that establishment, including agency workers;• How the organisation will avoid redundancies;• Details of the jobs proposed, including the role profiles and the grades or indicative grades if job evaluation is pending;• How the organisation will reduce the number of dismissals;• Proposed selection methods;• Proposed method of dismissal, including redundancy calculations. <p>The Service must allow a reasonable period for staff and unions consultation on the proposals, including meetings of managers and groups/ individuals affected by the change.</p>
Step 3	<p>At the end of the consultation period the proposals will be revised if appropriate.</p> <p>The Service will notify employees and trade unions of the finalised structure and proposals, for example through a series of one to one and</p>

	<p>group discussions.</p> <p>On conclusion of the consultation process i.e. at the completion of Step 3, where it is available, in preference to any other employee who is similarly affected by redundancy and before the process of seeking to match displaced employees to posts in the new structure an employee who is on ordinary adoption leave, additional adoption leave, shared parental leave or maternity leave must be offered suitable alternative employment.</p> <p>Finalise the Delegated Authority Process based on end of Consultation feedback.</p> <p>Where the Trade Union fail to agree with the management decision based on the outcome of consultation they will follow the agreed Council disputes process. After exhaustion of the disputes procedures Management will advise its intentions.</p>
Step 4	<p>Confirm assimilation appointments and arrange assimilation development Interviews.</p> <p>Implement selection process and initiate redeployment procedure.</p> <p>Review equalities data.</p>
Step 5	<p>Confirm appointments in writing. Hold a series of one to one discussions with affected staff, followed by a letter advising all employees of the outcome of the selection process. Outline the appeal process and ensure appointments are made subject to appeal.</p> <p>Organise any other staff communication initiatives, workshops, etc.</p> <p>Redundancy notices issued and redeployment period commences.</p> <p>Finalise EqIA and the Delegated Authority Form.</p>
Step 6	<p>Notify HR of any changes to SAP and to individuals.</p>

5. Methods of selection for posts in the new structure

5.1 Principles

Management will identify how to select individuals for posts in the new structure. This will be done by looking at the proposed roles in the new structure and comparing them with the roles proposed to be deleted in the existing structure.

On occasions there may be the need to close a specific unit which will result in all the staff being displaced; alternatively it is possible for a unit closure to be a single employee. The identification of a unit or section for closure will not automatically result in the people who work within it being

declared redundant. Consideration will be given to whether the affected employees can be redeployed elsewhere within the Service or the Council as part of the Redeployment Procedure.

As a first step assimilations will be considered when appointing to posts in a restructure. Management must then identify what ring fences should be established and whether these are open or closed ring fences. Selection methods within the ring fences then need to be determined.

Appointments made in the process may be subject to the outcome of any successful appeals.

5.2 Assimilation

Assimilation will be used as part of these processes in very clearly defined circumstances, which is:-

- i) Where the post(s) is (are) substantially unchanged.
- ii) Where the number of post holders is the same as or less than the number of posts.

All assimilated employees, will be required to go through an Assimilation Development Interview. No assimilated employee will be deselected as a result of this Interview. The purpose of the Assimilation Development Interview will be to identify any development required to carry out the new post, if any.

Proposals for assimilations must be included in the Consultation Pack and these may be reviewed at the end of the Consultation Period following any requests for VRs (subject to the approval process as contained within the VR Procedure), or in response to any comments received from the Trade Unions and / or staff.

5.3 Ring Fences

Ring-fences will be determined for groups of identical or similar posts. Having established which posts fall within a given ring fence, a decision has to be made as to which existing post holders are qualified to apply for posts within a given ring fence. These arrangements will be included in the Information Pack for consultation. Normally ring fences will be confined to the individual Service or a geographical site if employees are unique to that site. A ring fence may be deemed closed or open.

To be considered for a post within ring fences individuals must declare which posts they wish to be considered for using the 'Expressions of Interest' form at Appendix C.

Employees will be ring fenced into a selection process at their substantive grade. Subject to the employee agreeing they may be included in a ring fence where the new job is one grade up or one grade below the employee's substantive grade. No employee will suffer a detriment if they choose to participate at their substantive grade only.

