

Organisational Change and Redundancy

Policy and Procedure



2014

Document Control :

Author:

Approved By:

Effective From:

Review Date:

Version 1

Human Resources Strategy & Policy

Director CBD (HR & OD) and Trade Unions

1st December 2014

31 March 2017

CONTENTS

(Ctrl+click on links to jump to page)

1. POLICY.....	2
1.1 Aim.....	2
1.2 Scope	2
1.3 Responsibilities	3
2 GENERAL PRINCIPLES	4
2.1 Statement of Intent:	4
2.2 Disability	5
2.3 Maternity/Adoption	5
2.4 Redeployment	5
3 PROCEDURE.....	6
3.1 Organisational Design.....	6
3.2 Reorganisation and Redundancy Consultation	8
General	8
Consultation with Trade Unions	9
Announcement of Proposals	10
Individual Consultation.....	10
Submission of Comments and Management Review	10
Announcement of New Structure.....	10
3.3 Assimilation - Category C.....	11
Assimilation appeals	11
3.4 Selection Process - Category B and C/B.....	12
Assimilation Selection and Generic Reduction Group Interviews	12
Ring Fenced Vacancies.....	12
The Selection Process	13
3.5 Contractual Notice.....	13
3.6 Redeployment	14
Suitable Alternative Employment.....	14
3.7 Redundancy appeals.....	15
3.8 Compulsory Premature Retirement/ Redundancy Severance (PRS)	16
3.9 Post Implementation Review	16
4 DETAILS OF APPROVAL AND VARIATION PROCESS	16

1. POLICY

1.1 Aim

- 1.1.1 This policy and procedure explains how Lambeth Council will manage restructures and reorganisations. In a changing world we're faced with regular financial and political challenges and we have a duty to respond to these. This can often mean reorganising how we work or how we deliver services.
- 1.1.2 At Lambeth we value our employees and we're committed to providing a secure and stable employment environment. We will therefore always try to manage changing demands in a constructive way. Where possible we'll limit the need for reorganisations but where they can't be avoided we'll make every effort to redeploy our displaced staff into other roles. We will work with staff and trade unions to do all we can to avoid or reduce redundancies.
- 1.1.3 This policy is closely aligned with the Council's Behaviours and our values relating to Fairness, Respect, Excellence, Service and Honesty (FRESH).

1.2 Scope

- 1.2.1 This policy is supplemented by the **"Organisational Change and Redundancy Toolkit"** which provides further detailed information about the organisational change process. The Toolkit sets out additional background and gives more detail about the steps which must be taken when managing restructures.
- 1.2.2 This policy and procedure applies to all Council employees, with the exception of the officers below who are covered by a separate process:
- The Chief Executive
 - The Council's Section 151 Officer and
 - The Monitoring Officer

<p><i>For further information on the treatment of temporary/fixed term employees, see the "Organisational Change and Redundancy Toolkit" Section 6</i></p>

- 1.2.3 This policy and procedure does **not** apply to agency workers or school-based employees. In order to reduce redundancies positions occupied by agency workers will be considered as alternative employment for employees who are "at risk" of redundancy. Agency workers will, however, be entitled to apply for any vacant positions advertised at the end of the reorganisation process. It is also possible that an agency worker might be absorbed where a suitable opportunity exists, in line with any absorption procedure in place at the time and where this does not increase the risk of redundancy dismissals of employees.
- 1.2.4 This policy complies with current legislation and will be reviewed, in consultation with the trade unions, in light of any changes.

1.3 Responsibilities

1.3.1 Employees are responsible for:

- making sure (along with their manager) that their job description is kept up to date
- participating in individual consultation as they wish
- participating in group consultation as they wish
- arranging their own individual representation (Trade Union or work colleague)
- letting their manager know about any concerns they have throughout the change process
- fully engaging in each stage of the assimilation and redeployment processes

