

Staff Reductions Policy

1. STATEMENT OF POLICY

The Council has agreed that the following policy and procedures will apply wherever staffing reductions arise among non-teaching employees.

The Council recognises that as an organisation it must have policies for dealing with change which may affect its staff resources. New legislation or changing operational requirements may be among the circumstances which may create a redundancy situation.

The Employment Rights Act 1996 defines a redundancy situation in the following terms: "an employee who is dismissed shall be taken to be dismissed by reason of redundancy if the dismissal is attributable wholly or mainly to -

- the fact that his employer has ceased, or intends to cease, to carry on the business for the purpose of which the employee was employed by him, or has ceased, or intends to cease, to carry on that business in the place where the employee was so employed, or
- the fact that the requirement of that business for employees to carry out work of a particular kind, or for employees to carry out work of a particular kind in the place where he was so employed, have cease or diminished or are expected to cease or diminish..."

The Council will seek, as far as practicable to plan ahead to maximize the opportunities to achieving alternative outcomes to compulsory redundancy. When facing the prospect of staffing reductions we will use natural wastage, recruitment restraint and the engagement of temporary staff to build headroom to manage organisational change.

The use of consultants and agency staff will be monitored and reviewed. The Policy will be operated with full regard to the Council's Equalities Policy.

2. CONSULTATION

Consultation about proposed redundancies should start as soon as possible. Legislation dictates that there are certain minimum periods of time in relation to certain redundancies and these requirements are summarised on the table below.

No. of employees to be dismissed at the establishment	Period over which redundancies will take effect	Minimum Consultation period before proposed first redundancy
20 - 99	within 90 days	30 days
100+	within 90 days	90 days

The Trade Unions to be consulted are those which are recognised for the category of employee concerned. This remains the case even if those vulnerable to redundancy are not members of a Trade Union, or are members of a Trade Union which is not recognised.

Managers must note that under the Trade Union and Labour Relations (Consolidation) Act 1992, as amended, consultation shall include consultation about ways of avoiding dismissals, reducing the number of employees to be dismissed, and mitigating the consequences of the dismissals. It is also a requirement that such consultation must be undertaken with a view to reaching agreement

3.LEARNING AND DEVELOPMENT

It is recognised that the Council's Learning and Development policies can play an important part in minimising or offsetting the implications of redundancy situations. As part of the Council's overall approach to Human Resources, managers and services committees will have a responsibility to anticipate and monitor possible changes in employment patterns or needs and to make appropriate training plans which may include retraining. It has to be recognised however that in some circumstances changes in operational requirements will arise too quickly to make it practicable to offset their impact by training strategies.

4.INITIAL STEPS

Wherever a potential redundancy situation is identified there will be consultation with Staff Side and the opportunities for minimising the effects of redundancy through natural wastage will be fully explored. The other alternatives set out at Paragraph 1 and opportunities for volunteers to offset compulsory redundancy will also be considered.

However it will be of paramount importance in considering these steps to ensure that appropriate experienced staff remain to enable the Council to discharge fully its functions. In view of the costs involved with redundancies which would lead to the

immediate payment of pension benefits, where possible this will be used as a last resort after other measures have been explored.

5. SELECTION FOR REDUNDANCY

The Council's responsibility is to determine which employees have the various skills, expertise and commitment necessary to provide our services in the future.

Volunteers to offset compulsory redundancies will be considered. However in considering volunteers we need to take account of costs of redundancy and the retention of appropriate skills for the future. We reserve the right to accept or reject any volunteers for redundancy.

Whenever a potential redundancy situation is identified either as a result of an organisational review or a budget reduction these will be conducted in line with our managing organizational change policies and managing change frameworks. Redundancy may arise from the need to make budget reductions or as a result of organisational review, in response to, or anticipation of, changes in the operating environment.

When it is necessary to achieve expenditure reductions as part of the Council's budget process, managers will review all areas of their operations to identify a range of options to achieve the required objective. The relative merits of the options identified will be considered against the need to minimise the effect of reduced expenditure on identified service priorities and to minimise the number of potential redundancies and in relation to the costs involved. These principles will underpin the application of the criteria set out below.

The following criteria will apply in identifying posts where a redundancy situation has arisen:

- Where a filled post(s) with specific duties is/are deleted from the establishment, the employee(s) would be redundant.
- Where a reduction is to be made from within a number of similar posts, the criteria for selection among them will be the requirements of the residual organisation. Selection will be made on a basis which takes account of length of service but includes capability, skills or ability to carry out the remaining or revised duties.