There may be exceptional occasions when employees are included in a ring-fence that is more than one grade up or down. Such cases will be considered on an individual basis and inclusion in a ring-fence that is more than one grade higher or lower may only be considered when there is no detrimental impact on other staff and the employee agrees to participate at that grade.

An employee who has been acting up into a higher graded post will be entered into a ring fence with other employees based on their substantive grade and be considered for a new post or

subsequent redeployment based on their substantive grade, or one grade up or down if the individual agrees.

The potential equality impact implications will be taken into account before a decision on ring fences is made.

5.3.1 Examples of ring fences

The following examples illustrate how ring fences will be determined. These examples are illustrative and not exhaustive.

A A group of identical posts being reduced

A ring fence is drawn round the reduced number of posts and all existing post-holders are able to be considered for these posts.

B A group of similar or interchangeable posts being reduced

Where a group of similar or interchangeable posts is being reduced it may be appropriate to draw a ring fence around all such posts. In these circumstances the posts will be the same grade or be one grade up or one grade down. Employees who currently occupy posts that have duties and responsibilities and require skills or experience that have significant overlap with the new posts will be able to be considered for these posts at their substantive grade and subject to agreement may be considered for roles one grade higher or lower than their own grade. Such ring fences may well encompass posts from more than one existing operating unit.

C Open and Closed ring fences

Closed ring fence – this method should be used where there is significant overlap of duties, experience and skill requirements when comparing existing substantive roles and proposed roles. In this type of ring fence appointments will be made to all the available new posts from within the closed ring fence of employees that have been indicated for the roles in question. Employees must only be considered based on their substantive post. Where there are more employees included in the ring fence than the number of available roles some staff will be displaced. Any assessment used in the closed ring fence selection will include the identification of development areas, if any.

Open ring fence – this method should be used where there is some overlap in duties, experience and skill requirements. Employees will have to meet the requirements of the role and appointments will only be made where this is the case. Employees must only be considered based on their substantive post. In an open ring fence posts will only be filled where it is judged that applicants adequately satisfy the essential criteria in the person specification. Consequently although the number of applicants may exceed the number of posts not all posts will necessarily be filled. Where there is more than one role available in the ring fence employees may be asked to complete a 'Restructure Supporting Statement', see Appendix B. This may be used as part of the selection process for roles.

D "Cascading" ring fences

Where changes in the organisation are required at succeeding levels it may be necessary to establish a series of ring fences for each level or tier. The selection process may start at the highest level and work down, alternatively it may take place concurrently for each level to minimise the number of selection methods each employee is subject to. It is one aim of this policy to reduce the number of times an individual is required to be assessed in a restructure therefore it would be appropriate at each assessment to consider the suitability of the employee against a number of roles. Appointment to a role that is not at the employee's substantive grade will be subject to their agreement.

Employees who are not successful in one ring fence may be considered in the ring fence at the tier below providing that the posts in this tier are not more than one grade below the individual's substantive grade and the individual agrees to this. Individuals can be considered in further ring fences in the 'cascade', subject to the terms of paragraph 5.3 (C).

5.4 Selection Methods

Listed below is a list of selection methods to be used to appoint to roles within a ring fence. Differing circumstances within a single section or service will need differing approaches or a combination of approaches. The Service will need to be able to justify the reasons why a particular selection method or combination of methods was chosen during the consultation stage.

Some restructures, which are straightforward, may require only one selection method to be used for each ring fenced group of staff while other restructures may require different methods to be used for different ring fenced groups.

5.4.1 Interview processes including tests as appropriate

Interviews and tests should be used when functions are changing/being organised in a different way and there are new posts that need to be filled.

Testing may be used alongside an interview or management assessment process. The tests used must be relevant to the job and be fair to all those taking part. Tests can provide additional information, such as in-tray exercises which test the employee's ability to prioritise a range of work and written communication skills.

