

Restructuring, Redeployment and Redundancy Policy (Including **Protection of Earnings**)

Prepared by: Human Resources

Approved by Employment and General Committee: 22 January 2018

Amended: November 2018

For review: January 2021



Contents

Policy statement on Restructuring, Redeployment and Redundancy	3
Restructuring	3
Process to be followed when the need for restructuring is identified	3
Process for employees displaced by restructuring	5
Key principles for assimilation	6
Minor changes to the establishment	8
Protocol flowchart	9
Redeployment	11
Management responsibilities	11
Employee responsibilities	12
Redeployment procedure	12
Suitable alternative employment	13
Protection of earnings	13
Redundancy	15
Introduction	15
Consultation	15
Statutory requirements for the provision of information	16
Measures to avoid/ minimise redundancy	16
Selection	17
Selection criteria	18
Appeal against selection	18
Notice period	19
Alternative employment	19
Process for individual redundancy	19
Appendices	
Appendix 1 Redundancy timetable framework	21
Appendix 2 Selection criteria assessment form	22
Appendix 3 Invitation to first consultation meeting	25
Appendix 4 Outcome letter	26
Appendix 5 Invitations to second consultation meeting	27
Appendix 6 Invitation to dismissal hearing	28
Appendix 7 Dismissal outcome letter	29
Appendix 8 Ringfencing matrix	30

Policy statement on Restructuring, Redeployment and Redundancy

1. CBC recognises that change and uncertainty are present at all times but endeavours to do everything reasonably possible to make any changes to employees roles in a timely manner and with full consultation with employees and Trade Unions.
2. To ensure that the process is managed as smoothly as possible and to cause the minimum amount of stress to everyone concerned, CBC aims to complete all restructures within 3 -6 months on any announced restructure from date of approval.
3. Management will consult meaningfully and sensitively with employees and Trade Unions at the earliest opportunity and seek to gain agreement to changes at an early stage whilst being aware of the impact of changes on the morale and wellbeing of employees at all times.
4. Management will endeavour to avoid redundancies, but it must be recognised that in some situations redundancy may be the only alternative once all other options have been eliminated.
5. At all times employees will be able to openly discuss their concerns with management in a confidential environment and have access to relevant training e.g. job application/interview skills and counselling services should they need additional support during this process.

Restructuring

Process to be followed when the need for restructuring is identified

6. Manager drafts proposed preliminary new structure and considers the implications for the team by undertaking an Equalities Impact Assessment, in consultation with HR and Policy team where necessary and gives the staff and Trade Unions early notification of the potential restructure.
7. Manager prepares case to present to CMT detailing the rationale for the restructure, the financial implications for the council and the options to discuss.
8. Manager develops timetable for restructure which includes all consultation, Job Evaluation process, formal approval, interview process, "at risk" meetings and implementation date bearing in mind the commitment to a three month completion deadline. At this stage manager also undertakes stress risk assessment of the process.

9. Manager arranges informal meeting with Trade Unions to discuss proposals and timetable for consultation with staff taking into account feedback provided.
10. Manager, in consultation with the portfolio holder, writes draft report for Cabinet and Employment & General Committee.
11. Manager considers new posts and writes job descriptions and person specifications for each role consulting with HR Officer and Trade Union to arrange job evaluation process (this can be done whilst consultation ongoing).
12. Manager consults with staff presenting the initial proposals for change and seeking their views on the changes, inviting HR and TU to the meeting. During the meeting the manager should cover:-
 - a. The proposed new structure
 - b. The reason for the changes
 - c. The timetable for the restructure including deadlines for comments and feedback
 - d. Invite comments on the structure, job descriptions and report
 - e. Timetable for meeting with those staff immediately affected and potentially at risk
13. Having received and dealt with any comments from staff and making changes where appropriate, the manager in conjunction with HR draws up a list of current and new posts (see paragraph 18) and completes the assimilation and ring fencing matrix identifying employees who are:-
 - a. Can be assimilated (see paragraph 19)
 - b. At risk – ring-fenced
 - c. At risk – no alternative vacancies
 - d. No change
 - e. Temporary employees whose contracts are due to end
 - f. Agency staff to be released

Manager completes assimilation and ring fencing matrix and meets with TU to formally sign off the document, agreeing approach to any anomalies e.g. staff acting-up etc. NB. Staff on secondment into the affected team are not considered part of the team for restructure purposes as they have a substantive post elsewhere in the council.

14. If further consultation is needed with staff, arrange this inviting HR and TU, if the consultation period is over or not needed then manager writes final report for WBR and Joint Cabinet and Employment and General Committee.

15. Following the decision of Joint Cabinet and General Committee referred to above the manager:-

- a. Inform employees
- b. Arrange a meeting with HR and TU's to discuss implementation and protocol re: further process consultation, interviews and any assimilations
- c. Review timetable
- d. Write to employees advising them of their status i.e. assimilated, at risk, displaced, not affected including information regarding jobs they can apply for where appropriate and deadline for applications including support options and policies available (stress policy, application form and interview advice)
- e. Provide advice and support on applications and interview techniques (with support from HR) if appropriate and proactively remind employees of sources of external support (arranging individual stress risk assessments for staff where appropriate)
- f. Arrange interviews considering the composition of the panel (seek advice from HR if necessary) interviewing from the top down
- g. Be prepared to provide post-interview support and counselling for unsuccessful candidates

16. Once posts filled identify if anyone is still at risk and if so arrange "at risk" meetings and for staff to be put on the redeployment list including completion of skills audits by the individual and line manager.