1.3.2 Line Managers are responsible for ensuring that:

- they manage the changing demands of the service as far as possible with minimal redundancies and with minimum costs to the council
- a robust business case is provided for any proposed business changes that explains the proposed changes and any impact on posts, accompanied by an equality impact assessment
- that all job descriptions are kept up to date (along with their staff)
- a staff structure chart is produced and kept up to date
- consultation takes place with Trade Unions and employees who are affected. This consultation should aim at reaching agreement wherever possible
- employees are kept informed throughout the change process, including those who are not at work because of maternity, sickness or other reasons;
- the timescales set out in this policy and procedure are adhered to where practicable
- compulsory redundancy is only considered when there are no suitable alternative positions available for redeployment
- the selection and redeployment processes are applied fairly, objectively and in a non-discriminatory way. Employees who don't secure alternative employment must have the opportunity to appeal against compulsory redundancy before they are dismissed
- all employees identified as "at risk" at the close of the formal consultation period are encouraged to fully engage with each stage of the processes for assimilation, expressions of interest and redeployment.
- meetings are prepared as appropriate
- meetings are attended promptly

Managers should note that failure to properly manage the reorganisation process as required under this policy and procedure and the accompanying Organisational Change and Redundancy Toolkit may result in capability or disciplinary action being taken.

1.3.3 **Human Resources (HR)** are responsible for:

- providing advice and support to managers and staff throughout the change process
- making sure the statement of intent below is adhered to
- promoting the objective of avoiding redundancy wherever possible
- monitoring the use of the procedure, reporting on trends and non-compliance
- reviewing and quality assuring new structures and job descriptions to keep job losses to a minimum
- managing the redeployment process
- working with managers to ensure that this policy is applied fairly and consistently.
- preparing for meetings as appropriate
- attending meetings promptly

2. GENERAL PRINCIPLES

2.1 Statement Of Intent

2.1.1 We will consult with employees and the Trade Unions (TU) whenever there is the prospect of structural change, particularly where this might result in redundancies. We will aim to reach agreement with the parties involved. The purpose of consultation is to avoid redundancies. If they can't be avoided we will try to reduce the number of redundancies and reduce their impact where possible.

2.1.2 An employee will become redundant if he/she has been dismissed due wholly or mainly because:

- the Council has ceased to provide the services or perform the function which the employee is employed to provide
- or
- the place at which the employee is employed is closing
- or
- fewer employees are required or expected to be required to carry out the work that the employee is employed to do

2.1.3 An employee must have a minimum of 2 years' continuous service in order to be entitled to a redundancy payment. The Council, however, will aim to avoid redundancy regardless of an employee's length of service.

- 2.1.4 We recognise that in every change situation full consideration must be given to equal opportunities for all employees, regardless of their gender, ethnicity, religion or belief, disability, age, marital status, sexual orientation or gender identity. The impact on employees of change proposals will therefore be reviewed within an Equalities Impact Assessment (EIA) that will form an integral part of the business case for change.

2.2 Disability

- 2.2.1 During a change programme we will ensure that the rights and interests of disabled employees are protected in line with our FRESH values. Reasonable adjustments will be made, as appropriate, in applying selection criteria, in the consultation process, or when considering suitable alternative employment. Managers should refer to [“Disabilities in Employment: Managers’ Guidance” for further information.
- 2.2.2 When setting criteria for redundancy selection, we will consider whether any proposed criterion would adversely impact a disabled employee unjustifiably. If so, we will make any necessary reasonable adjustments as appropriate.

2.3 Maternity/Adoption

- 2.3.1 An employee on maternity/adoption leave who fulfils the relevant conditions set out in the Employment Rights Act (1996), has the right to return to the job in which they were employed, on no less favourable terms and conditions.

<p><i>For further information on the treatment of maternity and adoption situations, see the “Organisational Change and Redundancy Toolkit” Section 5.1</i></p>
--

2.4 Redeployment

- 2.4.1 The redeployment procedure below and related information in the “**Organisational Change and Redundancy Toolkit**” applies only to reorganisations and potential redundancy situations.
- 2.4.2 Redeployment on other grounds such as ill health and disability, expiry of a fixed term contract (other than by reason of redundancy), or in other circumstances where redeployment applies (e.g. following application of the capability or disciplinary procedure or as a result of a grievance), will not be subject to this procedure. Please refer to the “TRAC Pack – How The Redeployment Advice Centre Works For You”.
- 2.4.3 In potential redundancy situations employees can acquire Redeployee status at two stages :
- **Tier 2** – staff who are at risk of redundancy – but not under notice of dismissal

Tier 2 staff still have some opportunities open to them to secure suitable alternative employment other than through redeployment (such as assimilation appeals, generic reduction group interviews and expressing interest in ring fenced posts).