Tests which assess specific knowledge which may be required in the new posts can also be used; these may include multiple choice type questions or straight text answer questions. This type of format can be useful in assessing existing knowledge or to help determine future development needs.

Presentations can also be used when the skill is relevant to the post.

5.4.2 Management Assessment

A Management Assessment may be used to select for posts in the new structure. A Management Assessment may also be used to assess suitability for a role where the individual chooses not to participate in the process. The Management Assessment consists of two parts - a manager's reference and an assessment against the criteria in the person specification.

The factual manager's reference should be completed by the individual's current manager, using the form at Appendix A, part A. The Role Assessment, at Appendix A part B, should be completed

by the manager of the post being recruited to and one other manager who is unconnected with the restructure or a member of HR. The individual's current manager may or may not be the same as the manager conducting the recruitment.

When completing the Role Assessment the manager should use the essential criteria in the person specification as means of assessing an individual's suitability for the post by assessing how each person meets the specification based on their knowledge of the individual.

Whether an element from the person specification can be used as a selection criterion for assessing employee suitability will depend on the following:

- Whether accurate information is available regarding the selection criterion and whether it will provide a reliable basis for assessment.
- Whether it will meet the necessary degree of selectivity e.g. if everyone has the same qualification using this as a selection criterion would not be appropriate.

At the end of the appointments process copies of the completed Assessment Forms, appendix A, will be provided to the individual employee on request.

6. Redundancies

6.1 Issuing redundancy notices

HR will seek the approval of the Assistant Director Human Resources and the Section 151 Officer when a redundancy is proposed.

6.2 Appeal Process against selection for redundancy

- 6.2.1** Where an employee is unplaced in a restructure he or she will be able to appeal the decision to be made redundant. The appeal must be made within 5 calendar days of the redundancy decision being received in writing. Appeals will only be accepted if submitted on the form at Appendix E and the grounds for appeal clearly explained.
- 6.2.2** The appeal will be conducted by a more senior manager than the person who made the original decision. If a 2nd or 1st tier manager made the decision another manager at the same level from outside the appellant's directorate may conduct the appeal. The AD, Human Resources will nominate the reviewing officer.
- 6.2.3** Where there is a failure to supply the full reasons on the Appeal Form the appeal will be rejected by the AD Human Resources due to insufficient grounds for the appeal to be properly responded to. Where the appeal is rejected the employee has a further 5 calendar days to resubmit their appeal. If this is not done in time the appeal will be rejected outright.
- 6.2.4** The aim of the appeal is to establish whether or not the Council has followed its own procedures in selecting the individual for redundancy.
- 6.2.5** The reviewing manager will consider all documentation relevant to the appellant's grounds of appeal. Copies of these documents will be available to the appellant; to his/her **representative and to the manager who made the original decision.**

- 6.2.6** The manager reviewing the case will meet with the appellant and her/his representative and the manager who made the original decision. This meeting should be held within 10 working days of the reviewing manager being appointed.
- 6.2.7** The decision of the review manager will be confirmed to the appellant in writing, and the letter should usually be despatched within 3 working days of the decision. The decision of the reviewing manager is final. There will be no appeal to elected members.
- 6.2.8** Where an appeal against selection for redundancy is made appointments may remain provisional until the appeal has been completed.
- 6.2.9** Where the appeal is rejected the employee's redundancy notice will continue unaffected.
- 6.2.10** If the appeal is successful the selection process may be repeated, subject to any amendments made as an outcome of the appeal. This will therefore mean that those appointed initially by the process may be affected by the appeal outcome. All those involved will be notified by HR. When the issue is one of non-appointment in an open ring fence and vacancies remain, the outcome of a successful appeal may be that the chair shall appoint the employee to the vacant post, where they meet the requirements of the role.
- 6.2.11** The appeal will be held within the employee's notice period, where reasonably practical.
- 6.2.12** Guidance on the Appeal Hearing can be found at Appendix F.

6.3 Early retirement and redundancy payments

Council policy on redundancy and early retirement payments is determined by the Staffing and Remuneration Committee.