17. Implement the new structure taking into account any transitional arrangements needed, training needs identified and ensuring new contracts are issued where necessary.

Process for employees displaced by restructuring

18. In order to facilitate a restructure, existing employees will be assimilated to the posts in the new structure most akin to their existing position in the current structure. This will be based on their current job description (if the current job description does not reflect current role, this needs updating before assimilation can be undertaken). Assimilation will be conducted within the following principles:

- a. Management at CMT level (or their nominated manager), in liaison with HR and Trade Union will undertake a review process to be conducted in stages commencing with higher graded posts. This may create vacancies that can be managed effectively at lower graded levels to reduce possible displacements.

- b. Each of the steps at paragraph 19 below will be conducted at each stage. It may be possible for some steps / stages to be progressed simultaneously
- c. There are **5 stages** to the process which must be undertaken in the following order:-
 - i. Straight assimilation of 70% roles; **then**
 - ii. Interviews for those remaining employees at risk within the affected teams and “ring fenced” to apply for roles; **then**
 - iii. Those not successful at interview are considered displaced and are put “at risk”. Any unfilled vacancies from the restructure will be advertised internally within the service¹ for those at risk.
 - iv. Vacancies that are still not filled at step iii above are advertised internally for all staff to apply for.
 - v. Remaining vacancies advertised externally

Key principles for assimilation

19. Refer to flowchart on page 9 & 10

Roles which meet the 70% test

1. Where at least **70%** of a person’s job is agreed as subsumed into the new post (the 70% rule), the new post is of the same grade as the existing grade or equivalent salary² and only one employee meets the 70% rule a ‘**straight assimilation**’ can take place without interview. (70% has been decided upon, as this was the agreed criterion used in the Local Government (Unitary Authorities) Reorganisation of 1996).
2. “**Straight Assimilation** without an interview”: Where the 70% rule applies **AND** there is no change in grade **AND** there are sufficient posts for people.
3. Where there are two or more employees on the same grade or equivalent salary who have a **70%** claim on one available post, “straight assimilation” cannot take place and these employees will be “ring fenced” for competitive application.
4. Where the post has been evaluated at a **lower** grade or equivalent salary than the original post, the post will initially be ring-fenced for application for displaced employees to apply for if they are substantively performing **70%**

¹ The term ‘service’ for the purpose of restructures means those teams of people affected by the restructure only

² * **Equivalent Salary:** i.e. in the case of Craftworkers is defined as the gross wage in respect of hourly paid employees excluding non-contractual overtime and other additional payments such as honoraria.

of the duties contained in the job description of the original post but on a higher grade, providing they meet the essential criteria in the person specification (or could do with reasonable training – to be assessed in liaison with HR and union).

5. Where a post has been evaluated at a **higher** grade (or equivalent salary than the original post) and they have not been filled by displaced employees, the posts will initially be “ring fenced” for displaced employees who are substantively performing **70%** of the duties contained in the job description of the original post, but on a lower grade, providing they meet the essential criteria in the person specification (or could do with reasonable training).
6. Thereafter the posts will be open to application from any member of the service. Normal recruitment procedures will be applied i.e. applicants will only be shortlisted for interview on the basis of meeting the essential criteria in the person specification for the post.
7. **NB.** In any situation where an employee has been acting up for a continuous period of 2 years, they will be treated as being in the higher grade for the purposes of assimilation/ring-fencing under the 70% rule.

No 70%

8. Posts which have no equivalent job holder(s) under the **70% rule** will be advertised and recruited to on the basis of “ring fencing” within the service. This will initially be to those employees who are “at risk” and for whom the post would constitute either a “suitable alternative employment” i.e. the post is the same grade as the employees substantive grade or a down-grading under which circumstances, if successful, the council’s **Protection of Earnings Policy** (page 13) would be applied for a limited time. In either case applicants must meet the requirements of the Person Specification (or could do so with reasonable training). Following this any remaining posts would be ring fenced for any applicants from within the service and subject to meeting the requirements of the person specification.
9. The “**two grade rule**” will be applied to any redeployment that attracts protection of earnings. This means for example that if an employee is currently on scale 8 and secures a grade 6 post this will attract protection of earnings but if a post at scale at 5 is secured, no protection will apply.
10. Where a vacant post is not filled from within the service the council’s policy on open internal/external recruitment will apply.
11. Employees who are identified as still “at risk” following the steps above will be counselled by HR and their manager on a one-to-one basis to identify

