

# Management of Change and Redundancy Policy

**NOVEMBER 2020**

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## 1. Introduction & Scope

- 1.1** The Council, in consultation with its recognised non-teaching trade unions (Unison and GMB seeks to minimise the effects of organisational change and redundancies, including the provision of sufficient time and advice for finding alternative employment for displaced staff. It is important for managers and employees to understand that to continuously improve, change is necessary and that resilience to ongoing change is important for service continuity, as well as employee well-being.
- 1.2** This policy applies to all Council employees, excluding those employed in educational establishments and appointed by the Governing Body, and is to be used whenever the Council is working on a change activity that impacts on its workforce.
- 1.3** Employees will be entitled to a redundancy payment only once they have accrued 2 years' continuous service with the Council or any other associated employer under the Employment Rights Act 1996 and the Redundancy Payments (Continuity of Employment in Local Government, etc.) (Modification) Order 1999.
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## 2. Consultation

- 2.1** The Council recognises the need to work with employees and trade unions in partnership and on an informal basis wherever possible and where appropriate. Therefore, it is appropriate for recognised trade unions to be informed of potential redundancies in advance of formal consultation commencing. This will usually also include a copy of the business case, job descriptions, etc. – in short, as much of the detail covered in section 2.10 at least a week before formal consultation commences, if possible.

**2.2** There must be robust and meaningful engagement with staff and their recognised trade unions on all restructuring proposals including those that may result in redundancies. The following formal statutory consultation periods must be observed where the business case relates to redundancies based on the following:

- 45 days where 100 or more redundancies are proposed;
- 30 days if between 20 and 99 redundancies are proposed;
- Proposals with no reductions or reductions of less than 5 employees can have a locally-agreed shorter period of consultation of less than 30 days but no less than 10 working days.

**2.2.1** Numbers of employees apply not just to a single restructuring proposal but may also include the numbers of employees affected by other change management processes, and include voluntary as well as compulsory redundancies over a continuous 90 day period.

Human Resources must be consulted prior to any timetables for consultation being agreed to ensure the correct timeframe is being applied. The 30 day and 45 day consultation periods also require formal notification to be made in writing to both the Insolvency Service and trade unions at their head office.

Failure to do so will leave the Council liable to financial penalties.

Consultation periods must be completed before the first redundancy notice can be issued.

**2.2.2** Once managers have drafted change proposals they will engage with employees and/or trade unions to seek their views on the proposals at the earliest possible opportunity.

**2.3** Consultation should precede any decision to implement changes and / or terminate employment on the grounds of redundancy and must take place between the lead manager, trade unions and employees. The lead manager for the restructure will arrange and lead an initial pre-consultation meeting with representatives from the recognised trade unions. The meeting will be arranged at a mutually convenient time.

**2.4** The lead manager for the restructure will provide written details to trade unions outlining matters for discussion and will include the following information (as far as reasonably possible, at least a week before the pre-consultation meeting):

- the reason for the proposed change and whether redundancies are likely;
- the number and categories of employees who are expected to be affected by the proposals;
- the total numbers in each category of employees employed at the establishment concerned;
- confirmation of discussions on appropriate selection criteria with trade unions;
- the proposed method of carrying out the redundancies, with due regard to the period over which the redundancies are to take effect;
- proposals on redundancy selection criteria; and
- a copy of the Impact Assessment for the restructure or change process that may give rise to a redundancy situation, where required.

### **Informal Consultation**

**2.5** A pre-consultation meeting will be arranged by the lead manager and HR with trade union representatives. The purpose of this meeting is:

- to discuss the reasons for the proposed change;
- to consider ways of avoiding redundancies when such risk is likely;
- to discuss and agree the selection criteria should it remain necessary to make redundancies after the consultation period; and
- to discuss the restructure / change timetable and agree dates for meetings.

**2.6** Detailed notes should be taken of this meeting and confirmation of the outcomes placed in writing to the relevant trade unions. The lead manager is responsible for arranging this administrative function.

### **Formal Consultation**

**2.7** Formal consultation will commence with employees at the earliest possible opportunity following the pre-consultation meeting with trade union representatives.

- 2.8** The consultation process with employees will be led by the lead manager, who should arrange these meetings as a group in the first instance, with an opportunity for individual employees to request a “one-to-one” session with the manager during the consultation period.  
Employees should be advised that they have the right to be accompanied by a work colleague or trade union representative at any consultation meeting.
- 2.9** A HR Adviser may be present at all the group consultation meetings, upon request. Written notes of these meetings should be made and all employees should sign an attendance sheet to confirm their attendance at the meeting. If an employee cannot attend they should be sent a written record of the meeting, as well as all other documentation.  
The lead manager is responsible for ensuring that these written notes are compiled and sent to all parties concerned.
- 2.10** At the group consultation meeting, employee(s) should be advised of the following:
- A report setting out the reasons for the change and the impact that the proposals are likely to have on the employee(s) affected;
  - financial implications of / reasons for the change;
  - Impact Assessment for the proposed change, where required;
  - current structure charts;
  - proposed revised structure charts;
  - current and proposed Job Descriptions and Person Specifications (with actual or indicative job grades);
  - timetable for consultation and potential implementation;
  - details of consultation timetable; i.e. group meeting/consultation dates (as well as individual consultations) where appropriate;
  - contact details for consultation feedback and support;
  - a communication plan (particularly important for phased change projects);
  - the nature of the formal consultation period in which the employee has an opportunity to offer comments/ thoughts/ ideas etc. on ways of avoiding redundancies;
  - the redundancy selection criteria to be used to select staff for redundancy if necessary;
  - the opportunity to raise any questions they have on any aspect of the consultation or the reasons and process for the redundancies if necessary;
  - the ways in which the Council will try to avoid redundancies, such as redeployment/other measures;
  - the right of appeal if they are selected for compulsory redundancy;
  - that they may arrange further meetings as necessary to ensure that all relevant avenues are explored to avoid redundancies.