The Council exercises its discretion in relation to early retirement and redundancy payments under the following:

- The Local government (Early Termination of Employment) (Discretionary Compensation) (England & Wales) Regulations 2006
- The Teachers (Compensation for Redundancy and Premature Retirement) Regulations 2015
- Local Government Pension Scheme Regulations 2013
- The Employment Rights Act 1996

6.4 Redundancy Calculations

Haringey Council's calculation for redundancy and pension benefits on redundancy can be seen at Appendix G. These terms are applicable as at June 2015. These terms will apply to all redundancies, whether on a voluntary or compulsory basis.

6.5 Redundancy - Awards of additional pensionable membership

The Council's policy is not to award added membership in cases of redundancy.

6.6 Redundancy - Multiple contracts

- 6.6.1** Where a member of staff has two or more current contracts and is being made redundant from only one of them, the start date of this contract will be used as the start date for any redundancy calculations.
- 6.6.2** Where an employee has one contract at the point of leaving but in the past had two overlapping contracts (with no break in service) the length of service can be counted from the first contract.

6.7 Advance Notification of Redundancies (HR1)

HR will issue on behalf of the Council the HR1 notice to The Insolvency Service. This is required where 20 or more staff are to be made or likely to be made redundant within a period of 90 days or less, as required under section 193 of the Trade Union and Labour Relations (Consolidation) Act 1992. If 20 - 99 staff are to be made redundant, the HR1 notice must be submitted at least 30 calendar days before the first dismissal takes place. If 100+ staff are to be made or likely to be made redundant within a period of 90 days or less, the HR1 notice must be completed at least 45 calendar days before the first dismissal takes place. A copy of the notice will be given to the trade unions.

6.8 Failure to co-operate with the Restructure Process

An individual may jeopardise their redundancy payment by unreasonably rejecting a suitable position which has been offered as part of the restructure process.

If individuals do not co-operate with the selection process, a management assessment will be used to assess their suitability for a role. The employee will be given the chance, early in the restructuring process, to raise concerns if they feel that the offer of suitable alternative employment made to them is not a suitable offer. Management will respond to their concerns.

If the employee fails to accept the offer of employment by not signing a new contract, the contract may nevertheless be deemed to have been accepted by the employee performing to it.

7. Equal Opportunities

7.1 Discrimination

The application of selection methods must ensure that all forms of discrimination are avoided and that they comply with the Council's Equal Opportunities Policy, current legislation and case law.

7.2 Employees with a disability

Any employee with a disability will be considered at the same time as other employees with a decision being made solely on grounds of suitability for the post. The Council will make reasonable adjustments to accommodate the employee in carrying out the job as required by the Equality Act 2010.

7.3 Trade Union Officials on full-time release

Trade Union officials on full-time release will be exempted from any selection process in a restructure for the duration of their term of office. At the end of their term of office if their substantive post has been deleted the individual will become supernumerary and be dealt with by whatever redeployment or redundancy process that prevails in the Council at that time. In these circumstances advice must be sought from the Assistant Director Human Resources.

7.4 Employees on Family Leave

It is automatically unfair to dismiss an employee for a pregnancy related reason. An employee can be fairly dismissed if the reason is one of redundancy and is not connected to pregnancy and/or Family Leave. Family Leave is defined as maternity, paternity, shared parental leave or adoption leave. Where the Council has to make redundancies and the pool of employees from which a selection is to be made contains any employees who are pregnant and/or on maternity leave or shared parental leave, will not affect the implementation of the redundancy programme. There are however a number of specific points, which must be addressed:

- a. Employees who have commenced statutory maternity leave or employees who have commenced a period of Family Leave have a right to be fully consulted with during a restructure or re-organisation, even if they have already indicated that they do not want to return to work.
- b. Employees who are already or who become absent on Family Leave must be included in the consultation and selection process in the usual way.

7.5 Suitable Alternative Employment

Employees who have already commenced a period of statutory maternity or Family Leave (with the exception of paternity leave) and where the decision has been made for their post to be made redundant on completion of Step 3 of the restructure must be offered suitable alternative employment, where it is available, in preference to any other employee who is similarly affected by redundancy.