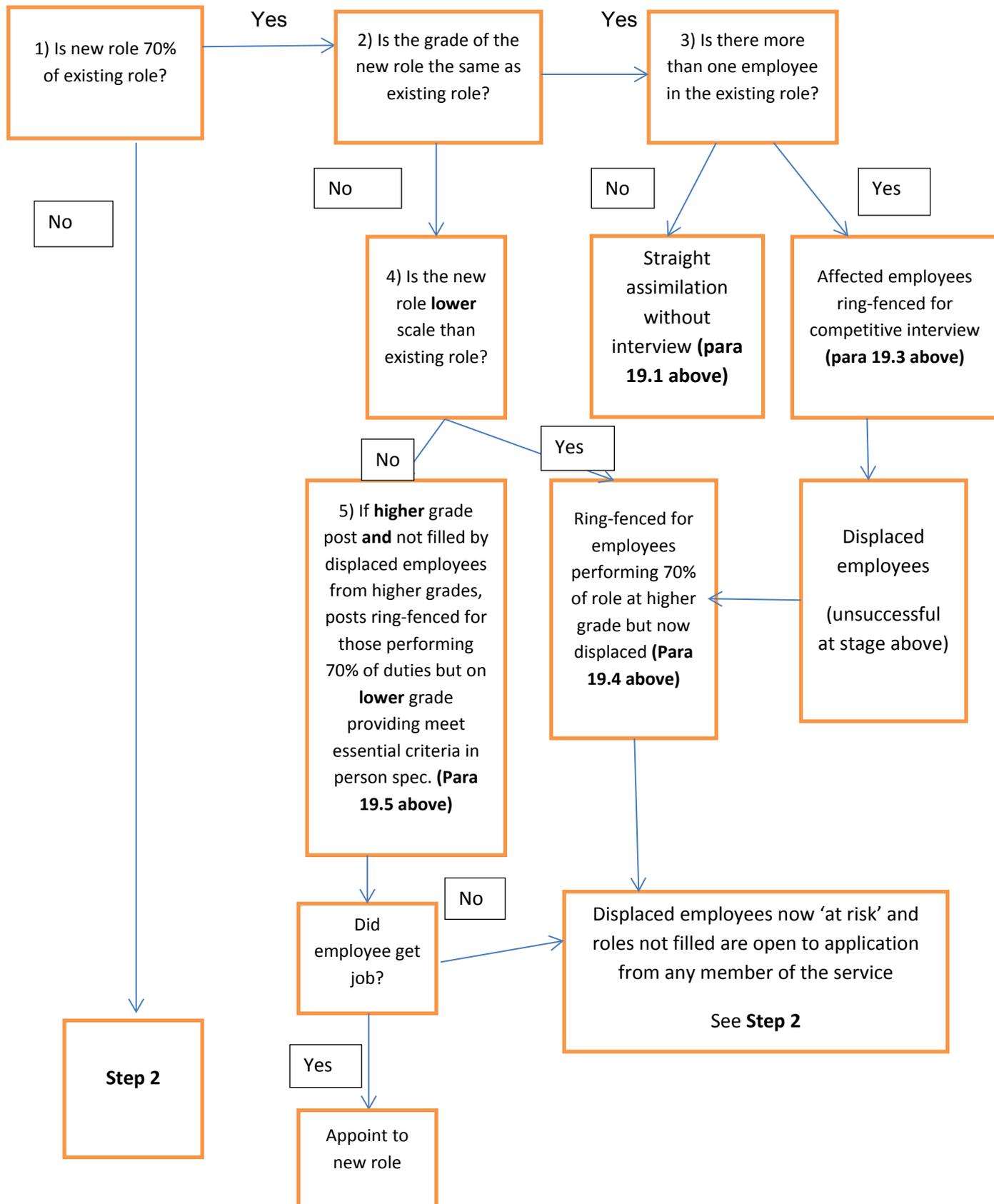
options for their future employment, including application of the Council's **Redeployment Policy and Procedures** (see paragraph 23 below)

12. Every effort will be made to find "suitable alternative employment" however it is in an employee's best interests to proactively seek advice and guidance at an early stage to improve their interviewing and job application techniques. Performance at interview is vital to securing the new role and employees must not assume their past work performance will stand them in good stead. Those employees expressing interest in a vacancy elsewhere in the council will be interviewed for that position before consideration is given to other applicants.
13. Early retirement and/or redundancy will be considered for those not redeployed or assimilated.
14. Salary protection will be applied as per the council's **Protection of Earnings Policy** (see page 13)