- 2.11** Following these meetings, written confirmation will be sent to each employee confirming the points discussed and advising them of the date that the consultation period finishes.
- 2.12** Once the formal consultation period ends, all employees that have been consulted with will be written to and informed whether the proposals have been changed following consultation.  
They will also be given a copy of anonymised comments and responses to comments raised during the consultation.
- 2.13** Particularly during long-term or phased change processes, it is important that there is regular communication and engagement with affected employees, particularly around new developments, predicted time frames and any proposed changes, etc.  
Such communications can be electronic or via memo, letter, service newsletters, etc. There would be a requirement for the lead manager to develop and follow a communication plan.
- 2.14** It is important that employees who are not in the workplace during the formal consultation period; i.e. on career break/ unpaid leave, maternity leave, or long-term sickness absence, are included in the consultation process.  
The lead manager is responsible for ensuring that this happens. See guidance in this regard at Appendix 6.
- 2.15** It is essential to note that the change becomes effective on the implementation date specified in the proposal unless an alternative date has been agreed during the consultation phase.
- 2.16** In cases where the only change to an individual or a group of employees in a Service/ Department is a change of management (e.g. a change in line management), formal consultation is not required.  
In such cases, a discussion with the affected employees is sufficient – this discussion can take place in a team meeting or a specially convened meeting and there will be no period of consultation.
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### **3. Procedure**

- 3.1** Any redundancy or restructuring proposal (i.e. management of change) must be authorised by the relevant Chief Officer in accordance with the Council's Scheme of Delegation.
- 3.2** There is a sample procedure and timetable at Appendix 1 for managers to follow when planning change that may result in redundancies – equally, this should be used for restructuring exercises as well.
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### **4. Change Concepts**

- 4.1** There will be many ways in which changes to structures and posts may be proposed. It is not the intention of this document to attempt to define them all, but to define general principles that will be applied where practicable. Below are some general definitions and arrangements that will need to be considered when consulting on proposed changes. These include:

- Assimilation to new posts;
  - Ring-fencing;
  - Compensation;
  - Redeployment;
  - Location/Base Change;
  - Secondments;
  - TUPE.
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### **5. Assimilation to new posts – slotting and matching**

- 5.1** Where appropriate, assimilation proposals will be contained within the change proposal(s). These proposals will indicate where substantive post-holders are to be slotted or matched to new posts, if appropriate.



- 5.2** Slotting and matching proposals will form part of the discussion and agreement between managers, HR and trade-unions during pre-consultation.
- 5.2.1** Some posts will not be revised at all. These will be defined as 'No Change'. Where a post in a new structure has 'no change' to that in the old structure there are likely to be proposals to slot existing post-holders into the post (Slotting).
- 5.2.2** Some posts will have less than 30% of duties proposed to change. These will be defined as 'Little Change'. Where a post in a new structure has 'little change' there are likely to be proposals to match existing post-holders to the post (Matching).
- 5.2.3** The duties of some posts will change by 30%, or more. These will be defined as 'Significant Change'. Where there is significant change there are likely to be different proposals; i.e. ring-fence proposals, interview, redeployment and/or redundancy considerations.
- 5.2.4** Employees should not be matched to roles solely based on the number of hours they currently work. Part time employees may be considered for full time roles and vice versa.
- 5.3** It is important that all new posts are subject to the Council's Job Evaluation Scheme and this should be factored into the planning that the manager should undertake before starting a change process.
- 5.4** Vacant posts that may be suitable alternative employment for any employee at risk should not be earmarked or identified as being suitable for an apprenticeship/traineeship during any change process as alternative to considering the post for the redeployment of an employee.

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## **6. Ring-fencing Arrangements**

- 6.1** Ring-fencing is the principle by which employees whose substantive posts are proposed to be slotted or matched to similar posts or deleted from the establishment, are grouped together to be considered for new posts.
- 6.2** Ring-fencing proposals will form part of the discussion and agreement between managers, HR and trade unions during pre-consultation.

- 6.3** Where there are the same number of posts to post-holders with 'little change' in the proposed new structure then the group may all be asked to identify preferences for the new posts (usually up to three) within any agreed ring-fencing arrangement. Where competition exists for preferences, selection will be by normal recruitment methods.
- 6.4** Where there are fewer posts than post-holders in the proposed new structure, then the group will go through a redundancy selection process, as outlined in this policy.
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## **7. Protection from Detriment**

- 7.1** Where an employee accepts a post at a lower grade as a result of being matched or offered a post as suitable alternative employment as part of the redeployment process their current salary will be frozen for a period of two years' or until the rate of pay for the new post matches or exceeds that of the previous post.
- This is subject to the number of hours for both the new and old post being the same. In circumstances where there is a change in hours the hourly rate will be frozen and applied to all hours worked.
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## **8. Relocation**