Suitable alternative employment means the work to be done is suitable in relation to the employee and appropriate for him or her to do in the circumstances, and the provisions of the contract as to the capacity and place in which he or she is to be employed and the other terms and conditions are not substantially less favourable than they would have been if the employee had continued to be employed under the previous contract.

In a redundancy situation where an employee is still on any part of their maternity or family leave, he/ she must still be issued with contractual notice and his/her last day of service will be the date on which the notice period ends, not the end date of the family or maternity leave if this is longer than the employee's contractual notice.

7.6 Trial Period

When appointed to a post as part of a ring fence in the restructure an 8 week trial period will apply. Employees assimilated to a role will not be eligible for a trial period. The employee can request an extension for a further eight weeks depending on the nature and complexity of the job role and the amount of support and training which has been possible to provide during the initial period. If an

extension is requested this must be put in writing and submitted to the Assistant Director of the Service.

Assessment forms, at Appendix D, must be completed at regular intervals throughout the period. A final decision, by the employee, regarding their suitability must be made at the end of the agreed trial period. If the employee does not consider the role suitable for them after the trial he or she will be entered into the Redeployment Process.

8. Equalities Impact Assessments (EqiA)

An equality impact assessment must be completed by the manager on the proposed changes to the establishment structure. Where direct or indirect discrimination is identified the proposal should, where appropriate be adapted to mitigate any potential discrimination. Details of the EqiA process and relevant template forms can be found on the Intranet.

9. Monitoring

9.1 Equalities Monitoring

To ensure that the redundancy process is carried out fairly, HR will keep records of the grade, disability, age, ethnicity and gender of those originally identified as being potentially redundant and to enable the process to be monitored and reported to Members, as required.

Appendix A: MANAGEMENT ASSESSMENT FORM – PART A

To be completed by the employee's line manager.

Name of employee	
Current job title and grade	
Substantive job title and grade	
Service	
Name of manager	

Reference	
How would you rate your employee's performance over the last 12 months? Provide commentary to support your rating.	
Score Exceeded one or more objectives - 5 Met all objectives – 4 Met 50-99% of objectives - 3 Met less than 50% objectives - 2 Did not meet any objectives - 1	1 / 2 / 3 / 4 / 5
Sick Absence	
Number of days absence in last 24 months / number of occasions: <i>Exclude absence relating to maternity. Speak to HR regarding long term spells of absence and disability related absence as each case will be considered individually.</i>	
Details of formal sick absence monitoring:	
Score 12 days or under – 3 Over 12 days and under 30 days – 2 30 days or over – 1	1 / 2 / 3
Disciplinary	
Give details of any formal disciplinary action undertaken in the last 12 months	
Score Clear record – 4 Verbal warning - 3	1 / 2 / 3 / 4

Written warning – 2 Final written warning – 1	
Total Score:	

Appendix A: ROLE ASSESSMENT – PART B

Name of manager of the post being interviewed:	
Name of manager unconnected with the process:	
Rating: Meets criteria = 3, Partly meets criteria = 2, Does not meet criteria = 1	

Person Specification Criterion	Evidence of meeting the person specification criterion	Rating	Weighted criterion <i>Multiply essential characteristics by 2 if they are weighted in the original specification</i>	Total Score
OVERALL TOTAL:				

Appendix B: Restructure Supporting Statement

Post applying for: <i>Please list in priority order if there is more than one</i>	
Grade:	

Name	
Current job	
Grade	
Are there any changes to your working arrangements you would like to be considered?	
Contact telephone number	
Do you consider yourself to have a disability?	Yes / No

CURRENT JOB	
Provide 5 bullet points to highlight your main activities	1.
	2.
	3.
	4.
	5.

EMPLOYMENT HISTORY of the last 5 years (only complete if this is relevant to your current application)	
Employers name and nature of business + Dates from/to:	Brief description of the job:

QUALIFICATIONS & TRAINING			
Awarding body or Training organisation	Qualification or certificate	Grade or level or achievement	Date

PERSONAL STATEMENT

Please write a statement explaining how your knowledge, experience and skills, whether gained in or outside work, match those needed for the job you are applying for.

