

Hartlepool Borough Council

Procedure for Managing Reorganisation, Redeployment and Redundancy

Revised February 2013

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1. INTRODUCTION

- 1.1 Hartlepool Borough Council is committed to the maintenance of and continued improvement in service performance, seeking to maximise the efficient and effective use of its resources and ensuring the delivery of services in a responsive manner. The Council recognises that, in order to achieve these objectives, services and structures need to evolve and transform, reflecting and responding to changing demands and priorities.
- 1.2 It is the aim of the Council to maintain and enhance the efficient and effective delivery of services in order to ensure it is best placed to safeguard the current and future employment of staff. However, it is recognised that changes will occur which will necessitate the restructuring of services with a consequent impact on staff. The Council is committed to carrying out careful forward planning to ensure, as far as possible, security of employment for staff is maintained.
- 1.3 It is recognised that such changes can cause concern for staff. The Council, working together with the recognised trade unions, will ensure these are managed in accordance with the Constitution, employment legislation and best practice, seeking to minimise any detrimental impact on staff. This will include making every effort to find alternative employment for those staff who are affected by the planned changes.
- 1.4 This procedure sets out the detailed steps to be taken during a period of change. Where redundancies are proposed as a result of reorganisation/restructuring, there are specific statutory requirements and additional employment considerations which will apply. These include both individual and collective statutory rights. This procedure sets out the steps which must be taken by the Council to ensure compliance with these requirements.

2. SCOPE

- 2.1 This procedure applies to all permanent employees and those on fixed term contracts, except employees in schools where separate policies and procedures apply. It also includes any temporary staff who would have a minimum of one year's continuous employment with the Council at the proposed implementation date, provided that their employment was due to extend beyond the date of the reorganisation/restructuring of services.

3. GENERAL PRINCIPLES

- 3.1 The Council will:
 - strive to balance the requirements to achieve the necessary changes, against the need to minimise disruption to services and staff;
 - operate a consistent approach for all staff, seeking to maintain continuity of employment and stability in the workplace, during any restructuring process;
 - seek to retain the skills and experience of staff within the service where practicable, avoiding job losses wherever possible;
 - where job losses are inevitable, manage these fairly, consistently and sympathetically, seeking to minimise, as far as possible, any hardship that may be suffered by the staff concerned;
 - seek expressions of interest from staff in voluntary redundancy or early retirement in an effort to minimise any enforced job losses. This will be undertaken in consultation with the recognised trade unions, at an appropriate time in the restructuring;
 - consult with the recognised trade unions at the earliest possible opportunity;
 - ensure there is effective consultation, communication and engagement with all relevant staff at each stage of the change process.

4. RIGHTS AND RESPONSIBILITIES

Individuals subject to restructuring or a change in role will:

- comply with all reasonable requests and instructions;
- not abuse the process for personal benefit;
- have the right to be accompanied by their trade union or a work colleague at any time during the process of redeployment;
- be granted paid time off to attend interviews and meetings;
- be consulted and have preferences identified, recognising that there are no guarantees in relation to any preferences expressed;
- undertake relevant training and re-training necessary to prepare for any changed duties;
- accept suitable alternative employment and appointment offers, recognising that the Council may withhold any redundancy payment which may be due where the employee has unreasonably refused an offer of suitable alternative employment;
- keep Human Resources informed if their personal circumstances change.

Managers will:

- make every effort to place individuals in posts which become available;
- ensure that staff and supervisors are aware of and observe this procedure and its associated provisions;
- provide support, guidance, assistance, training and induction to staff during and following the change process.

Senior Managers will:

- give visible senior management and organisational commitment to those subject to restructuring and redeployment;
- ;
- remain up to date about the levels and types of individuals seeking redeployment.

Human Resources will:

- regularly review this procedure and its associated provisions to ensure compliance and continued applicability;
- administer the procedure and supporting processes to ensure legal and corporate compliance with its requirements;
- identify a lead HR officer for each reorganisation/restructuring who will be responsible for the provision of appropriate advice and guidance to managers and ensuring a consistency of approach;
- ensure appropriate reporting to the relevant Portfolio Holder where any redundancies arising from the planned changes are proposed;
- arbitrate in cases of policy conflict in the application of this procedure and its associated provisions
- act as arbiters in individual cases if needed.

Recognised Trade Unions will:

- engage with the organisation in supporting trade union members through the process of change;
- respond promptly and appropriately to consultation exercises;
- engage in the planning and discussion processes;
- be available to staff for advice, comment, information and representation.

Members will:

- remain up to date about the levels of change and impact on service areas and individuals directly affected;
- make timely decisions when appropriate.