- 8.1** If there is a revision to an employee's base, this may result in a disturbance allowance being paid in line with the Council's Disturbance Allowance policy. It will not apply if the employee applies / or expresses a preference for a role in a different location.
- 8.2** In any proposal to move an employee to a new base, the distance from the current base and / or home will be considered, as will consideration of any personal circumstances raised that the change may impact upon.
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## **9. Transfer of Employment**

- 9.1** Where it is proposed to transfer a service permanently from the Council to another Council or external agency (by a process known as “externalisation” or “out-sourcing”) this exercise would generally be subject to the Transfer of Undertakings (Protection of Employment) Regulations 2006 (TUPE), as amended by the Collective Redundancies and Transfer of Undertakings (Protection of Employment) (Amendment) Regulations 2014.
- Where a transfer of employment is anticipated, guidance and support will be provided by the HR team.
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## **10. Definition of Redundancy**

- 10.1** Under the Employment Rights Act 1996, redundancy arises when employees are dismissed in the following circumstances:
- Where the Council has ceased, or intends to cease, to carry on the business for the purpose for which the employee was employed;
  - Where the Council has ceased, or intends to cease, to carry on its business in the place where the employee was employed;
  - Where the requirements of the Council for employees to carry out work of a particular kind have ceased or diminished or are expected to cease or diminish;
  - Where the requirements of the Council for employees to carry out work of a particular kind, in the place where they were so employed, have ceased or diminished or expected to cease or diminish;
  - Redundancy may also arise where the Council no longer has the resources to maintain employees to carry out work of a certain kind.
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## **11. Measures to Avoid Compulsory Redundancies**

### **11.1** Measures to avoid compulsory redundancies will include:

- seeking volunteers;
- voluntary reduction in hours;
- job sharing;
- natural attrition (“wastage”);
- making details available of any early retirement or voluntary redundancy package that may be available;
- early restriction on recruitment and non-replacement of posts;
- redeployment within the Council; and
- re-training of employees to meet requirements of vacant posts internally (as reasonable/ proportionate)

### **11.2** Further guidance on redeployment can be found in the Council’s Guidance for Managers on the use of Profile.

### **11.3** Whilst applications for voluntary redundancy may be considered, such applications will be subject to, and based upon the requirements of the service.

In the first instance, volunteers for redundancy will be requested and provisional quotations of redundancy payments (and where appropriate, pension benefits) will be made available.

### **11.4** If asking for volunteers attracts more interest than required, or employees from essential service areas express an interest in voluntary redundancy, or employees with specific skills that the Council would need to retain express an interest in voluntary redundancy, then the Council has the right not to accept an employee’s request.

A proper business case that objectively weighs the positive and negative aspects of approving or declining the application (such as a cost-benefit analysis) should be undertaken by the appropriate manager.

- 11.5** Employees wishing to be considered for phased or graduated retirement should, in the first instance, discuss their request with their line manager; further information and guidance can also be sought from their HR Adviser and the Pensions Department, as well as the Flexible Retirement Procedure. As the default retirement age no longer exists, older employees can choose when they wish to retire.
- Similarly, employees wishing to reduce their hours (i.e. part-time working) should discuss their proposal with the lead manager. More information on making such requests can be found in the Flexible Retirement Procedure. Furthermore, the Council, as part of any restructuring proposals, may invite applications from employees to be considered for voluntary redundancy. This will generally be undertaken on a Service-by-Service approach and employees are strongly urged to make themselves familiar with any supplementary guidance that may be in force at the time of making their application.
- 11.6** Lead managers may consider requests for “bumped” redundancies. In these circumstances, employees may volunteer for redundancy to make way for employees with transferable skills whose role may be identified as compulsorily redundant and who do not wish to leave the employment of the Council.

## **Redeployment**

- 11.7** The Council has an agreed approach (known as Profile) that should be followed with employees who face a possible redundancy situation, in order to avoid unnecessary redundancies and to retain the required skills wherever possible.
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## 12. Selection for Redundancy – Process & Criteria

- 12.1** The Council recognises that in determining who should be selected for redundancy, an appropriate “selection pool” needs to be determined – there are no fixed rules as to how this selection pool should be defined. In deciding whether a redundancy selection pool was fair, an employment tribunal cannot substitute its own view of the appropriate pool, but it can decide whether the pool chosen by an employer (in this case the Council) was within the range of what is termed a “reasonable response”. It may be the case that the Council may wish to select a particular employee in isolation (a selection pool of one) and this may be done on the proviso that the employee selected occupies a unique or highly specialised job role and that there are no other employees performing a very similar role with similar qualifications and/or expertise.
- 12.2** In terms of selecting the right pool, the starting point is to determine which particular kind of work is ceasing or diminishing and which employees perform that kind of work in an establishment. “Establishment” has been defined as the unit or entity to which the redundant workers are assigned to carry out their duties; it does not necessarily mean the whole of the Council. It will usually be a section or department.
- 12.3** HR Advisers and trade union representatives should be consulted in all cases when determining a fair selection pool. As far as reasonably possible, firm agreement with trade unions should be reached with the key proviso that the lead manager (leading the change) shall in all cases, genuinely apply their mind to the issue of who should be in the “selection pool”.
- 12.4** Once the selection pool has been determined, it will be necessary to determine which employees should be made redundant. In all cases, this will be done using an interview process (similar to a recruitment interview) but based on the following criteria: **required skills/ competence, disciplinary record, performance record and attendance record**. Should a manager wish to utilise additional criteria, these criteria will need to be agreed with trade union representatives. It is important that any criteria used are easily evidenced, e.g. if the criterion is effective project management (as part of required competence, for example), ensure that all candidates have a record of undertaking project management, so that it can be scored.