- **Tier 1** – staff who have received a formal notice of dismissal on the grounds of redundancy

Tier 1 staff are a higher priority for redeployment support as they have already been issued with formal notice of redundancy and the above opportunities are no longer available to them. Tier 1 staff will therefore be prioritised for support in finding suitable alternative employment within the Council via the Redeployment Advice Centre (“TRAC”).

2.4.4 Employees will be considered as Tier 2 redeployees from the day their role has been confirmed as being ‘at risk’ of redundancy. This will begin at the ‘Announcement of New Structure Meeting’ when management announces the confirmed plans. Employees will become Tier 1 employees at the point they are issued with formal written notice of redundancy; this is likely to be once they finish their involvement in any ring fenced selection processes.

2.4.5 In potential redundancy situations we will make sure that affected employees know how to access information about current vacancies that are actively under recruitment. We will also provide Trade Unions with weekly information about posts that are covered by agency workers.

3. PROCEDURE

3.1 Organisational Design

3.1.1 The initial step of the change process should be to establish a named Project Lead for the reorganisation. The Project Lead should carry out an assessment of the current service, which should include:

- the objectives of the service
- any drivers for change
- how the service is currently working, measuring this against the objectives
- the different options for delivering the service in future
- information that shows how the proposed structures are fit for purpose, including implementation and transition costs

3.1.2 Reorganisations can often impact on significant numbers of staff and the proposals might include changes to jobs and/or employees’ terms and conditions of employment. In all cases where jobs are likely to be placed at risk of redundancy or where terms and conditions might change, we will take the steps set out below in full. In minor reorganisations where no redundancies are proposed (for example where the only proposed change is in line management) we will always consult

individually with affected staff, and with trade unions on a proportionate basis, but the Project Lead may apply a modified overall process that is more appropriate to the scale of the change.

3.1.3 Following this organisational design review, if the decision is to change the service model, a robust business case must be produced. It should include the following:

- the background and reason for change
- any alternative solutions considered
- the proposed preferred solution and the reason for this
- how the new service will operate and what it will achieve
- full year costs of the current structure and the projected full year cost of the new structure
- the impact on staff
- the options for assimilation or redeployment to avoid or minimise redundancies
- a Learning and Development plan for staff after implementation
- an outline of proposed timeframes

A Business Case template can be found here : [\(LINK to be added\)](#)

3.1.4 The Project Lead will ensure that an **Equalities Impact Assessment (EIA)** is completed as part of creating the business case. The EIA will detail the current workforce profile, the effect on staff of any changes proposed by the business plan, and any mitigating actions to ensure that the workforce remains representative at all levels. Any issues identified through the EIA will be addressed appropriately before the business case is submitted to the Strategic Director for approval. The purpose of the EIA is to ensure that the Council complies with its public sector equality duty in line with FRESH values.

3.1.5 The business case, together with the Equalities Impact Assessment, must be peer reviewed. It must be presented to the Equalities Board or the Cluster Leadership Team for smaller restructures, before being submitted to the Strategic Director for approval.

3.1.6 Formal consultation cannot begin until all of the following are produced and are signed off appropriately:

- **the business case** and accompanying EIA for the purpose of sharing with staff and the Trade Unions
- the **current structure chart** (highlighting annual staffing costs)
- the **proposed structure chart** (highlighting estimated annual staffing costs)

- the **“Implications on Posts”** i.e. a list of all affected posts in the current structure indicating:

Category A - Proposed deletion

Category B - Job description remains the same, proposal to reduce number of posts in the new structure

Category C - Job description has changed and post holder has proposed assimilation to post in new structure

Category C/B Generic Reduction - Job description has changed and post holder has proposed assimilation to post in new structure, but there are fewer new posts than old posts

Change of line management

Not Affected - No proposed changes

- the **current job descriptions** (Job descriptions should always be kept up to date via normal management and supervision and the regular appraisal cycle. However if an existing job description is out of date, an updated version based upon actual current practice must be prepared by the manager and employee(s) and signed off by the line manager and employees prior to the start of consultation. In the event of disagreement about the contents of the existing job description, refer to section 3 of the “Job Evaluation Policy”.)
- the **proposed new job descriptions** (with **evaluated grades** in line with the council’s Job Evaluation Scheme)
- a summary of **the selection process for any new roles created or where the number of posts have reduced** (for example interviews, assessment centres or work based tests, including the relative weighting of each)
- a summary of the redeployment process
- an outline of the **time frames**, including appeal dates

3.1.7 Some staff may be temporarily absent from their substantive workplace; this may be because of sickness, annual leave, maternity or adoption leave, sabbatical leave or secondment, or suspension from duties as a result of disciplinary or other action. The Project Lead is responsible for making sure that these employees are included fully in the consultation and redeployment process. The Project Lead should seek advice from the HR team in these circumstances.