Use the essential characteristics on the Person Specification as the points that you need to address in this personal statement. Please note there is a maximum limit of 600 words.

SIGNATURE

DATE

Appendix C: Restructure – Expression of Interest Form

Post applying for: <i>Please list in priority order if there is more than one</i>	1. Job title:
	Grade:
	2. Job title:
	Grade:
	3. Job title:
	Grade:
	4. Job title:
	Grade:

Name:	
Current job title:	
Grade:	
Temporary Grade: <i>(if applicable)</i>	
Are there any changes to your working arrangements you would like to be considered?	
Contact telephone number	
Do you consider yourself to have a disability?	Yes / No

Appendix D: Trial Period – Assessment Form

Employee name:	
Job title:	
Line manager:	
Date of appointment:	
Date of review meeting:	
Number of weeks of trial:	
Extended weeks:	

REVIEW RECORD

	Standard met or exceeded ✓	Improvement required ✓	Action planned:
Knowledge and understanding of duties of the post			
Quality/accuracy of work			
Communication skills			
Organisation skills			
Ability to meet targets/deadlines			
Ability to work as part of a team			
Management/supervisory skills (if applicable)			
Other aspects of work			

Training/support/development provided

Further comments from line manager

Employee's comments

Signed by line manager:

Date:

Signed by Employee:

Date:

***A COPY OF THE FORM, SIGNED BY BOTH MANAGER AND EMPLOYEE MUST BE
RETAINED BY THE LINE MANAGER***

Appendix E: Selection for Redundancy - Appeal Form

Employees who are unplaced in a Restructure and are therefore to be given notice of redundancy have a right of appeal against this decision. The appeal must be made in writing using this form. The completed form must be returned within 5 calendar days of the date of the decision letter and must be completed in full, outlining the reasons for the appeal.

Name		Service	
Job Title		Contact Telephone	
Line Manager			

Please outline your appeal; giving as much detail as you can, including any evidence you have to substantiate your appeal.

--

Please note that your appeal will not be lodged until the form is completed in full.

Signature	Date

The completed form must be returned to:

Assistant Director HR, Level 4 Alexandra House, 10 Station Rd, Wood Green, London N22 7TR.

Appendix F: Appeal Hearing

Where an employee is unplaced in a Restructure he or she will be able to appeal the decision to be made redundant. The detail is included in section 6.2 of the policy above.

The process for the appeal hearing is listed below.

1. The individual is entitled to be represented (or accompanied) to an appeal hearing by either their trade union representative or a work colleague of their choice.
2. The senior manager hearing the appeal will normally arrange it within ten working days of being appointed. The appeal will be heard within the employee's notice period, where reasonably practical. However, where this is not possible, the hearing should be concluded within a maximum of 1 month from the date of the decision to be made redundant. The appellant should be aware that the appeal may go ahead in their absence should they fail to attend without good reason.
3. Both parties will be expected to exchange any documents relating to the case at least five working days in advance of the appeal.
4. Appeal Hearings will be electronically recorded to ensure an accurate record is captured. The appellant may raise an objection in advance of the hearing date as to why they do not want the hearing recorded.
5. At the Hearing the employee (or his/her representative) will present their case first.
6. The manager presenting the case, normally the service manager leading the Restructure will respond to the appellant's case.
7. It is unlikely that witnesses will need to be called. However any witnesses who are present may be questioned by the appellant, their representative, the presenting manager, the senior manager hearing the appeal or the adviser(s) to the panel.
8. Questioning of either the appellant or the presenting manager may only be carried out by the senior manager hearing the appeal or by the adviser(s) to the panel.
9. Once the appellant and management have presented their case, both sides will present a summary of the key points. The appellant will summarise first. No new evidence can be introduced in closing statements.
10. The presenting parties will then leave the hearing to allow the senior manager hearing the appeal, with any adviser(s), to deliberate in private. The parties can be recalled to clarify any points of uncertainty.
11. Having deliberated, the senior manager hearing the appeal will generally recall both parties to the room in order to give a decision on the case. It may sometimes be

necessary to give a decision on the case at a later date if the deliberations are likely to last a long time.