## Skills/Competence

**12.5.1** This item focuses on the retention of a balanced workforce which means that objective selection criteria related to departmental needs are required. Employees should be able to see what criteria are being used and how they are to be applied. Formal qualifications and advanced skills can also be considered, where they are directly relevant to future service provision and/or skill-mix requirements.

**12.5.2** Distinction should be made in this area between those qualifications that are essential for the role and those that are desirable. This will be based on the proposed job description for the role, with due regard to the competency-based provisions. Evidence will be required.

## Disciplinary Records

**12.6.1** Only currently valid disciplinary sanctions should be taken into account. Expired disciplinary warnings should not be considered. The department must be able to show that there is objective evidence to support a selection based on this criterion, as demonstrated by following the procedures for managing disciplinary matters.

## Attendance Record

**12.7.1** It is vital that appropriate records have been maintained for all employees in order to use this criterion. On no account shall the Council take into consideration absence due to pregnancy or childbirth when calculating absence levels. Similarly, account should not be taken of any absences which are as a result of an employee's recognised disability.

**12.7.2** The department must be able to show that there is objective evidence to support a selection based on this criterion, as demonstrated by following the procedures for managing ill-health and attendance matters.



## Applying the Criteria Fairly

**12.8.1** The Equality Act 2010 applies in all cases of organisational change and redundancy situations. As such, any factors that would prevent one group of people unjustifiably meeting redundancy selection criteria more easily than others, must be avoided.

In addition, any employee who is engaged in asserting a statutory right, for example, requesting flexible working, whistle-blowing or acting as a trade union representative, should not be selected for redundancy on the basis of asserting that right. To avoid doubt, advice should be sought from Human Resources.

**12.8.2** Employees selected for redundancy have a right of access to any of their own records that established their selection for redundancy following the interview process as described in this policy.

## Record Keeping

**12.9.1** It is critically important that adequate records are kept and maintained; this includes, but is not limited to, business cases for change and/or redundancy, records/ “scoresheets” of redundancy selection, redundancy estimates, notice of redundancy termination letters, etc. All records relating to redundancies must be treated as sensitive information and should be held against the employee’s employment record, so that all redundancies are fully justified and records auditable. It is the responsibility of the lead manager to ensure that this is done. HR Advisers have a role to play in ensuring that managers produce and maintain these records.

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## 13. Redeployment

**13.1** Employees who are under notice of redundancy and have not been able to gain a suitable alternative role in the revised structure will be given consideration for vacancies that exist in the Council through the Profile redeployment scheme. A guide for managers and employees can be found on Swoop.



- 13.2** Where redeployment is deemed to be suitable for an employee as an alternative to dismissal they will be entitled to a trial of four weeks, on the proviso that employees have the required number of four weeks left of their notice period.  
Trial periods can be extended beyond the four week limit for training purposes only. The extension period will be agreed between the manager and employee prior to the additional training period commencing.
- 13.3** As well as being an opportunity for employees to assess whether the post is suitable for them, it is also an opportunity for managers to assess whether employees are suitable for the post.
- 13.4** Should an employee unreasonably refuse what the Council deems a suitable, alternative role, they will forfeit their right to a redundancy payment.
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## **14. Notice Periods**

- 14.1** Unless the employee's contract of employment states otherwise, the statutory period of notice is as follows:
- One month or more but less than two years' service – one week's notice;
  - Two years or more but less than 12 years' service – one week's notice for each year of continuous employment; and
  - Twelve years or more service – twelve weeks' notice
- 14.2** For the purpose of assessing service, any continuous service from previous Local Authorities and certain other agencies may be counted in terms of the Redundancy Payments (Continuity of Employment in Local Government, etc.) (Modification) Order 1999.
- 14.3** The notice of redundancy must be issued following the process and confirmed in writing to each individual affected including the following details:
- Reasons for the redundancy;
  - Effective date of redundancy;
  - Redundancy payment and how that has been calculated; and
  - Right of appeal

- 14.4** If an employee leaves early without serving the requisite notice or without the Council's agreement then this counts as a resignation and the employee may lose the right to a redundancy payment. Guidance must be sought from the HR department in such instances.
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## **15. Appeals against Compulsory Redundancy**

- 15.1** An employee of the Council wishing to appeal against their selection for redundancy should do so in writing to the Head of Strategic HR and Asset Management within 7 calendar days of receiving written notification of the redundancy.
- 15.2** Appeals against redundancy will be heard by a relevant Head of Service or Chief Officer. They will be advised by a senior representative of the HR Service at the appeal.
- 15.3** The Appeal Panel will hear the appeal as soon as practicably possible.
- 15.4** The grounds for an appeal may include:
- The selection procedure used;
  - The application of the procedure.
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## **16. Misconduct by Employees during Notice Period**

- 16.1** If an employee is found to have breached their contract in such a way as to justify summary dismissal, the employee loses their right to a redundancy payment.
- 16.2** The Council is thus entitled to terminate the employee's contract by reason of the employee's conduct in accordance with the Council's Disciplinary policy.
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## **17. Assisting Employees 'At risk of Redundancy'**

- 17.1** The following list is not exhaustive but gives guidance on the areas of assistance that may be given to employees whose posts have been declared redundant. Information and guidance on accessing support should be sought from the Council's HR Team in the first instance.