3.2 Reorganisation and Redundancy Consultation

General

- 3.2.1 We recognise that meaningful consultation with employees and Trade Unions is fundamental to the success of any organisational change. Consultation adds value to management proposals and is in line with the Council's FRESH values. If potential redundancies are proposed, we also have a legal requirement to consult with individual employees.
- 3.2.2 Initial consultation will begin with the Trade Unions, followed by Group consultation with employees and finally Individual consultation.
- 3.2.3 During consultation, employees and Trade Unions will have the opportunity to comment on the business case, to make alternative proposals and to review and suggest amendments to proposed job descriptions.

Consultation with Trade Unions

- 3.2.4 If we are proposing to dismiss as redundant 20 or more employees within a period of 90 days or less, we have a legal duty under s.188 of the Trade Union and Labour Relations (Consolidation) Act 1992 to consult our recognised Trade Unions.
- 3.2.5 The statutory minimum periods of consultation are as follows:

Employees to be dismissed at one establishment over a 90 day period	Minimum consultation period before first redundancy takes effect
20-99	30 calendar days
100+	45 calendar days

Notwithstanding the statutory legal minimum of 45 days we are mindful of the fact that large reorganisations often take longer than this to complete and we will endeavour to observe a minimum consultation period of 90 calendar days in cases where 100 or more employees are to be dismissed.

- 3.2.6 As well as consulting Trade Unions, we also have to notify the Secretary of State at the Department for Business, Innovation and Skills of proposed redundancies involving 20 or more employees at any one location in a 90 day period. In that case, we must inform the Secretary of State *before* any redundancy notice is issued, and where 20-99 employees are proposed to be made redundant, at least 30 days before the first dismissal on the grounds of redundancy takes effect, or 45 days before in the case of 100 or more employees. This notification exercise will be co-ordinated by the HR team and the Project Lead should provide this information on the relevant forms.
- 3.2.7 We are not legally obliged to consult with the Trade Unions where redundancies involve less than 20 employees, but in these circumstances we will consult the Trade

Unions anyway and we will apply the minimum 30 day consultation period unless there are exceptional circumstances that make this impractical..

- 3.2.8 We will issue written notification to the Trade Unions 5 working days before the start of formal consultation regarding proposed organisational changes. We will hold a meeting with them 1 working day before the start of formal consultation. At this meeting the Project Lead will give the Trades Unions all of the information that we plan to share with employees at the Announcement of Proposals meeting. **This must include all the information specified in paragraph 3.1.6.**

Announcement of Proposals

- 3.2.9 The Project Lead (with advice from HR) will set the date of the Announcement of Proposals meeting and will notify this to employees and the Trade Union, giving them at least 5 working days written notice. We will invite all employees likely to be affected plus the relevant Trade Unions representative(s). If necessary we will hold additional group consultation meetings for employees on different conditions of service, working patterns or at different locations.

*For further information on the Announcement of Proposals meeting, see the “**Organisational Change and Redundancy Toolkit**” Section 4.2*

Individual Consultation

- 3.2.10 We will schedule regular meetings, as required, between management and affected employees during the consultation process. These can be used to discuss each employee’s individual questions and personal circumstances. Where the employee is identified as being potentially ‘at risk’ all alternative redeployment options should be discussed. Employees can bring a Trade Union representative or colleague to these meetings.
- 3.2.11 After all consultation and selection processes are completed, we will hold an individual consultation meeting with any employees who we confirm as continuing to be “at risk”. This will take place before they are issued with notice of redundancy.

*For further information on Individual Consultation meetings, see the “**Organisational Change and Redundancy Toolkit**” Section 4.3*

Submission of Comments and Management Review

- 3.2.12 We will issue all relevant documentation to affected employees. We will then provide at least 10 working days for employees and trade unions to respond with initial comments. We will then allow up to 10 working days for management to review and consider these comments.