5. CONSULTATION ON CHANGES TO STAFFING ESTABLISHMENTS

- 5.1 Consultation with the recognised trade unions and staff on proposed changes to services and staffing establishments will take place at the earliest possible opportunity. Consultation will be an open, planned and accessible process, providing both staff and trade unions with opportunities to inform and influence decisions and their implementation. This will require the Council to provide the fullest available information at an early stage. Consultation must involve consideration of alternatives, prior to the final decision.
- 5.2 Consultation should normally take place as part of an approved and planned organisational change project. It will take place according to an agreed consultation framework containing clearly defined stages and processes. This is set out in Appendix One to this procedure. Consultation events will be recorded and records made available to all staff and trade unions.
- 5.3 The Chief Executive or other designated officer will notify the recognised trade unions and full time officers in writing when an organisational change is being considered (*see Model Letter 1*). The timing of release of information to staff likely to be affected will be agreed between the relevant parties. Timescales will vary according to the size and scope of the service area affected and the associated change project. However, in general it is not expected that, even in case of a small area of change, proper consultation can take place in less than 10 working days.
- 5.4 Normally consultation will take place with recognised trade unions. In the absence of a recognised trade union, the staff will be requested to nominate a staff representative to be responsible for liaising over consultation with relevant managers. The agreed provisions for time off for trade union activities will apply in such situations.
- 5.5 Nominated members of the Human Resources Division will be involved in all stages of consultation processes within service areas.

6. SELECTION AND APPOINTMENT

- 6.1 Once the new structure has been finalised the following selection and appointment processes will apply. All staff affected by the selection and appointment process will be afforded a consistent level of support through the process by their manager and Human Resources staff. Selection and appointment will be undertaken in a fair and non-discriminatory manner and in accordance with the relevant national and local agreements and Council employment and equalities policies.
- 6.2 The Human Resources Division will be responsible for the overall co-ordination and management of the process of selection and appointment and must be fully involved in the change process from the earliest opportunity.
- 6.3 The Council, in consultation with the recognised trade unions, will identify the service area(s) and/or occupational group(s) which will form the selection pool for the purpose of appointment to posts within the new structure. In identifying the selection pool, the Council will take into account the extent to which the change affects more than one establishment/work location and/or service area/type of work. In some circumstances, particularly in cases of corporate restructuring, employees from more than one department will constitute the selection pool.
- 6.4 All posts in the new structure will initially be “ring fenced” to existing employees within the identified selection pool. This means that, initially, any employees not currently employed within the identified selection pool will not be considered for these new posts. Posts in the new structure will be placed in one of two categories as identified below and the selection and appointment process managed accordingly:

Post Category	Selection & Appointment Process
Posts in the new structure which are the same in number, grade and type of work (as a general guide, where a substantial amount* of the duties of the post remain unchanged) as those in the old structure.	Relevant employees “slotted” into equivalent posts in the new structure. No requirement for application or interview process.
Posts in the new structure which differ from those in the old structure in terms of number and/or grade and/or type of work.	<p>“At risk” employees within the selection pool given priority consideration for posts at the same or one band lower within the new structure.</p> <p>Any unfilled vacancies then made available, initially to any other “at risk” employees outside of the selection pool, and then to all other staff within the Council. Any “slotted” employees may apply in the usual way at this point.</p>

**It will be a matter for the Council to determine what constitutes a “substantial amount” according to the circumstances of each case and whether it is comparable.*

- 6.5 Similarly, all employees within the identified selection pool will be placed in one of two categories as identified below and will have access to posts in the new structure accordingly:

Employee Category	Definition	Selection & Appointment Process
Not at risk	Where there are the same number of posts, at the same grade, undertaking the same type of work (as a general guide, where a substantial amount of the duties of the post remain unchanged) in the new structure, as compared with the existing structure.	“Slotted” into equivalent post in new structure. No longer at risk of redundancy. Not eligible to apply for any posts in the new structure until “at risk” employees have first been considered (initially those within the selection pool and, secondly, any other redeployees from across the Council more broadly).
At risk	<p>Posts which will cease to exist or change substantially in the new structure.</p> <p>Where there is a reduction in the number of posts at a particular grade undertaking work of a particular kind*.</p>	Priority consideration for posts at the same or one grade lower in the new structure combined with access to corporate redeployment processes.

**in determining which employees are undertaking “work of a particular kind”, the Council will consider the extent to which there is a requirement for similar skills, knowledge and experience across job roles, whether the nature of the work is the same or broadly similar and the level of flexibility required in the actual duties undertaken. Account must be taken of the full range of job duties, referring not only to job titles, job descriptions and person specifications but also how the work is actually performed in practice.*

- 6.6 The manager will write to all affected staff confirming the new structure, together with revised job descriptions, responsibilities, and person specifications, as appropriate (see *Model Letter 3*). The letter will specify which of the above categories apply to each member of staff and the selection and appointment process that will apply to them.
- 6.7 Staff who are not “at risk” should be informed as quickly as possible in order to provide reassurance and help maintain continuity of service provision. Human Resources will write to each member of staff confirming the date of appointment, grade of post and salary details, prior to the date of appointment (see *Model Letter 4*). A revised contract of employment will be issued within the statutory limits.