## Assistance Options

- 17.2**
- Support for redeployment through the Profile scheme;
  - Redundancy counselling;
  - CV writing training;
  - Interview skills training;
  - Advice on re-training.

## Reasonable Time Off

- 17.3** An employee who is under notice of redundancy is entitled to reasonable time off during working hours to look for new employment or make arrangements for training for future employment.

The employee is entitled to be paid at the appropriate contractual rate for the period of absence.

Where an employee wishes to take time off to look for new employment or attend a job interview advance notice must be provided to the employee's current line manager and permission sought in the same way as when booking annual leave.

## External Assistance

- 17.4** For employees who live in Wales, the Welsh Government's ReAct Scheme (React 3), provides a package of support to help people gain new skills, overcome obstacles and improve their chances of returning to work in as short a time as possible after redundancy. Further information can be obtained on their website [www.wales.gov.uk](http://www.wales.gov.uk) or by contacting the ReAct Helpline on **0800 028 4844**.

Furthermore, Jobcentre Plus has a "Rapid Response Service" which helps individuals to move quickly into alternative employment without the need to claim welfare benefits. They also help employees write CV's and find employment.

Contact [careerswales.com](http://careerswales.com) - [Coping with Redundancy: Careers Wales](#)

## **18. Redundancy Payments**

- 18.1** The Council will base redundancy payments on actual pay.
- 18.2** Subject to the provisions outlined above where applicable, employees with at least two years' continuous service are eligible to receive a redundancy payment as detailed in the "ready reckoner" accompanying this policy.
- 18.3** Employees are encouraged to apply for vacant posts both within the Council and with external organisations, including other local authorities, as a way of avoiding redundancy.  
Prior to making any such application to other public sector organisations, consideration should be given to the relevant conditions set out in the Local Government Modification Order and how this may affect any redundancy payment and/or continuous service.
- 18.4** Those employees aged 55 or over who are made redundant will be able to have immediate access to their benefits under the Local Government Pension Scheme.

## Appendix 1

### PROPOSED MANAGEMENT OF CHANGE /REDUNDANCY TIMELINE - (SERVICE NAME)

Action	Date
Chief Officer/Lead Manager to consult with Human Resources regarding proposal and timescales for the process	
Business Case Report to Chief Officer for approval for consultation of restructure/redesign proposal.	
Business Case and associated paperwork forwarded to Trade Unions before pre-consultation meeting (1 week before is recommended where possible)	
Pre-consultation meeting with Trade Unions to discuss the proposals, discuss selection criteria for any redundancies and agree subsequent meeting dates.	
Consultation meeting date arranged and letters sent confirming the VENUE and TIME. Written reasons to be sent to each individual employee affected, including copies of the business case/report and any revised job descriptions/ structures and relevant financial information.	
Consultation period commences with group meeting with employees and trade union representatives and subject to statutory time frames.	
Individual consultation meetings with employees (during consultation period) – HR Adviser and trade union representative may attend.	To be arranged on request.
Formal Consultation period ends. Comments and feedback to be submitted to lead manager by close of business.	
Lead manager and HR Adviser to meet to consider comments received during consultation process and consider any voluntary reduction/redundancy/retirement requests from staff.	
Notes of all consultation meetings, comments received and responses given to be sent to affected staff.	
Selection pool exercise for redundancy	
Selection for redundancy interviews using prescribed criteria	
Meet with the selected employee(s) and provide written notice confirming the outcome of selection for redundancy detailing the notice, date of leaving and advice on right of appeal.	
Register employees facing redundancy on the Profile Scheme and send skills questionnaires	
Deadline for appeals	
Appeal Hearings to be arranged	As/when required
Leavers to be processed	
Ensure all documents (e.g. scoresheets, business cases) are retained	

## Appendix 2

### REDUNDANCY SELECTION BY INTERVIEW

Managers, are strongly advised to seek advice from Human Resources regarding consistency and fair application of this assessment process and of the potential costs before finalising any decisions regarding which employees are selected for redundancy.

Managers should ensure they inform Human Resources if any employee affected is on or will be on maternity leave at the time of the selection process prior to the commencement of the process.

Specific additional statutory provisions apply to employees who are on maternity leave at the time this process takes place.

### Volunteers for Redundancy

If an employee is volunteering for redundancy/retirement and that volunteer will save a redundancy situation, there is no need to complete the remainder of the redundancy selection assessment in most cases, although HR advice should always be sought.

Should the department find, however, that there are too many volunteers or they are in areas where reductions cannot be made, then the Council has the right not to accept an employee's request.

A proper business case that objectively weighs the positive and negative aspects of approving or declining the application (such as a cost/benefit analysis) should be undertaken by the appropriate manager.

### The Interview Selection Process

As stated in the policy, all employees in the "selection pool" will need to be interviewed in order to fairly and equitably select those who will be appointed to roles and those who will be made redundant. The interview shall be conducted by the lead manager or appointed deputy, assisted by a HR Adviser. If necessary and where appropriate, the employee's line manager should be present or be consulted before the final scores are ratified.

It is important to note that the interview will take the form of a structured, recruitment-style interview that encompasses all of the criteria referred to in section 12 of the policy as well as the competency-based questions.

## Appendix 2 (cont.)

Due regard must be given to accommodating an employee's disability – this may mean, for example, a ground floor interview room to accommodate an employees' or a representative's mobility problems and includes any other reasonable adjustments that may need to be made.