- 3.2.13 Where the Trades Unions or affected staff submit written proposals the Project Lead will consider these and will give a written response prior to the announcement of the new structure.

Announcement of New Structure

- 3.2.14 At the end of the consultation period, we will notify employees about the final proposals, including a summary of responses to all comments received at an “Announcement of New Structure” meeting.
- 3.2.15 The Project Lead, assisted by HR, will identify any posts to be declared redundant and all suitable alternative redeployment options. We will notify employees individually in writing about the grounds on which the reorganisation is proceeding.
- 3.2.16 Once the new structure is announced any employees who have not secured a suitable alternative post through assimilation and who are at risk of redundancy will automatically acquire Tier 2 redeployee status.
- 3.2.17 We will notify employees about assimilation decisions and we will explain their rights of appeal in accordance with section 3.3.4 below.

3.3 Assimilation - Category C

- 3.3.1 In some cases employees will be proposed for Category C. This is where their job description has changed but they have potential assimilation rights to a post in the new structure
- 3.3.2 Assimilation into another position can occur where the main purpose and duties of the employee’s post remain substantially unaltered and/or where the current duties are broadly similar to the duties of the new post.
- 3.3.3 After the management review and finalisation of the new structure and job descriptions, we will carry out an assimilation process at the earliest possible opportunity prior to the announcement of the new structure. This will also help us to identify the posts available as alternative employment for potentially redundant employees.

<p><i>For further information on assimilation criteria, eligibility and matching, see the “Organisational Change and Redundancy Toolkit” Section 7</i></p>

Assimilation appeals

- 3.3.4 We will tell employees at the announcement of the new structure whether or not they have assimilation rights to position(s) in the new structure.
- 3.3.5 Employees can appeal to the relevant Strategic Director against an assimilation decision. They must do this within 5 working days of the decision being notified to

them. The Strategic Director will consider the appeal and may arrange for a panel to review the appeal.

3.3.6 Employees can appeal if they believe that the individual circumstances surrounding their case do not support the following decisions by management:

- Non-assimilation to a particular post
- Offer of assimilation to a post which is considered not to be appropriate

It should be noted that assimilation decisions are based on the contents of the relevant job descriptions, but also on the employment terms and conditions of the old and new posts. There will be some situations where a change to terms and conditions means that assimilation doesn't apply even though the old and new job descriptions are the same; for example we would not assimilate from a permanent role into an equivalent fixed term role. However, in such circumstances, where the difference is of terms and conditions rather than duties, employees may volunteer for assimilation. Employees who volunteer for assimilation where this will reduce their earnings should be advised to seek trade union advice.

3.3.7 The employee should state clearly their grounds of appeal both the reasons why they are challenging the decision and the outcome that they are seeking.

3.3.8 We will notify the employee in writing of any decision by the Strategic Director and/or appeal panel. The appeal decision will be final.

<p><i>For further information on assimilation appeals, see the "Organisational Change and Redundancy Toolkit" Section 7.5</i></p>
--

3.4 Selection Process - Category B and C/B

Assimilation Selection and Generic Reduction Group Interviews

3.4.1 Following the announcement of the new structure we will use a selection process of generic reduction group interviews where:

- an existing post transfers to the new structure and the job description remains the same, but there is a reduction of posts in the new structure

or

- an existing job description has changed, and it's still broadly similar enough to allow assimilation rights, but there are more staff eligible for assimilation than there are posts available in the new structure.

3.4.2 In these cases our aim is to determine the most appointable employees. Our expectation is that all posts will be filled, because all staff will have been considered to have assimilation rights. Premature Retirement/Redundancy Severance (PRS) will have been offered to all staff in Category B and C/B in advance of assimilation selection and generic reduction group interviews.

Ring Fenced Vacancies

- 3.4.3 Ring fenced posts are those that may have been created in, or have transferred to, the new structure as a result of a reorganisation but remain vacant.
- 3.4.4 These posts will be ring fenced to staff affected by the reorganisation and who are at risk of redundancy. Those staff will be given the first priority to express an interest and be interviewed for these posts.
- 3.4.5 We will encourage any displaced employees (who remain at risk of redundancy after assimilations) to express an interest in any suitable 'ring fenced' posts that remain in the new structure.
- 3.4.6 An employee who is unsuccessful in gaining a position from their preferred ring fenced positions will be considered for any remaining ring fenced post or for other potentially suitable vacancies across the Council under the Redeployment process. Where the post is more than one grade higher than the substantive post the employee will be required to submit a supporting statement addressing the criteria of the new post.