12. The decision will be confirmed in writing, and the letter should usually be despatched within 3 working days.

Appendix G: Haringey Council Redundancy Payments and Pension Benefits on Redundancy

These terms are applicable as at June 2015. These terms will apply to all redundancies, whether on a voluntary or compulsory basis.

These entitlements apply to all Council employees including school support staff in maintained schools who are eligible to join the Local Government Pension Scheme. The entitlements for teachers, whether employed in a school or centrally, are provided in Section 8 of the Schools' Personnel Handbook.

Redundancy Payments

Less than 2 years Continuous Service
No redundancy payment
More than 2 years Continuous Service
<p>The calculation for redundancy pay is based on:</p> <ul style="list-style-type: none"> • how long the employee has been continuously employed (maximum of 20 years) • age • weekly pay <p>Haringey's Redundancy Payment is calculated using a combination of the Statutory Redundancy Provision and Haringey's Discretionary Provisions as follows:</p> <p>How a basic Redundancy Payment is calculated:</p> <p>There is a statutory weekly rate of pay limited to £475 per week. However, Haringey Council has exercised its discretion and uses actual weekly rate of pay to calculate redundancy payments.</p> <p>The Statutory number of weeks used to calculate a redundancy payment is shown below:-</p> <ul style="list-style-type: none"> • 0.5 week's pay for each complete year of service where the employee's age was under 22 • 1 week's pay for each complete year of service where the employee's age was 22 or above, but under 41 • 1.5 week's pay for each complete year of service where the employee's age was 41 or above <p><u>In addition</u>, under Haringey Council's Discretionary Powers the Council awards an increased Redundancy Payment</p> <p>as follows:</p> <ul style="list-style-type: none"> • 1 week's pay for each complete year of service

Service is required to be continuous local government service

Example of the Redundancy Payment calculation

An employee who is 45, their weekly pay is £400 per week and has 15 years complete service:

Step one: 1.5 weeks x 4 years complete service when the employee was 41 or above = 6 weeks

Step two: 1 week x 11 complete years service when the employee was under 41 = 11 weeks

Step three: 6 weeks + 11 weeks = 17 weeks x £400 = **£6,800**

Plus

The additional weeks' pay awarded by Haringey Council

15 weeks x £400 = **£6,000** enhanced redundancy payment

Making a combined **Total redundancy payment of £12,800.**

Redundancy payments are based on continuous Local Government Service including employment covered by the Modification Order. One complete week's absence without payment of National Insurance Contributions constitutes a break in service.

The maximum number of years is limited to 20.

Service for the enhanced compensation payment is not covered by the Modification Order, but is employment defined by the LGPS regulations as either membership or qualifying service. Non LGPS members who otherwise qualify for the scheme are also eligible.

Only employees eligible to join the LGPS can qualify for the enhanced payment whether they join or not.

The enhanced payment is calculated using the same rules on length of service and breaks in service as are applied to the statutory redundancy payment

These notes are for illustration purposes only and cannot be relied on. A redundancy and pension estimate can be obtained using the calculators on Harinet. Developments in employment legislation or case law could affect the rights described.

Pension Benefits on Redundancy

QUALIFICATION	PAYMENT
<p><u>Under age 55</u></p> <p>Less than 3 months in the LGPS and no transfer value has been received</p> <p>Not less than 3 months in the LGPS or less than 3 months in the LGPS and a transfer value has been received</p>	<p>Refund of Contributions</p> <p>Deferred Benefits</p>
<p><u>Age 55 and over</u></p> <p>Less than 3 months in the LGPS and no transfer value has been received</p> <p>Not less than 3 months in the LGPS or less than 3 months in the LGPS and a transfer value has been received</p>	<p>Refund of Contributions</p> <p>Immediate payment of LGPS Benefits</p>