The interviewer(s) must follow the interview format as set down below:

- Welcome and introductions;
- Purpose of the interview;
- Ensure all paperwork has been submitted, i.e. appraisal / Work Smart records, "1 to 1"/ supervision notes, attendance records, employee's employment record, etc.;
- Generally, 4 key selection competencies should be used but if more are chosen, the total score should be adjusted accordingly – if 4 competency criteria are used together with the scores for disciplinary and attendance, the total will be out of 50 as described in Appendix 3;
- Record the employee responses taking the utmost care to use professional and appropriate language (as these notes may be used at any subsequent Redundancy Appeal);
- Conclude the interview and explain the next steps to the employee;
- Ensure that all parties to the process are satisfied that a fair interview has been conducted; and
- Thank all parties for their participation and inform when the final results will be made.

Where employees are absent from work due to sickness and are likely to be absent through the whole of the assessment process they will be offered the opportunity to take part in the assessment process or be awarded a notional score based upon the other criteria measured as part of the selection process.

### General Principles of Competency-based Interviews

Competency-based interviewing (also called structured interviewing) is a technique that uses specific questions designed to test one or more specific skills that are required for the job role.

The answer(s) provided by the employees are then matched against pre-determined criteria and scored accordingly.

For example, a common skill or competency tested for is the ability to work under pressure in a stressful environment; in this case, the question may be posed by asking the employee how he/she deals with pressure and then asking them to provide an example of a situation where he/she worked under pressure and how he/she dealt with the pressure.



## Appendix 2 (cont.)

Put another way, employees will be asked questions relating to their behaviour in specific circumstances, which they will need to back-up with firm examples from their own experiences.

Each question will target a specific skill or competency. Candidates will be asked specific questions relating to their behaviour in specific circumstances, which they then need to back-up with concrete examples from past experiences.

The interviewers may then dig deeper into the example provided by the candidate by asking them specific explanations about the candidate's behaviour or skills.

### What Skills and/or Competencies is the Interviewing Manager looking for?

The list of skills and competencies that can be sought and tested varies, depending on the post the candidate wishes to apply for or retain.

For example, for a Personal Assistant post, skills and competencies would include communication skills, the ability to organise and prioritise workload and the ability to work under pressure.

For a Senior Manager, required skills and competencies may include an ability to influence and negotiate, and ability to work under pressure, an ability to lead and the capacity to take calculated risks.

The following is a non-exhaustive list of the more common skills and competencies that may be tested:

- adaptability;
- change;
- compliance;
- communication;
- conflict management;
- creativity and innovation;
- customer needs and service;
- decisiveness;
- delegation;
- external awareness;
- flexibility;
- independence;
- influencing and leading;
- integrity;
- leadership;
- leveraging diversity;
- organisational awareness;
- resilience and tenacity;
- risk-taking;
- sensitivity to others; and
- team work.



## Appendix 2 (cont.)

### Types of Competency-Based Questions

Although most competency-based questions tend to ask for examples of situations where a candidate can demonstrate specific skills, they can be asked in numerous ways:

- How do you ensure that you maintain good working relationships with your senior colleagues?
- Give us an example of a situation where you had to deal with conflict involving an internal or external customer?
- How do you influence people in situations where there are conflicting agendas?
- Tell us about a situation where you made a decision and then changed your mind.

In many cases, the interviewers will start with a general question, which they may then follow-up with more specific example-based questions, such as, “give us an example of a situation where you had a fundamental disagreement with one of your seniors?”

Interviewers will need to ascertain that the candidate has demonstrated that they have required skills for the role.

### How Competency-Based Interview Questions are Scored

Before the interview, the interviewers will have determined which types of answers would score positive points and which types of answers would count against the candidates. HR Advisers will have examples of questions that can be used. For example, for questions such as “Describe a time when you had to deal with pressure at work”, the positive and negative indicators may be as follows:

#### Positive indicators:

- Demonstrates a positive approach towards the problem/ issue;
- Considers the wider need of the situation/ holistic view;
- Candidate recognises their own limitations;
- Is able to compromise;
- Is able to prioritise workload;
- Is willing to seek help when necessary;
- Uses effective strategies to deal with pressure/stress.

## Appendix 2 (cont.)

### Negative indicators:

- Perceives challenges as problems;
- Attempts unsuccessfully to deal with the situation alone;
- Uses inappropriate strategies to deal with pressure/stress;
- Unable to demonstrate how competing demands are dealt with.

Marks are then allocated depending on the extent to which the candidate's answer matches the pre-determined indicators. Such as the following:

1. Fully competent, multi-skilled, supports others on regular basis	<b>10</b>
2. Fully competent in current role	<b>8</b>
3. Competent in most aspects of role, requires some supervision	<b>6</b>
4. Some competence in role, requires regular supervision/ guidance	<b>4</b>
5. Cannot function without close support and/or close supervision	<b>2</b>

If the interviewers feel that there are areas that the candidate may have failed to address in their answers, the interviewers may assist the candidate by probing answers appropriately by asking clarity-seeking questions. Interviewers must ensure, however, that all interviews are conducted fairly and consistently – in short, if one candidate is prompted then all candidates should be offered the same level of prompting where required and if appropriate.

Remember that all scoring sheets must be retained for each employee on their individual files.