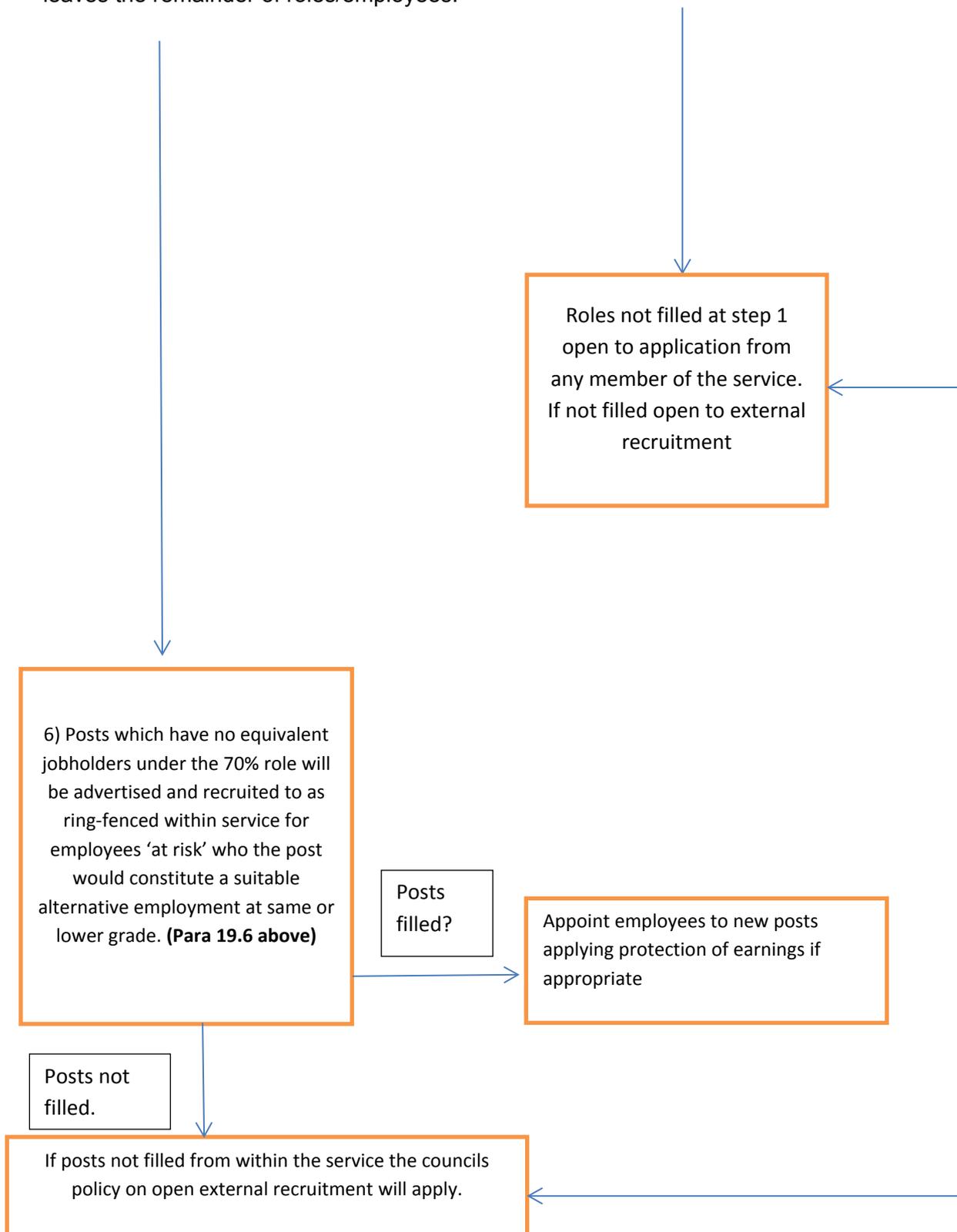
Minor changes to the establishment

20. The constitution of the council does provide delegated authority for the cabinet member/ portfolio holder for Business Transformation to make minor changes to the establishment where it is within current budget. This does not cover new structures or full restructures where the restructuring, redeployment and redundancy policy from paragraph 6 to 17 should be applied in full. Minor changes could affect 1 post or affect over 10 posts on the establishment; the difference is the impact on the budget and where this is within budget it is acceptable to manage it as a minor change.
21. Managers will need to complete an HR1, with a supporting Equality Impact Assessment, outlining the changes and submit to vacancy control panel for a decision. It is expected that prior discussions with Finance and HR will have been held to establish budget available and ensure HR processes followed. In addition consultation with unions and employees should have taken place in a timely manner.
22. Once VCP have given their decision to proceed this will be submitted to the cabinet member for approval.

Step 1 – decide which roles are **70%** or more of the new role and deal with these roles/people first, following steps 1-5 below:-



Step 2 – once those roles where 70% applies have been worked through at **Step 1** this leaves the remainder of roles/employees.



Redeployment

Management responsibilities

23. Employees not successfully assimilated following a restructure, and therefore at risk of redundancy, will have the option of seeking redeployment. Every effort will be made to find suitable alternative employment for employees displaced as part of a restructure with the aim of avoiding compulsory redundancy.
24. Where it is identified through restructure that an employee or group of employees are “at risk” of being made redundant, management will take the following actions:-
- a. Arrange for the employees concerned to be interviewed in order to compile a full record of the experience, knowledge, skills and qualifications that the employee holds (this can be from other careers/experience outside CBC).
 - b. Liaise with HR in order that a search can be conducted for suitable redeployment opportunities throughout the council
 - c. Establish a regular communication channel with the Trade Union to support the smooth delivery of the overall process and support employee welfare.
 - d. Provide assistance to employees as required i.e.:-
 - i. In the preparation of application forms and/ or C.V's
 - ii. In developing interview skills (e.g. by providing mock interviews)
 - iii. In identifying and providing time off to attend training courses as appropriate
 - iv. In arranging counselling or welfare support for employees
 - v. In providing advice on Voluntary Redundancy and Voluntary Early Retirement schemes
 - e. Management must consider the needs of individual employees affected and should liaise with HR to seek advice and support.
 - f. Where an individual is dismissed by virtue of redundancy or capability, they will be subject to the statutory provisions relating to the minimum periods of notice relative to their length of continuous service. E.g. 1 week for every year of service to a maximum of 12 weeks.
 - g. Where an employee has been found to be permanently incapable of undertaking the duties and responsibilities of their substantive post through ill health, the council will undertake to seek redeployment opportunities to a suitable alternative post within the council for a minimum period of twelve weeks.

- h. This period may run concurrently with the formal notice period of termination of employment.

Employee responsibilities

25. An employee who is identified as potentially redundant through restructure or at risk of dismissal through medical incapability has a shared responsibility with the council to seek and identify possible redeployment opportunities. To ensure these opportunities are maximised employees are expected to adopt a reasonable and flexible approach when considering alternative employment options.

Redeployment procedure

26. HR will in consultation with the employee and any agreed representation, identify a range of alternative employment options and any further support needed.
27. HR will have the discretion to withhold specific requests to advertise a vacant post where they are able to match the duties of the post with an employee requiring redeployment.
28. HR will discuss the vacancy with the relevant manager and arrange for the employee to receive priority consideration, and if appropriate an interview in advance of any advertisement being processed. HR may attend any interview.
29. If no appointment results from the interview, the relevant manager must give the reasons in writing to HR and if HR are satisfied with the explanation the vacancy will be released for advertising in the normal way. If HR are in any doubt the matter will be considered further by the Chief Executive. The views of the employee's Trade Union shall also be taken into account before any decision is taken.
30. Copies of all internal CBC vacancy sheets will contain a statement to the effect that established employees under notice of redundancy will receive priority consideration over all other candidates (does not apply to posts on promotion). HR will ensure that employees at risk will receive a personal copy of any vacancy sheet during the period of their notice.
31. When an employee subject to this procedure identifies an alternative post on the vacancy sheet that they consider suitable, they will contact HR. If following discussion HR are satisfied that the duties would appear suitable, a priority interview will be arranged and HR may attend the interview.