6.8 Eligibility to apply for unallocated posts

- 6.8.1 The selection and appointment process for posts in the new structure which have not been filled through “slotting” will be managed on a “cascade” basis by band/management tier. Management will determine which “at risk” staff are eligible to apply for which unallocated posts within the selection pool and employees will be notified accordingly. This will include consideration of any representations from trade union representatives on behalf of members of staff, either individually or collectively.
- 6.8.2 All eligible “at risk” staff will be asked to express a preference or interest in the relevant unallocated posts within the new structure. Job descriptions, person specifications and application forms will be available from Human Resources for each unallocated post.
- 6.8.3 All eligible “at risk” members of staff who meet the essential person specification for a new post, or who may be suitable through appropriate training and development, should be interviewed for an unallocated post, on exercising a preference. HR staff will be involved in interview processes as appropriate.
- 6.8.4 If the preference exercise results in only one “at risk” member of staff expressing an interest for an unallocated post, then a basic interview will be held. Where the individual meets the essential person specification, or has the realistic potential to do so with training and development within a reasonable timescale, the member of staff will be appointed to the post (*see Model Letter 5*).
- 6.8.5 Human Resources will write to the member of staff confirming the date of appointment, grade of post and salary details prior to the date of appointment (*see Model Letter 6*). A revised contract of employment will be issued within the statutory limits.
- 6.8.6 If the preference exercise results in more than one “at risk” member of staff expressing an interest for an unallocated post, then a competitive interview process will take place. Those members of staff who meet the essential person specification criteria, or have the realistic potential to do so with training and development within a reasonable timescale, will be interviewed as quickly as possible, and a successful person(s) selected. All members of staff involved will receive written confirmation of the outcome of the interviews (*see Model Letter 5*).
- 6.8.7 The successful person(s) will be formally appointed to the post. Those members of staff appointed on the basis of having the realistic potential to do the job with training and development will be required, as a condition of employment, to successfully achieve the necessary essential qualification and/or skills and/or experience within an agreed timescale. Human Resources will write to the member of staff confirming the date of appointment, grade of post and salary details, prior to the date of appointment (*see Model Letter 6*). A revised contract of employment will be issued within the statutory limits.

6.9 Unallocated posts not filled from within the selection pool

Any unallocated post not filled by “at risk” staff from within the selection pool will then be matched against those staff on the redeployment register. If no match is identified the post can then be advertised internally across all departments and the vacancy filled in open competition, in accordance with the Council’s Recruitment and Selection policy. Any staff within the selection pool identified as not “at risk” who were initially “slotted” into a new post may apply for the vacancy in the normal way at this point.

6.10 Unsuccessful staff

Any “at risk” staff who are unsuccessful in obtaining a post in the new structure will be placed on the Redeployment Register and considered for any suitable alternative employment in accordance with the Council’s Redundancy Redeployment Policy and Procedure (*see Appendix Two*). Other support for “at risk” staff will include the provision of assistance with job search techniques, completion of application forms and preparation of CVs, interview skills, training needs assessment, appropriate training, access to career and financial planning (to be confirmed what this means) and employee counselling.

7. DEFINITION OF REDUNDANCY

7.1 Under the Employment Rights Act 1996 a redundancy situation will occur in the following circumstances:

- the employer has ceased, or intends to cease, to carry on the business in which the employee is employed;
- the employer has ceased, or intends to cease, to carry on the business in the place where the employee is employed;

- the requirements of the business for employees to carry out work of a particular kind have ceased or diminished, or are expected to cease or diminish;
 - the requirements of the business for employees to carry out work of a particular kind in the place where the employee is employed have ceased or diminished, or are expected to cease or diminish.
- 7.2 This means that a redundancy situation will arise where there is a need for a reduction in the number of employees at the place where the employee was employed or a reduction in the number of employees doing a particular kind of work.
- 7.3 It should be noted that, for the purposes of collective consultation (see section 9 below) “redundancy” also refers to any dismissal which is for a reason not related to the individual concerned or for a number of reasons which are not so related.