## Appendix 3

### BASIC SELECTION CRITERIA & SCORING SYSTEM

Competency-Based Interview	Points
1. Key competency A	10
2. Key competency B	10
3. Key competency C	10
4. Key competency D	10
<b>Scored as follows:</b>	
5. Fully competent, multi-skilled, supports others on regular basis	10
6. Fully competent in current role	8
7. Competent in most aspects of role, requires some supervision	6
8. Some competence in role, requires regular supervision/ guidance	4
9. Cannot function without close support and/or close supervision	2
<b>Disciplinary Record</b>	
1. No record of disciplinary action	5
2. Verbal warning (current)	4
3. Written warning (current)	3
4. Final written warning (current)	2
5. Extended Final written warning (current)	1
<b>Disciplinary Record</b>	
1. No record of capability issues	5
2. Subject to stage 1 of capability process (improvement)	4
3. First Written Capability warning	3
4. Final Written Capability warning	2
5. Final Written Capability warning with extension	1
<b>Attendance Record*</b>	
1. No recorded absences	5
2. Some absence but below average of selection pool	4
3. Attendance in line with selection pool average/“trigger points”	3
4. Above selection pool average/reached Council “trigger points”	2
5. High/ unacceptable level of absence – subject of corrective action	1

\* Ignore all absences related to disability or pregnancy

**Total Score is out of 50**

## Appendix 4

### GUIDANCE FOR MANAGERS AND HR PRACTITIONERS – RECORD RETENTION

It is important that records pertaining to **all** approved redundancies are centrally held. This should include the documentation in cases where voluntary redundancy applications have been declined as well. Please see the following table:

Document	Location
Business Case	On employee file and centrally held
Consultation timetable	Centrally held
Counter-proposals	Centrally held
Individual (“one-to-one”) consultation notes	On employee file and centrally held
Notice of redundancy termination letter	Centrally held
Redundancy selection scoresheet	On employee file and centrally held
Redundancy appeal letter	On employee file and centrally held
Redundancy appeal outcome record/ letter	On employee file and centrally held
Strategic/equality impact assessment	Centrally held
Structure charts (pre and post)	Centrally held

Note that ‘centrally held’ can refer to an electronic repository.

## Appendix 5

### GUIDANCE TO DEVELOPING A BUSINESS CASE FOR CHANGE

The planning stage is key to achieving successful change. Developing a business case will ensure that proposals are well thought out, evidenced, and transparent.

The areas to be considered when developing a business case for change are set out below. It is not necessary for the change initiative to be 'carved in stone' to the smallest detail. Present 'loose ends' as an opportunity for others to get involved and have an input into the change initiative.

#### 1. Make the case for change

- Demonstrate the need for change
- What will happen if change does not happen?
- Is the change a reaction to a weakness, threat or opportunity?
- What happens in other organisations providing similar services?
- What feedback has the service received from service users?
- What feedback have trade unions/employees provided?
- Is there relevant statutory guidance? (e.g. TUPE)
- What is considered best practice?

#### 2. What are the proposals?

- State aims and objectives
- Set out proposals as clearly as possible
- Contrast the present state and the future state
- Relate to the Council's aims, objectives and strategy
- State the benefits of proposals, particularly in relation to service delivery
- Specify timescales and major milestones

#### 3. Who will it affect?

Identify the direct and indirect effects arising from the changes and relate these to the bigger picture:

- Impact on service users
- Impact on workload and work practices
- Impact on levels of staffing and structure
- Impact on policy, procedure and strategy
- Impact on partners (internal and external)
- The equality impact assessment

## Appendix 5 (cont.)

### 4. What is the financial impact of the proposal?

- Detail the current financial position
- Detail the financial impact of proposed changes

### 5. Risks

- Undertake a risk assessment of the proposed changes

### 6. Impact assessment

- Undertake an impact assessment of the proposed changes.

### 7. How will communication and consultation take place?

- Set out the process for communicating the change and consultation with trade unions, service users and partners.
- Detail how employees and their trade union representatives can be involved in the consultation process and the further development of proposals.
- Ensure reasonable time is set aside for consultation
- Set out how responses to the consultation will be considered and responded to.
- Detail support that will be provided for employees during the consultation process, e.g. counselling provision, HR surgeries, etc.

### 8. How will the change proposals be implemented?

- Make reference to relevant Council processes, such as the Profile Scheme and guidance notes as appropriate to the circumstances of the change.
- Set out expected timescales if known, making particular reference to any statutory timescales if relevant.
- Detail support that will be provided for employees during the implementation process, e.g. counselling provision, career counselling, interview technique training, etc

### 9. How will change be evaluated?

- Identify critical success factors
- How will these be monitored and evaluated?

## Appendix 6

### **GUIDANCE NOTES ON MANAGING CHANGE AND REDUNDANCY FOR PREGNANT EMPLOYEES/THOSE ON MATERNITY LEAVE AND EMPLOYEES ON LONG-TERM SICKNESS ABSENCE\***

#### **What the law says – Pregnancy and Maternity**

The beginning of pregnancy to the end of maternity is what is known as the “protected period” during which a woman is entitled to special consideration if this is necessary to make good any possible disadvantage she may otherwise experience.

A woman on maternity leave has the right to return to the same job before she left; an interim employee cannot be given her job on a permanent basis even if it is believed that the interim employee is a better employee. If her substantive job is not available, the woman should be offered a suitable alternative position of the same status, location, terms and conditions, wherever possible.

Selecting an employee for redundancy because of her pregnancy, maternity leave or a related reason is an automatically unfair dismissal as well as being unlawful discrimination.

Failure to consult a woman on maternity leave about possible redundancy is likely to be unlawful discrimination.