Suitable alternative employment

32. CBC has a statutory duty in redundancy situations to consider whether suitable alternative employment exists and if so offer such employment subject to the statutory trial period of four weeks in the new job.
33. The four week trial period may be extended for retraining purposes by written agreement. Should management or the employee wish to end the trial before the end of the four weeks for a reason connected with the new job, the employee may preserve any right of a redundancy payment under the old contract.
34. If no suitable alternative employment is identified and the employee accepts redeployment to a post that results in a reduction in contractual pay, the provisions of the Protection of Earnings policy will apply (see paragraph 39 below)
35. In certain circumstances an employee may be retained in a temporary capacity until a permanent vacancy arises. This would be time limited, but may be appropriate where vacancies arise regularly. In these circumstances the employee would retain their established status.
36. Employees who refuse an offer of suitable alternative employment shall be deemed as disqualified from this procedure and may lose their entitlement to redundancy pay.
37. All offers will be made in writing and be subject to the requirements of the appropriate legislation with regard to trial periods.
38. Any redeployment under this policy must be to an established post.
39. Employees on fixed term contracts, temporary contracts or specific task contracts with less than 2 year's continuous service, whilst not being eligible for consideration under this procedure shall nevertheless be subject to the relevant dismissal procedures and the appropriate contractual notice issues.

Protection of Earnings

40. The Council's Protection of Earnings policy will apply to those employees redeployed into suitable alternative employment as a result of either restructure or redundancy. Where the redeployment is a reasonable adjustment and is made as a result of a disability under the Equality Act 2010 please refer to the Managing Attendance policy.

41. An employee who accepts an offer of re-deployment where protection of earnings applies, will have their pay frozen at their current rate for 18 months from the date that they accept and take up the post.
42. Pay excludes non-contractual and incidental allowances attached to the previous post. Where variable hours are worked (and/or pay is variable) the protection will be based on a 13-week average.
43. The terms and conditions of employment which are not remuneration will be those of the new post except holiday entitlement which an employee will retain from their original post for the period of the protection. Upon conclusion of the 18 month period of protection, remuneration at the top of the incremental range for the new post will apply.
44. During the period when an employee is in receipt of a protected salary in accordance with this policy, they will continue to enjoy the full benefits of the Council's Redeployment Procedures with a view to redeployment into a post more commensurate with the level of protected earnings. Priority consideration arrangements will not apply to posts that constitute promotion.
45. The provisions of the Protection of Earnings Policy or entitlement to redundancy pay will be withdrawn in the circumstances where an employee unreasonably refuses an offer of appointment to a post at a higher level that reduces the level of protection, or an offer of suitable alternative employment in accordance with the tests provided in ACAS advice and relevant case law.
46. In circumstances where an element of protection continues, the protection will be deemed to have commenced from the original date of application of the Protection of Earnings Policy and will run for a period of 18 months from that date.
47. Protection of Earnings will not apply in cases of redeployment resulting from Performance Capability issues or Disciplinary decisions.
48. Once an employee's pay in their re-deployed post matches that of their original post, they will not be subject to any preferential redeployment provisions other than entitlement to annual leave.
49. In the unlikely event that an individual in receipt of pay protection is subject to a further restructure within the 18 month period, the pay protection period will be recommenced from the date of the new appointment. The new pay protection will be paid on the basis of the new rate of pay applicable to the post the individual is moving from. E.g. On restructure employee moves from scale 10 to scale 8 and pay is frozen at scale 10 for 18 months. 12 months

later the individual is subject to another restructure and is moved into a scale 7 post. The new rate of pay protection would be paid at scale 8 for 18 months.

Redundancy

Introduction

50. The Council accepts its responsibilities as a single employer and acknowledges that the successful handling of redundancy and redeployment implicitly requires the active support, participation and co-operation of all parties including management, trade unions and employees.
51. The Council will take all reasonable steps to avoid the necessity for compulsory redundancies. However, realistically there can be no guarantee that the possibility of compulsory redundancies will never arise.

The Statutory Definition is that employees are dismissed due to redundancy when:

- the employer has ceased, or intends to cease, to carry on the business for the purposes of which the employee was so employed; or
 - the employer has ceased, or intends to cease, to carry on the business in the place where the employee was so employed; or
 - the requirements of the business for employees to carry out work of a particular kind has ceased or diminished or are expected to cease or diminish; or
 - the requirements of the business for the employees to carry out work of a particular kind, in the place where they were so employed, has ceased or diminished or are expected to cease or diminish.
52. Redundancy is a dismissal defined in law as “not related to the individual” and therefore this process must not be used where there are issues relating to an individual in respect of performance or conduct and these issues should be dealt with through the Disciplinary or Capability policies.
53. Terminating 20 or more contracts in order to change terms and conditions (dismissal and re-engagement) is likely to trigger the requirement to consult and the following process should be followed.