8. BUSINESS/SERVICE TRANSFER

- 8.1 There may be occasions when a reorganisation or restructuring will involve the transfer of services and staff to another organisation. The Transfer of Undertakings (Protection of Employment) Regulations 2006 contain a number of legal provisions relating to the rights of employees when a business, or part of a business, transfers to a new employer. The following provisions have particular relevance in relation to redundancy:
- where a transfer occurs which is covered by the Regulations, the contracts of employment of the relevant employees, and the rights and obligations arising therefrom, will transfer to the new employer and their continuity of employment will be maintained. Employees who object to the transfer will not transfer, will be deemed to have resigned and will not, therefore, be entitled to a redundancy payment;
 - any dismissal connected with the transfer will be automatically unfair unless it is for an economic, technical or organisational reason (ETO) entailing changes in the workforce (redundancy is one of the most common ETO reasons);
 - employers must inform and consult with employee representatives about a forthcoming transfer. Consultation must be undertaken with a view to seeking agreement. Information must be made available in good time and long enough before the transfer to enable full and fair consultation to take place.

9. COLLECTIVE REDUNDANCY CONSULTATION

- 9.1 Under the Trade Union and Labour Relations (Consolidation) Act 1992 (as amended), there is a statutory obligation to consult with the recognised trade unions/employee representatives when an employer is proposing to dismiss as redundant 20 or more employees at one establishment within a period of 90 days or less (note that employees who are dismissed in response to a request for volunteers for redundancy will count toward this total).
- 9.2 Consultation must begin in “good time” and, in any event, must commence:
- at least 30 days before the first dismissal takes effect where 20 or more employees (but less than 100) are proposed for redundancy at one establishment within a period of 90 days or less;
 - at least 90 days before the first dismissal takes effect where 100 or more employees are proposed for redundancy at one establishment within a period of 90 days or less.
- 9.3 In any event, it is the Council’s policy to enter into full and meaningful consultation with the trade unions, irrespective of the number of employees who may be proposed for redundancy.
- 9.4 Consultation must be undertaken with a view to reaching agreement with the appropriate representatives about ways to:
- avoid the proposed dismissals;
 - reduce the numbers of employees to be dismissed;
 - mitigate the consequences of the dismissals.
- 9.5 Consultation must take place in respect of any employees who may be affected by the proposed dismissals or may be affected by measures taken in connection with those dismissals. This means that the potential impact of the proposed redundancies must be considered, not solely in respect of those employees who it is

proposed to dismiss but also any consequential impact, either direct or indirect, on other staff, e.g. through a reallocation of duties or other changes in working arrangements.

- 9.6 Statute does not specify a time-limit within which the consultation must be completed. This will always depend on the circumstances of each case. Whilst consultation must start at least 30 or 90 days before any redundancy notices take effect, it is not necessary that consultation should last for all of that time.
- 9.7 Consultation should continue beyond the end of the 30 or 90 day period where it has not been completed by the end of that time.
- 9.8 Consultation must also take place with individuals who are affected by the proposed redundancies in order to ensure they fully understand the reasons for and implications of the changes and have an opportunity to consider and comment on them. This should make clear that they are at risk of redundancy, explain the basis for their selection and consider the opportunities for alternative employment. Employees are entitled to be accompanied by a trade union or workplace representative at any consultation meeting.

10. DISCLOSURE OF INFORMATION

- 10.1 For the purposes of the statutory consultation requirements, the Council must disclose in writing to the appropriate representatives the following information (*see Model Letter 7*):
- the reasons for the proposed redundancies;
 - the number and descriptions of employees whom it is proposed to dismiss as redundant;
 - the total number of employees of this description employed at that establishment;
 - the proposed method of selection for redundancy;
 - the proposed method of carrying out the redundancy programme, with due regard for the redundancy procedure, and including the time scale over which dismissals will take place;
 - the proposed method of calculating any non-statutory redundancy payment.
- 10.2 The information will be provided directly to the appropriate local representatives. There is no requirement that all the information has to be given to the representatives before consultation can begin.
- 10.3 Trade unions have a right to reply to the employer who should give careful consideration to their response, including any counter proposals, giving written reasons where any such alternatives are rejected. Whilst there is no requirement to reach agreement, it is important to ensure that there has been proper consideration of the relevant information and that both parties have been actively engaged in the consultation process.

11. STATUTORY NOTIFICATION

- 11.1 In addition to the statutory consultation requirements, as detailed above, there is also a statutory duty to notify the Secretary of State of the Department for Business, Enterprise and Regulatory Reform (there is a standard notification form, HR1, which is used for this purpose). This notification must take place before the employer gives notice to terminate an employee's contract and in accordance with the following timescales:
- at least 30 days before the first dismissal takes effect where 20 or more employees (but less than 100) are proposed for redundancy at one establishment within a period of 90 days or less;
 - at least 90 days before the first dismissal takes effect where 100 or more employees are proposed for redundancy at one establishment within a period of 90 days or less.
- 11.2 A copy of this notification must also be given to each of the relevant trade union representatives.