APPEAL AGAINST SELECTION FOR REDUNDANCY

There will be an initial right of appeal to contest the basis for selection for redundancy, with the relevant Director or other appropriate officer and a representative of the Executive Head of Organisational Development and Strategic Business. There will be a further right of appeal against dismissal on grounds of redundancy. See para (below notice)

6. REDEPLOYMENT PROCEDURE

The Executive Head of Organisational Development and Strategic Business will be responsible in conjunction with the appropriate Service Manager for co-ordinating redeployment activity and the appointment process can be modified to achieve redeployment. In this respect the authority of Directors in relation to the appointment of staff is modified so that the Head of Human Resources can achieve the redeployment of redundant employees. There will be full consultation with Directors over potential redeployments and the authority delegated to the above will only be used where it is necessary to protect the Council's interest.

It will be the objective in co-ordinating redeployment activity that wherever possible redeployment opportunities will be identified. However, this objective must be considered against the need to maintain effective services and will not be operated in such a way as to put services at risk.

Proposed redeployment will be discussed with the employee concerned and any their representative before any offer of redeployment is made. The potentially redundant employee shall have first consideration prior to advertisement for any suitable vacancy (i.e. at their current grade). Where the vacant post would constitute a promotion the potentially redundant employee will compete alongside other internal applicants in the first instance.

The situation is of course different in relation to non-teaching staff in schools where the Executive Head of Organisational Development and Strategic Business will not have this authority. It will only be possible to ask a school to accept someone on redeployment. It should be appreciated however by governing bodies that the Authority will only be able to exercise any general co-ordinating role in relation to redeployment with the co-operation of individual schools.

7. CONDITIONS APPLYING TO REDEPLOYMENT

Before formal notification of redundancy efforts will be made to achieve redeployment to suitable alternative employment. An offer of redeployment which is made prior to formal notification of redundancy will provide for an assessment period of 4 weeks for the individual and receiving department to assess the suitability of the

post. If the redeployment is mutually acceptable then revised particulars of employment will be issued.

To preserve continuity of employment, the offer of the new job must be made before the redundancy takes effect and to start no later than 4 weeks after the first job comes to an end.

If an offer of redeployment is given after formal notification of redundancy has been made, the offer will be subject to a trial period - if any term of the new contract differs from the corresponding term in the old contract. The trial period is a period of 4 weeks starting with the date on which the employee starts work under the new contract. This period can be greater than 4 weeks if a longer period is needed for retraining for the new work. If the new employment proves unsatisfactory during the trial period then the original redundancy takes effect as though the trial period had never taken place.

During either assessment or trial periods the original employing department, rather than the receiving one, will continue to meet salary costs at the actual grade for the new post.

- If the new post is at a lower grade, the individual where practicable would be assimilated at the maximum point.

Additionally, the following terms will apply to employees successfully redeployed:

1. Appropriate training, support and guidance relevant to the new post will be given. It will be recognised that moving from a manual work environment to an office work environment may place particular demands on individuals and wherever practical support, guidance and training will be provided.
2. Unless otherwise specifically stated, service will be regarded as continuous.
3. Revised written particulars of employment will be issued.

Under employment legislation, employees who unreasonably refuse offers of suitable alternative employment will not be entitled to receive redundancy compensation from the Council. In considering such cases a reasonable view of suitable alternative employment will be taken and decisions will be made in the light of the employee's personal circumstances, skills, work experience, previous grade, hours, location, and a comparison of job content between the former and proposed jobs.

8. NOTIFICATION OF REDUNDANCY

All redundant employees will receive written formal notification of their redundancy setting out the basis for their redundancy, the financial benefits to which they are entitled and their rights of appeal. This should be preceded by a meeting with a Senior Manager at which the employee would be advised of the possibility of redundancy. In some circumstances it may be necessary for this activity to involve a group of employees.

The termination of employment of redundant employees will be a responsibility jointly exercised by the Executive Head of Organisational Development and Strategic Business and the relevant Service Manager or other appropriate officer.

The Executive Head of Organisational Development and Strategic Business may grant employees under notice "terminal leave" or payment in lieu of notice where appropriate.

- The Executive Head of Organisational Development and Strategic Business having reviewed the circumstances of the case is authorised to extend periods of notice by up to 6 weeks where this would aid redeployment.

APPEAL AGAINST REDUNDANCY

There will be a further right of appeal to contest dismissal on grounds of redundancy, with the relevant Director or other Chief Officer and a representative of the Executive Head of Organisational Development and Strategic Business.

9. COMPENSATION

The compensation payments for which employees may be eligible are set out in the RBK Redundancy Severance Payments Scheme.

10. OTHER TERMINATION PROVISIONS

Other conditions which will apply include:

- Generous time off for job seeking will be given
- Redundancy counseling or training will be granted
- Repayment of relocation or training expenses will be waived
- Former service tenants will be dealt with under the refocusing provisions of the staff housing scheme
- Sponsorship for course fees of up to £500 will be available in respect of any employee leaving because of compulsory redundancy to enable the employee to commence a suitable course of retraining within 6 months of the last day of service. The Executive Head of Organisational

Development and Strategic Business are responsible for determining the suitability of the course in relation to future employment prospects.