Consultation

54. Chesterfield Borough Council is committed to consulting with relevant recognised trade unions, employee representatives and individual employees as soon as practicable and keeping them informed as fully as possible. To ensure the validity of the consultative exercise, consultation will commence at the time when the possible declaring of redundancies becomes a proposal, not a final decision. Responsibility for consultation lies with the relevant managers, supported by SLT and HR as appropriate.
55. The statutory minimum time-scales for consultation with the trade unions are:

1. At least 30 days before the first dismissal takes effect if 20 to 99 employees are to be made redundant at one establishment over a period of 90 days or less
 2. At least 45 days before the first dismissal takes effect if 100 or more employees are to be made redundant at one establishment over a period of 90 days or less
56. Where redundancies involve less than 20 employees, in accordance with good practice, the council will apply the 30 days consultation period as a minimum.
57. Proposed redundancies of 20 or more employees at one establishment in a 90 day period must be notified to the Secretary of State for Business, Innovation and Skills on Form HR1 available here www.insolvency.gov.uk. A copy of the Form HR1 should also be given to the trade unions as part of the consultation documentation.

Statutory requirements for the provision of information

58. In proposing redundancies the council has a statutory duty under Section 188 of the Trade Union and Labour Relations (Consolidation) Act 1992 to provide the following information to recognised Trade Unions, in writing:
- The reasons for the proposed redundancies
 - The number and category of employees whom it is proposed to dismiss as redundant.
 - The total number of employees of that category employed at that establishment
 - The proposed method of selection for redundancy
 - The proposed methods of effecting the dismissals with due regard to the redundancy procedure and including the time-scale over which dismissals will take place. (A Redundancy Timetable Framework is attached at *Appendix 1*)
 - The method of calculation of the amount of any redundancy payment.

Measures to avoid/minimise redundancy

59. To be meaningful, consultation is not just the provision of information but involves inviting comments, views and discussion on ways of:
- Avoiding dismissals
 - Reducing the numbers of employees to be dismissed; and
 - Mitigating the consequences of the dismissals

60. Consultation must be undertaken with a view to reaching agreement with employee representatives and any counter-proposals should be considered and formally responded to, giving reasons if they are to be rejected.
61. Every effort should be made to reduce the number of redundancies through the following measures:
- natural wastage - wherever, and as soon as possible recruitment to areas at risk should cease, taking into account the need to maintain services;
 - temporary employment - recruitment to any potentially suitable vacancy will be under a temporary contract of employment;
 - overtime - to be reduced wherever service requirements permit, in favour of employment opportunity;
 - Redeployment opportunities should be sought, which may include provision of training/retraining and the introduction of ring-fencing where appropriate.

Selection

62. As initial steps to avoid or reduce compulsory redundancies and in full consultation with the trade unions, the council will, with the exception of those positions that cannot be covered by other council employees, terminate the contracts of agency workers, consultants, and temporary employees where:
1. the position may provide a suitable redeployment opportunity for the employees at risk, and/or
 2. the termination of these contracts provide financial savings to the council.
63. Requests for voluntary redundancy/early retirement will be considered where volunteers are from the categories of employees affected by the redundancy proposals.
64. All such requests will be considered against the selection criteria set out below. Acceptance of any application will be at the discretion of the relevant CMT manager in consultation with the Human Resources Manager.
65. Where, following efforts to minimise or avoid compulsory redundancies, the need for redundancy remains and there is a choice between potential redundant employees to be made, an objective selection process will be applied. Where a single individual or a whole work group is affected by redundancy, a selection process will not be necessary.

Selection Criteria

66. The following selection criteria should be used, in the order set out using the form at Appendix 2:

- 1) **Needs of the service** - the council must maintain a balanced workforce able to meet service and client needs. Any workforce reductions shall reflect envisaged service delivery requirements.
- 2) **Specific Skills, Qualifications or experience** - relevant to the needs of the service.
- 3) **Additional skills and experience** - to be considered as evidence of flexibility which may constitute a relevant service need.
- 4) **Attendance, discipline and performance records** - only where formal action has been taken under the managing attendance or capability policy , ensuring that all obligations under the Equality Act 2010 are adhered to and no employee is disadvantaged by virtue of disability.
- 5) **Length of continuous local Government service.**

67. The purpose of selection criteria is to ensure that employees are fairly selected for redundancy. The process should be consistent, objective and care should be taken to ensure that it is not directly or indirectly discriminatory on the grounds of any protected characteristic under the Equality Act 2010.

68. The most important consideration for the future success of the council is to maintain a balanced workforce after the redundancies have been carried out. Specific skills, flexibility, adaptability and approach to work are likely to be the most relevant considerations. In assessing employees against the selection criteria it is essential that reliable information is available. In this respect the use of skills audit questionnaires may be appropriate in ensuring that information is up to date.

69. Where work performance is used as a criterion there must be objective assessment against a clearly defined performance framework to ensure objectivity. In using attendance or disciplinary records it is essential that the information is accurate and that the reasons and extent of any absences are documented. Advice must be taken from HR/Policy Team in cases where the Equality Act 2010 may apply.

Appeal against Selection

70. An appeal against the manager's decision to select for redundancy must be made in writing to the Chief Executive setting out the grounds of the appeal, within ten working days of the decision. The appeal will be called as soon as reasonably practicable and by mutual agreement and the employee notified of the place, date and time of the appeal hearing, in writing. The appeal will be

heard by Members of the Appeals & Regulatory Committee and the employee will be entitled to attend the hearing with their trade union representative or colleague. The Appeals & Regulatory Committee may uphold the appeal, or confirm the original decision and will inform the employee in writing of its decision as soon as is practicable. The decision of the Appeals & Regulatory Committee will be final.

Notice Period

71. Where redundancy is confirmed, an employee will be given written contractual notice of dismissal based upon their length of service with Chesterfield Borough Council (or continuous local government service if longer).