12. AVOIDING OR MINIMISING COMPULSORY REDUNDANCY

- 12.1 Where a potential redundancy situation arises the Council will consider a range of measures to seek to preserve continuity of employment for the affected staff. This will include:
- restrictions on overtime;

- restrictions on filling vacancies across the Council;
- restrictions on the use of agency workers, casual or temporary employees;
- seeking expressions of interest, without commitment on either side, in voluntary redundancy or early retirement, both from within the affected staff group and more widely across the Council where this may provide suitable redeployment opportunities (see section 13 below);
- consideration of alternative savings from non-pay budgets.

This list is not exhaustive and the Council will seek to identify alternatives wherever possible.

13. VOLUNTARY REDUNDANCY/EARLY RETIREMENT

- 13.1 In seeking to avoid or minimise the number of compulsory redundancies, the Council will give consideration to inviting volunteers for redundancy and/or early retirement. Whilst it is recognised that identifying volunteers to leave the organisation can help to moderate the negative impact of change, this must be balanced against the costs of redundancy/early retirement and the opportunities to do so may, therefore, be limited in practice. Any agreement to release an employee on this basis must facilitate and form part of the achievement of the objectives of the particular reorganisation and will be subject to the Council's defined approval processes. The Council reserves the right to refuse any expressions of interest which do not meet the identified criteria and/or which are not cost effective.
- 13.2 The Chief Executive or other designated officer will write to employees in the affected staff group, outlining details of the voluntary redundancy/early retirement scheme and inviting expressions of interest from those who wish to be considered (*see Model Letter 8*). Applications may also be invited from other service areas/departments where this would assist in avoiding compulsory redundancies, for example, where this would provide a suitable redeployment opportunity for "at risk" staff. Any expressions of interest will be treated in the strictest confidence and without commitment on either side. This process may be undertaken on a phased basis, as appropriate, in accordance with the overall timescales for the restructuring.
- 13.3 Any discretionary enhancements to statutory redundancy payments will be made in accordance with the Council's policy under The Local Government (Early Termination of Employment) (Discretionary Compensation) (England and Wales) Regulations 2006. Continuous service for the purposes of calculating a redundancy payment will include only continuous service with bodies covered by The Redundancy Payments (Continuity of Employment in Local Government etc)(Modification) Order 1999 (as amended).
- 13.4 In accordance with its policy under the Local Government Pension Scheme (Benefits, Membership and Contributions) Regulations 2007 the Council will consider, on a case-by-case basis, the augmentation of pension benefits to eligible employees who are members of that scheme. Augmentation of pension benefits may only be granted as an alternative to any discretionary compensation payment.
- 13.5 The costs of all redundancy payments and early payment of pension costs will be funded from departmental revenue budgets, unless specific central funds are made available for this purpose as specified by the Chief Financial Officer.

14. REDEPLOYMENT

- 14.1 The Council will make every possible effort to identify suitable alternative employment for staff who are displaced as a result of organisational/service restructuring and endeavour not to make any member of staff compulsorily redundant. This may include redeployment to a vacant post on the same, or one band lower with salary protection, appropriate re-training for a vacant post, career counselling, etc.
- 14.2 Where a member of staff has been unsuccessful in securing a post in their restructured department/service area, they will be notified in writing of their placement on the redeployment register (*see Model Letter 9*). This will not prevent individuals from being considered, as appropriate, for any other schemes such as early retirement or voluntary redundancy.
- 14.3 The Council will inform and consult with recognised trade union representatives before and during the redeployment of staff.

14.4 The Council's Redundancy Redeployment Policy and Procedure is set out in Appendix Two.

15. SUITABLE ALTERNATIVE EMPLOYMENT

- 15.1 Suitable refers to the place of work, terms and conditions of employment, abilities of the member of staff and the capacity in which the member of staff would be working. Suitable alternative employment shall be determined by reference to current employment legislation, and regard shall also be given to the personal circumstances of the member of staff. Staff shall, however, be expected to show some flexibility by adapting their domestic arrangements where possible, with sufficient notice.
- 15.2 It is for the Council to decide whether or not a post is deemed 'suitable' and as such qualifies for pay protection. A member of staff may appeal against this decision by using the grievance procedure, without prejudice to their statutory rights.
- 15.3 Every effort will be made by Human Resources to ensure that a member of staff on the redeployment register does not suffer a reduction in earnings. If suitable employment cannot be found, the Chief Personnel Officer will seek to place members of staff in posts outside of the original criteria in, for example, externally funded posts or fixed term project posts with partner organisations and the usual redeployment provisions will apply e.g. protection, link person contact, etc.
- 15.4 All offers of suitable alternative employment must be made in writing (*see Model Letters 10 and 11*). The offer should set out how the new employment differs from the old and be made before employment under the previous contract ends. The offer must be for the new job to start either immediately after the end of the old job, or after an interval of not more than four weeks. Additionally the letter must confirm:
- the new job title, grade and duties;
 - where appropriate, any training to be given;
 - the salary (including any pay protection) and any other terms and conditions which differ from the previous contract;
 - the hours of work;
 - the location;
 - the date of commencement and end of the trial period (see section 17 below).
- 15.5 Suitable alternative employment opportunities shall be brought to the attention of the member of staff in accordance with the Council's Redundancy Redeployment Policy and Procedure. Vacancies will be advertised to those on the redeployment register before wider advertising to Council employees and then externally. If a member of staff does not apply for/register their interest in a job which would provide suitable alternative employment, or decides not to accept an offer of suitable alternative employment they may lose any entitlement to a redundancy payment. Each case will be considered on its merits by the Chief Personnel Officer, by reference to current employment legislation, the Council's redeployment policy, and the personal circumstances of the member of staff.