The Selection Process

- 3.4.7 We recognise that sometimes even experienced employees can find it difficult to perform well at job interviews. Because of this, when we carry out selection for generic reduction groups or ring fenced positions we will use a range of methods to decide who is the most suitable for the job(s). We will make decisions based on the results of the combined selection methods set out in the following table. The scores shown in the table are indicative only – the specific details of tests, assessment centres etc. will be determined in light of the role being selected. The methods of selection and the exact weightings to be allocated for each exercise will be set out in advance and published as part of the consultation proposals :

Factor	Score	How scored
Interview	70%	Using standard interview scoring method
Assessment	30%	e.g. Assessment centre results, practical tests, etc.
TOTAL	100%	

*For further information on the ring fenced interview process, see the “**Organisational Change and Redundancy Toolkit**” Section 8.2*

3.5 Contractual Notice

- 3.5.1 Once we have completed the Assimilation, Generic Reduction Group and Ring Fenced Interview processes, management will meet individually with all displaced employees who potentially face redundancy. This will take place prior to the employee receiving their contractual notice. Employees will be given three working days notice of these meetings, at which they may be accompanied by a work colleague or trade union representative.
- 3.5.2 At this point any employees still facing redundancy will acquire Tier 1 redeployee status and they will be eligible to be considered for other vacancies across the Council.
- 3.5.3 Employees who are unable to secure suitable alternative employment before the expiry of their notice period will be dismissed by reason of redundancy.

3.6 Redeployment

- 3.6.1 Following the end of consultation, employees who remain at risk of redundancy will be required to register with the Redeployment Advice Centre ("TRAC") where they will be offered regular appointments with Human Resources, who will help them search for suitable employment opportunities.
- 3.6.2 The employee will be required to attend an initial TRAC appointment, to register as a redeployee and to complete the redeployment pro-forma. This form captures an individual's knowledge, skills and experience gained from their current position and any other previous positions. Human Resources will use the form as a basis to match the individual to suitable alternative employment. The employee will be encouraged to attend subsequent weekly TRAC sessions for ongoing redeployment support.
- 3.6.3 Redeployees will be put forward for matching against vacancies under recruitment across the Council, including those where an offer of employment has not yet been made, plus vacancies where recruitment is intended but has not started. All redeployees must be considered for the posts up until an appointment is made to the post.
- 3.6.4 Redeployees will also be put forward for matching against posts covered by agency workers. , we expect all managers to cooperate in achieving the Council's policy objective of avoiding redundancies by making vacant posts (including posts filled by agency workers) available for redeployees.

Suitable Alternative Employment

- 3.6.5 If, following a trial period, a displaced employee is found to be appointable in a suitable alternative post, we require the hiring manager to make an offer of employment. Failure to do this could mean that any subsequent compulsory redundancy dismissal is legally unfair.

- 3.6.6 We expect that a redeployee will accept any offer of suitable alternative employment.
- 3.6.7 We may consider a refusal as reasonable where there are significant changes to the job.
- 3.6.8 We may consider a refusal as unreasonable where the differences between the new and old jobs are negligible, or where the employee assumes rather than investigates the changes that the job may involve.
- 3.6.9 Where we feel that an offer of suitable alternative employment has been unreasonably refused, we will hold a meeting with the employee to discuss the reasons for their refusal. The employee can bring a Trade Union Representative or a work colleague to this meeting.
- 3.6.10 If we decide that the role has been unreasonably refused, the employee will lose any entitlement to a PRS payment. This ruling will also apply if an employee resigns during a trial period. We may consider withdrawing entitlement to a PRS payment in exceptional circumstances where there is evidence that the employee has actively avoided taking advantage of appropriate opportunities to obtain suitable alternative employment.
- 3.6.11 There may be circumstances where we may offer a displaced employee a post, knowing in advance that it could reasonably be refused (e.g. a similar, but lower-graded post). We would offer the post to the employee with the advice that refusal would not jeopardise any subsequent consideration for a PRS payment. However by accepting such an offer, the employee will be deemed to have accepted it as suitable alternative employment, subject to their right to a statutory trial period.