Alternative Employment

72. The Council has a statutory obligation to seek to identify suitable alternative employment where redundancy is confirmed. This will be undertaken on a council-wide basis. The opportunity to offer redeployment will depend upon the availability of suitable vacant posts, budgets, time-scales and the transferability of employees' skills. Any offer of alternative employment made will be subject to a four-week trial period.

73. The provisions of the council's redeployment procedure will apply in such circumstances together with additional support and assistance as appropriate including:

- Assistance with job searches
- Assistance with and training in completing job applications
- Assistance with interview and presentation skills and techniques
- Referral to Occupational Health for counselling, where appropriate

74. Employees under notice of redundancy will have a statutory entitlement to a reasonable amount of paid time off to look for another job, or to arrange training.

Process for individual redundancy

75. Where an individual is selected for redundancy either as a result of a restructure or work coming to an end in a particular area the following process will be followed:-

- a. The manager will write to the individual concerned inviting them to a first consultation meeting giving 5 days notice and right to be accompanied using letter at Appendix 3
- b. At the meeting the manager will explain the reasons that the job role is no longer required and explain to the employee that they are now at risk of redundancy. The manager will confirm the content of the meeting to the employee using letter at Appendix 4.

- c. The individual will be put on to the council redeployment register at this time
- d. The individual will be given 30 days to consider any alternatives to redundancy and suggestions for redeployment
- e. The manager will invite the individual to a second redundancy consultation meeting (after the 30 days have elapsed) to discuss whether any alternatives to redundancy have been found using letter at Appendix 5.
- f. If no alternatives have been found following this second meeting the manager will invite the employee to a dismissal meeting using letter at Appendix 6. The relevant CMT manager should confirm the dismissal in writing to the employee using the letter at Appendix 7.
- g. The employee will have the right to appeal against the dismissal

Procedure	Week
1. Trade Union provided with statutory information a. BIS notified on Form "HR1", if appropriate.	0
2. Manager consults with trade unions with a view to reaching agreement as to the potential need for compulsory redundancies, provides statutory information and proposes selection method, if necessary, in accordance with the council's selection criteria.	1
3. Manager considers any responses received from the trade unions as a result of consultation.	3
4. If selection of individuals is necessary	
5. Skills audit and individual selection criteria forms completed, and manager identifies individuals affected by applying selection criteria.	4
6. As soon as reasonably practicable, the manager notifies those individuals, in writing, that they have been provisionally identified as selected for redundancy, copied to the relevant trade unions. This notification will also confirm the right of the individual(s) to make oral/written representation to the manager as to why they should not be selected for redundancy.	6
7. The manager considers any oral/written representation and confirms decision in writing to the individual(s) and relevant trade unions.	
8. If the decision is to confirm the redundancy, dismissal notification is sent to the employee and trade union giving notice in accordance with their contractual notice period and advising of the right of appeal.	8
9. Consultations continue with trade unions on ways to avoid/reduce dismissals or mitigate consequences of dismissal.	
10. Manager commences and continues to search for redeployment opportunities in accordance with the redeployment procedure until end of notice period.	
11. Appeal	
12. An appeal against the decision of the manager must be made in writing to the Chief Executive, within 10 working days of the decision.	10
13. The appeal hearing to be held as soon as reasonably practicable thereafter and by mutual agreement. The employee will be informed of the place, date and time of the appeal hearing in writing.	12
14. Appeal heard by Members of the Appeals & Regulatory Committee.	
15. If appeal is not upheld, the manager writes to the employee confirming date of dismissal.	
16. Dismissal effected.	

Selection Criteria Assessment Form

Name	
Manager/Section	
Current Post Title	
Current Grade	
Start Date of Continuous Local Government Service	

Skills	Weighting	Score

Qualifications	Weighting	Score
Experience	Weighting	Score
Additional Skills/Qualifications and Experience	Weighting	Score

Attendance	Weighting	Score

Disciplinary Record	Weighting	Score

Performance	Weighting	Score

Selection Criteria Assessment Form

Guidance Notes

- ◆ The proposed selection criteria and weightings will be the subject of consultations with the trade unions.
- ◆ The criteria and their relative weightings will be determined by the current and future needs of the business. Weightings will take into account the council's service delivery requirements and need to maintain a balanced workforce.
- ◆ To achieve a total score for each employee, criteria should be weighted by a factor to reflect its relative importance.
- ◆ Assessments must be objective and supported by documented and verifiable evidence wherever possible. Managers should not allow pre-conceived opinions to influence the assessment process.
- ◆ Detailed notes should be kept at all stages of the assessment process in order that they can be referred to in any appeal.

Dear [Name]

Re: Redundancy Consultation

(Delete/insert reason as appropriate)

As you know the new [service area] staffing structure was approved by Elected Members on [date]. As a consequence of this, your current post as [post title] was deleted from the structure and you were invited to apply for the post of [post title] in accordance with the council's policy on restructuring.

[You chose not to apply for the post in the new structure and this means that you are considered 'displaced' and are now at risk of redundancy.]

Or

[Although you submitted an application for the position of [post title], you were unsuccessful following an interview. This means that you are considered 'displaced' and are now at risk of redundancy.]

I would therefore like invite you to a redundancy consultation meeting to discuss your individual circumstances. This meeting will take place on [date] at [time] at [place]

I will be accompanied at this meeting by [HR Officer]. You are entitled to be accompanied by a colleague or Trade Union representative (but not paid legal representative).

The council's redundancy policy requires that a 30 day redundancy consultation be undertaken with "at risk" employees and this meeting will constitute the start of this consultation period.

During this consultation period, you will be placed on the council's redeployment register and given priority for any suitable alternative posts that may become vacant. I attach for your information a copy of the relevant policy.