16. PAY PROTECTION

- 16.1 Where there is a reduction in salary, the relevant Council pay protection policy shall apply. For members of staff who are employed in accordance with the NJC Pay and Conditions for Local Government Services Staff (the "Green Book"), the pay protection arrangements are set out in Part 2, Section 7.2 of the Single Status Agreement.

"Where an employee, who, following consultation, is either the sole occupant of a post which is no longer required or a member of a pool of employees where a reduction in the number of employees is needed is either redeployed or appointed to and accepts a post which is more than one pay band below their current pay band and is not considered 'suitable alternative employment' by the Chief Personnel Officer, the employee's "Protected Amount" is defined as the reduction between

- i) the value of the maximum SCP of one pay band higher than the new pay band at the date the pay band reduces and
- ii) the value of the maximum SCP of the new pay band

In all other circumstances the employee's "Protected Amount" is defined as the reduction, at the date the pay band and/or earnings in relation to the terms and conditions detailed in Table 2.9 reduces, between their old and new "Earnings Packages" (as defined in Part 2, Section 6)

This provides that where an "at risk" employee is redeployed or appointed to a post which constitutes suitable alternative employment, up to one pay band difference in salary will be protected. The protected amount will be calculated by reference to the value of the relevant SCPs at the date the reduction in salary occurs. This pay protection will apply for a period of up to 3 years from the date of the reduction and reduces in value as the maximum of the new (lower) pay band increases.

- 16.2 For other employees, e.g. those employed in accordance with the JNC for Chief Officers Conditions of Service, Soulbury Conditions of Service etc, the pay protection arrangements shall be as set out in the relevant terms and conditions of employment (see Appendix *insert number*).
- 16.3 During the period of pay protection the Council will endeavour to secure a substantive position on the same band as that which applied to the post previously held by the employee. In addition, members of staff on a protected salary shall be expected to apply for suitable posts which arise on the pay band or salary protected during this period or they may lose their right to protection. Each case will be considered on its merits.

17. TRIAL PERIOD

- 17.1 A redundant employee who is offered alternative employment under a new contract of employment with terms and conditions which differ (wholly or in part) from the corresponding provisions of the previous contract has a statutory right to a trial period (see *Model Letter 10*). The trial period will last for a period 4 weeks and will begin when the old contract expires, or after an interval of not more than 4 weeks. The purpose of the trial period is to give the employee a chance to decide whether the new job is suitable without necessarily losing any right to a redundancy payment, and for the new manager to assess their suitability and ensure they meet the required standards, taking into account any training / retraining for the new role. If, following a trial period, an employee accepts a suitable alternative job within the Council there shall be no entitlement to redundancy pay.
- 17.2 The 4 week trial period may be extended by mutual agreement for retraining purposes. Any extension must be in writing, specifying the date on which the retraining ends and setting out the terms and conditions which will apply after this date (see *Model Letter 11*). If the employee works beyond the end of the 4 week period, or any jointly agreed extended period, they will be deemed to have accepted the new employment and there will be no entitlement to any redundancy pay.
- 17.3 Should the Council wish to end the new contract within the trial period for a reason connected with the new job, the employee shall preserve the right to any redundancy payment under their old contract. If the dismissal is due to a reason unconnected with the redundancy the employee may lose that entitlement.
- 17.4 If the employee terminates the contract during the trial period, they will be treated as having been dismissed by reason of redundancy on the date when the original contract came to an end. However, if the Council considers that the new job was suitable for the employee and the employee acted unreasonably in leaving it, they will lose any entitlement to a redundancy payment.
- 17.5 The 4 week trial period may also be extended by agreement with the Chief Personnel Officer in certain other circumstances. Each case will be considered on its merits.
- 17.6 If, following a trial period, the new job is deemed to be not suitable, the employee will return to the redeployment register for any remaining period of notice under their contract of employment and other suitable alternative jobs within the Council will then be sought. An employee may have to undertake a number of trial periods in an attempt to find suitable alternative employment.