<p><i>For further information on suitable alternative employment and redeployment, see the “Organisational Change and Redundancy Toolkit” Section 10</i></p>

3.7 Redundancy Appeals

- 3.7.1 If an employee wishes to appeal against their dismissal on grounds of redundancy, they should write to their Strategic Director within 5 working days of receipt of notice of redundancy. The appeal grounds must be set out and must be based on one or both of the following:
- unfair selection for redundancy
 - the Organisational Change and Redundancy Policy and Procedure was incorrectly applied
- 3.7.2 The Strategic Director will appoint a panel of two managers (at least one of whom shall not be in the management line of the employee) and an HR Representative to hear the appeal before the expiry of the employee’s notice of dismissal. We will give

the employee 10 working days notice of the date and time for the hearing. The employee can bring a work colleague or Trade Union representative to this meeting. The employee must provide any documents they wish to present at the appeal at least 5 working days before the hearing. Provisional date(s) for redundancy appeal hearings will be set at the commencement of a reorganisation and notified to staff and trade unions. Therefore, a redundancy appeal may only be postponed on one occasion, by up to 5 working days (other than in exceptional circumstances with the approval of the Strategic Director).

- 3.7.3 The appeal panel will deliberate, with the assistance of the HR representative, and arrive at a decision. The panel's decision (either to uphold the redundancy dismissal or to overturn it) is final. The decision may be notified to the employee verbally but will also be confirmed in writing to the employee and their representative. The employee's notice of dismissal shall not take effect until at least one working day after the employee receives written confirmation of the outcome of the appeal. If necessary, the employee's period of notice will be extended.

<p><i>For further information on redundancy appeal hearings, see the "Organisational Change and Redundancy Toolkit" Section 9</i></p>
--

3.8 Compulsory Premature Retirement/ Redundancy Severance (PRS)

- 3.8.1 We aim to avoid redundancies wherever possible, whether compulsory or voluntary. Because of this we can't guarantee that any individual PRS application will be automatically approved; decisions are at the discretion of the Strategic Director and the Director of Integrated Support. Each application will be considered on its own merit. If we have to refuse a PRS application we would not subsequently make that employee redundant on less favourable terms as part of the same reorganisation.
- 3.8.2 We also have an overriding need to retain the requisite skills, knowledge and experience within the organisation. As a result we reserve the right to approve or not approve any volunteered applications for PRS. For each reorganisation we will consult the Trade Unions with a view to reaching agreement about the timing of any offers of PRS (for example, in advance of a generic reduction where this may avoid the need for a selection exercise).
- 3.8.3 Where PRS is approved, we will calculate PRS costs at the amount equivalent to "a contractual week's pay" (based on statutory guidance), rather than the statutory "capped" weekly pay defined by the government at that time.
- 3.8.4 We do not intend the above calculation of a week's pay to be a contractual right. In circumstances where we propose to amend the calculation basis or revert to the statutory calculation we will consult with Trade Unions.

3.8.5 More details are available in the PRS Guide which can be found on the intranet here :

[PRS Guide - click here](#)

*For further information on PRS calculations,
also see the “**Organisational Change and Redundancy Toolkit**” Section 12*

3.9 Post Implementation Review

3.9.1 Once the new structure has been in place for at least 3 months, the Project Lead should carry out a review of the reorganisation and submit a report to the Strategic Director and the Director of CBD (HR & OD).

*For further information on conducting post-implementation reviews,
see the “**Organisational Change and Redundancy Toolkit**” Section 13*

4 DETAILS OF APPROVAL AND VARIATION PROCESS

4.1 Where the Council wishes to amend or terminate this procedure, it will consult with the relevant trade union with a view to reaching agreement over the proposed amendment(s)/termination. This procedure may be amended or terminated by agreement with the relevant trade unions at any time. Where agreement has not been reached with the relevant trade unions arising from consultations, the Council reserve the right to implement its proposed amendment(s)/termination by giving one months notice to employees of its proposal(s).

This policy is approved and signed by:

Nana Amoa-Buahin
Director CBD (HR & OD)

Jon Rogers (Branch Secretary – UNISON)
On behalf of Trade Unions