If during that 30 day period, we are unable to find a suitable alternative post, then a second consultation meeting will be arranged leading to a subsequent dismissal hearing where a decision will be made on your continued employment with the council.

If you have any queries regarding this letter please do not hesitate to contact me.

Yours sincerely

[Name]

[Post Title]

Dear [Name]

Redundancy Consultation

I refer to the formal redundancy consultation meeting held on [date] where I was accompanied by [HR Officer]. You were accompanied by [person] / [You chose to attend unaccompanied.]

As you know, the report relating to the review of the [service area] structure has been agreed by the Council's Joint Cabinet and Employment and General Committee and that the process of implementing these changes has begun.

During our meeting, I advised you that your post of [post title] is to be deleted from the existing structure and you were invited to apply for the new post of [post title] in accordance with the council's policy on restructuring.

[You chose not to apply for the post in the new structure and this means that you are considered 'displaced' and are now at risk of redundancy.]

Or

[Although you submitted an application for the position of [post title], you were unsuccessful following an interview. This means that you are considered 'displaced' and are now at risk of redundancy.]

In accordance with the council's redundancy policy, you are entitled to a minimum of 30 days redundancy consultation. Our meeting constituted the start of this consultation period.

We discussed the support that we were able to offer you during the consultation period, which includes reasonable paid time off to attend job interviews. In addition, briefing sessions on completing application forms and interview skills training can be arranged on request.

You were advised that with effect from [date] you will be placed on the council's redeployment register for a period of 12 weeks and be given priority consideration for any suitable alternative posts that may become vacant.

I explained that if after the 30 day redundancy consultation period we are unable to find a suitable alternative post, then a second redundancy consultation meeting would be arranged leading to a redundancy dismissal meeting being arranged where a decision will be made on your continued employment with the council.

I hope that I have clearly explained the current position. However, if you would like to discuss the content of this letter, please do not hesitate to contact me

Yours sincerely

[Name]

[Post Title]

Dear [Name]

Re: Redundancy Consultation

(Delete/insert reason as appropriate)

Following the first redundancy consultation meeting held on [date] I would like to invite you to a second redundancy consultation meeting to discuss any further suggestions you may have for the avoidance of redundancy. This meeting will take place on [date] at [time] at [place]

I will be accompanied at this meeting by [HR Officer]. You are entitled to be accompanied by a colleague or Trade Union representative (but not paid legal representative).

If following this meeting we have been unable to find alternative employment for you with the council you will be invited to a formal dismissal hearing.

If you have any queries regarding this letter please do not hesitate to contact me.

Yours sincerely

[Name]
[Post Title]

Dear [Name]

Re: Redundancy Dismissal Invitation

I refer to the redundancy consultation meetings held on [Date] where I was accompanied by [Name], (HR). You were accompanied by [Person] / [You chose to attend unaccompanied.]

As the 30-day consultation period has now expired and you have not secured a suitable redeployment opportunity, a Redundancy Dismissal Meeting has been arranged where a decision will be made on your continued employment with the Council.

This meeting will take place on [Date] at [Time] in the [Location].

The Hearing will be chaired by [Name], [Post], advised by [Name] (HR). I will present the management case.

As this is a formal meeting, you are entitled to be accompanied by a friend, colleague or Trade Union representative (but not a legal paid representative).

I have enclosed documentation that will be considered at the meeting. If you wish to present any additional documentation, then please can you submit this to me no later than 2 days before the meeting.

Should a decision be made to confirm the termination of your employment on the grounds of redundancy, then you will be entitled to [Notice] months' notice. During this period you will remain on the Council's Redeployment Register and we will continue to look for redeployment opportunities for you. You will also have a right of appeal against the decision.

I trust that the content of this letter is clear, however, please do not hesitate to contact me if you have any further queries.

Yours sincerely

[Manager]

Dear [Name]

Dismissal on the Grounds of Redundancy

I refer to the formal redundancy meeting held on [date] where I was accompanied by [HR Officer]. You were accompanied by [person] / [You chose to attend unaccompanied.] The purpose of the meeting was to consider the process that had been followed as a result of your post being deleted from the council's establishment.

[Manager] explained the background and rationale for [change in service] services and the consultation that had taken place throughout the implementation.

As the 30-day consultation period has now expired and you have not secured a suitable redeployment opportunity, I therefore now have no option than to formally give you notice of dismissal on the grounds of redundancy from your post of [post title]. I am satisfied that the council's policies relating to redeployment and redundancy have been applied appropriately and that you have been offered support throughout the process.

You are entitled to [amount of notice] contractual notice which will commence from the date of our meeting [date] and I propose that your final date of employment with Chesterfield Borough Council will be [date]. I understand that you will work your contractual notice and therefore will remain on the council's 'At Risk' register for this period.

During this period you will continue to be notified by Human Resources of all available posts.

Your redundancy payment will be paid in your final salary which is estimated at £[redundancy] (subject to final verification from Payroll). You should make efforts to use any annual leave prior to your leaving date. However, should this not be operationally possible this may be paid subject to management approval.

You have a right of appeal against the decision to dismiss you on the grounds of redundancy. Should you wish to exercise this right, you must do so in writing to me within 10 working days of your receipt of this letter, setting out the grounds of your appeal. The appeal will be heard by the Council's Appeals and Regulatory Committee.

[Name]
[Post Title]

APPENDIX 8

RESTRUCTURE – ASSIMILATION AND RING FENCING ANALYSIS											
Current Post holders	Current grade	At risk	Post options	Post grade	Assimilation	70% same	Ring fence	Protocol rule	Comments	Letter	At risk/no change/ring fenced