18. SELECTION FOR COMPULSORY REDUNDANCY

- 18.1 There may be occasions when, despite having implemented the range of measures set out in this Procedure, there is a need to undertake a selection for compulsory redundancy. This section sets out the process which must be followed in these circumstances.
- 18.2 The Council will identify and agree the “unit of selection” i.e. the group of employees from whom those who are to be made redundant will be drawn, in consultation with the recognised trade unions (*see Model Letter 12*). The unit of selection will normally comprise all members of staff who are undertaking the particular kind of work where there is a diminishing need for employees of that type. In some circumstances employees from more than one service area/department will form the unit of selection. In considering this issue, the Council will take account of:
- the extent to which employees in other service areas/departments have identical or similar job descriptions and/or undertake similar work in practice;
 - the extent to which the relevant jobs are interchangeable with others elsewhere in the Council.
- 18.3 Having agreed the unit of selection, the Council will, in consultation with the recognised trade unions, identify and apply appropriate selection criteria, ensuring that the criteria are fair, objective and discrimination-free (*see Model Letter 12*). The criteria will be defined according to the particular circumstances of the reorganisation/restructuring and the type of work/service area affected. The overarching objective will be the retention of a balanced workforce with the relevant skills and capabilities to meet the current and future needs of the Council.
- 18.4 The criteria must be precisely defined and capable of objective measurement by reference to the relevant employment records and other verifiable data, e.g. personal files, training and appraisal records, attendance/sickness absence records etc. Care should be taken to ensure that the relevant records are accurate, complete and up-to-date in respect of all those within the unit of selection. In some cases it may be necessary to obtain and/or verify the relevant information with the employees concerned. Employees may be invited to supplement the information held by the Council where that would assist the selection process, e.g. by completion of a short questionnaire.
- 18.5 The selection criteria will normally be chosen from the categories listed below. A definition of each of the chosen criteria will be drawn up by the relevant line/service manager, in consultation with the lead HR officer, having regard to current and future work requirements as set out in the relevant job description(s) and person specification(s) and the following guidelines.

Qualifications

The requirement for formal qualifications may be used as one selection criteria where this is relevant to and essential for the type of work to be undertaken.

Performance, skills and knowledge

The type and level of skills and knowledge necessary to perform the particular type of work should be clearly defined in specific terms. A systematic assessment of each employee within the unit of selection should be undertaken by reference to objective evidence, e.g. appraisal and other work records, skills analysis, achievement of performance targets, quality/accuracy of work, contribution to service/performance delivery and improvement, demonstrated ability and willingness to undertake a range of relevant duties.

Attendance

Attendance records should be examined over a reasonable period, e.g. 2 years, taking into account the reasons for and extent of any absences. A distinction may be drawn between periods of unauthorised and/or self-certificated absences and those which are covered by a medical certificate. Any absences related to pregnancy or childbirth or disability, as defined in the Disability Discrimination Act, should be disregarded.

Disciplinary Records

Reference should be made to the type and level of any current disciplinary warnings. In certain circumstances, it may also be appropriate to take account of any expired warnings and appropriate advice should be sought from HR where this may be under consideration.

- 18.6 A scoring matrix will be drawn up, with a defined number of points allocated to each of the identified criteria (*see example Redundancy Selection Assessment Form*). Each employee within the unit of selection will be assessed against this criteria and a total points score identified for that individual. Once all the assessments have been undertaken a rank order of the total scores will be produced for the unit of selection. This will

determine which employees will remain and which will be made redundant. Scores for different criteria may be weighted according to their respective importance/relevance to future organisational/service needs. In circumstances where the scores for two or more employees are equal, those with the shorter length of service will be selected for redundancy. Length of service may only be used in these circumstances and will be based on continuous service with Hartlepool Council.

- 18.7 The criteria must be applied by more than one person and the outcomes supported by the relevant evidence and not determined by the personal opinion of those concerned. The selection will normally be undertaken by the relevant line manager for the department/service area, an independent line manager and lead HR officer. A written record of the selection process, setting out the reasons for the assessment and outcomes for each employee, must be made by those undertaking the selection.
- 18.8 Particular care must be taken to ensure that no unlawful discrimination occurs, either in the identification/definition of the relevant selection criteria and/or in the application of that criteria, i.e. on grounds of sex, race, disability, age, sexual orientation, religion or belief or part-time status. Where appropriate it may be necessary to modify or adjust the selection process to take account of the impact on the particular individual concerned, e.g. in accordance with the “reasonable adjustment” provisions of the Disability Discrimination Act 1995. Selection for redundancy for a reason related to pregnancy or childbirth, parental or other dependent care leave, or for a reason related to trade union membership/non-membership or to participation in trade union activities will be automatically unfair. The selection criteria and process must comply with the Council’s equality and diversity in employment policy.
- 18.9 Once the detail of the selection process has been agreed, the relevant employees must be informed of:
- the criteria for selection;
 - the selection process to be followed;
 - the timescales for the selection process and notification of outcomes (*see Model Letter 13*).
- 18.10 The results of the selection process should be explained orally to the individuals concerned as soon as possible after the exercise has been completed. Each employee should be advised of their assessment against the identified criteria and given an opportunity to comment on that assessment. The outcome should be confirmed in writing to each employee within 5 working days of the completion of the selection process (*see Model Letter 14*). In the case of employees selected for redundancy, notice of termination of employment should be given, as set out in section 19 below.