Employees on long-term sickness absence should be consulted with as set out in point 1 below.

#### **Managing change/ redundancy for women who are pregnant or on maternity leave/ employees on long-term sickness absence**

## Appendix 6

If your change process includes someone who is pregnant or on maternity leave, the usual consultation process needs to take place:

- 1. Ensure that normal consultation is observed** – this may be difficult if the employee is heavily pregnant, has very recently given birth, on maternity leave or on long-term sickness absence. If the employee is unable or unwilling to attend consultation sessions, it is important that they be provided with all the paperwork referred to section 2.11 of the policy and allow the employee to respond by telephone, e-mail or letter. If the employee is on maternity leave, they could opt to utilise one of their KIT days or SPLIT\* days (KIT/SPLIT days are not applicable to those on long-term sickness absence);
- 2. Ensure that your selection criteria are non-discriminatory** - if you need to select employees for redundancy, ensure that you follow the selection criteria as laid down in section 12 of the policy – it is important that you do not disadvantage any employee on the basis of sex, pregnancy or maternity leave. As you may use absence as a selection criterion, don't forget to discount any absence caused by the employee's pregnancy or maternity;
- 3. Consider alternative work** – sometimes, particularly as part of a restructure, you may have alternative jobs that you could offer to redundant employees. If this is the case, employees on maternity leave who have been selected for redundancy must be offered the vacancy before any other employee. If you don't do this, her dismissal may be automatically unfair.

**\*This may include male employees on shared parental leave**



# Appendix 7

## REDUNDANCY PAYMENTS “READY RECKONER”

### Enhanced Redundancy Pay Table

Age	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20
17	2																		
18	2	3																	
19	2	3	4																
20	2	3	4	5															
21	2	3	4	5	6														
22	2	3	4	5	6	7													
23	3	4	5	6	7	8	9												
24	4	5	6	7	8	8	10	11											
25	4	6	7	8	9	10	11	12	13										
26	4	6	8	9	10	11	12	13	14	15									
27	4	6	8	10	11	12	13	14	15	16	17								
28	4	6	8	10	12	13	14	15	16	17	18	19							
29	4	6	8	10	12	14	15	16	17	18	19	20	21						
30	4	6	8	10	12	14	16	17	18	19	20	21	22	23					
31	4	6	8	10	12	14	16	18	19	20	21	22	23	24	25				
32	4	6	8	10	12	14	16	18	20	21	22	23	24	25	26	27			
33	4	6	8	10	12	14	16	18	20	22	23	24	25	26	27	28	29		
34	4	6	8	10	12	14	16	18	20	22	24	25	26	27	28	29	30	31	
35	4	6	8	10	12	14	16	18	20	22	24	26	27	28	29	30	31	32	33

## Appendix 7 (cont.)

Age	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20
36	4	6	8	10	12	14	16	18	20	22	24	26	28	29	30	31	32	32	34
37	4	6	8	10	12	14	16	18	20	22	24	26	28	30	31	32	33	34	35
38	4	6	8	10	12	14	16	18	20	22	24	26	28	30	32	33	34	35	36
39	4	6	8	10	12	14	16	18	20	22	24	26	28	30	32	34	35	36	37
40	4	6	8	10	12	14	16	18	20	22	24	26	28	30	32	34	36	37	38
41	4	6	8	10	12	14	16	18	20	22	24	26	28	30	32	34	36	38	39
42	5	7	9	11	13	15	17	19	21	23	25	27	29	31	33	35	37	39	41
43	6	8	10	12	14	16	18	20	22	24	26	28	30	32	43	36	38	40	42
44	6	9	11	13	15	17	19	21	23	25	27	29	31	33	35	37	39	41	43
45	6	9	12	14	16	18	20	22	24	26	28	30	32	34	36	38	40	42	44
46	6	9	12	15	17	19	21	23	25	27	29	31	33	35	37	39	41	43	45
47	6	9	12	15	18	20	22	24	26	28	30	32	34	36	38	40	42	44	46
48	6	9	12	15	18	21	23	25	27	29	31	33	35	37	39	41	43	45	47
49	6	9	12	15	18	21	24	26	28	20	32	34	36	38	40	42	44	46	48
50	6	9	12	15	18	21	24	27	29	21	33	35	37	39	41	43	45	47	49
51	6	9	12	15	18	21	24	27	30	32	34	36	38	40	42	44	46	48	50
52	6	9	12	15	18	21	24	27	30	33	35	37	39	41	43	45	47	49	51
53	6	9	12	15	18	21	24	27	30	33	36	38	40	42	44	46	48	50	52
54	6	9	12	15	18	21	24	27	30	33	36	39	41	43	45	47	49	51	53
55	6	9	12	15	18	21	24	27	30	33	36	39	42	44	46	48	50	52	54
56	6	9	12	15	18	21	24	27	30	33	36	39	42	45	47	49	51	53	55

## Appendix 7 (cont.)

Age	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20
57	6	9	12	15	18	21	24	27	30	33	36	39	42	45	48	50	52	54	56
58	6	9	12	15	18	21	24	27	30	33	36	39	42	45	48	51	53	55	57
59	6	9	12	15	18	21	24	27	30	33	36	39	42	45	48	52	54	56	58
60	6	9	12	15	18	21	24	27	30	33	36	39	42	45	48	52	54	57	59
61+	6	9	12	15	18	21	24	27	30	33	36	39	42	45	48	52	54	57	60