19. TERMINATION OF EMPLOYMENT

- 19.1 Employees will be notified in writing of the termination of their employment on grounds of redundancy and must be provided with the relevant statutory or contractual notice period, whichever is the longer (*see Model Letter 15*). As an alternative, payment in lieu of notice may be considered. Staff who are not successful in being redeployed or obtaining alternative employment before the end of their notice period will be made redundant at that time.
- 19.2 Notice of termination of employment will be issued to the relevant employees once a formal decision on the proposed reorganisation/restructuring has been taken by the Council. This will normally occur once:
- a formal decision on the relevant budget has been taken by the Council; or
 - formal approval to the proposed restructuring has been given by the relevant Chief Officers; or
 - approval to the proposed redundancies has been given by the Performance Portfolio Holder
- whichever is the later.
- 19.3 The letter to the employee giving notice must include:
- the reason for the dismissal;
 - any outstanding leave to be taken during the notice period;
 - the date of termination of employment;
 - the estimated amount of any redundancy and/or early retirement or other severance payment;
 - the provision of reasonable time off to look for other work or arrange suitable training;
 - their right to appeal against the dismissal and how any such appeal should be made.

- 19.4 Any discretionary enhancements to statutory redundancy payments will be made in accordance with the Council's policy under The Local Government (Early Termination of Employment) (Discretionary Compensation) (England and Wales) Regulations 2006. Continuous service for the purposes of calculating a redundancy payment will include only continuous service with bodies covered by The Redundancy Payments (Continuity of Employment in Local Government etc)(Modification) Order 1999 (as amended).
- 19.5 Employees who are aged 55 and over and who are members of the Local Government Pension Scheme (50 and over for those employees who were members of the Scheme as at 31 March 2008 and who are made redundant on or before 31 March 2010) will be entitled to the immediate payment of their pension benefits where their employment is terminated on grounds of redundancy.
- 19.6 A retirement gratuity may be payable to eligible employees in accordance with the Council's policy. (*Appendix to be added*)

20. TIME OFF TO SEEK ALTERNATIVE EMPLOYMENT

- 20.1 During their notice period, an employee will be entitled to reasonable paid time off work in order to look for new employment outside the Council or to arrange any training for future employment. Employees should provide adequate notice to their manager of any interviews or appointments for which they are seeking paid time off.

21. REDUNDANCY DURING MATERNITY LEAVE

- 21.1 Where a redundancy situation arises whilst an employee is on a period of maternity leave, she should be treated in the same way as she would have been had she not been on such leave. This will include access to redeployment opportunities and other support services as soon as she is identified as being at risk of redundancy.
- 21.2 In addition, there are special statutory provisions which apply where an employee is prevented from returning to her original job by reason of redundancy. In these circumstances, she is entitled to be offered suitable alternative employment where such a vacancy arises before the end of her existing contract (even if she is not ready to return to work at that point). This means work which is suitable and appropriate for her, and on terms and conditions which are not substantially less favourable than those under her previous contract.
- 21.3 The right to be offered a suitable vacancy will commence when the redundancy situation is known and will continue until her employment ends, or when the maternity leave ends, whichever is the sooner. This is a mandatory duty and, if a suitable alternative vacancy exists and the employer fails to offer it to the employee or appoints someone else into that position, the dismissal will be automatically unfair if the sole or principal reason for that dismissal is redundancy.
- 21.4 Once the employee returns from maternity leave, she should be treated in accordance with this procedure, in the same way as any other "at risk" staff.
- 21.5 Any entitlements under the occupational maternity scheme will end at the termination date. However, any entitlement to statutory maternity pay will continue for the remainder of the Maternity Pay Period or until the employee starts work with any new employer. Any payments made by way of maternity pay will go towards meeting the employer's obligation in respect of notice pay and not exceed substantive salary.
- 21.6 Similar provisions to those set out above also apply to any employee who is on a period of adoption leave.

22. APPEALS

Reorganisation Appeal

- 22.1 Any member of staff who feels that any part of this procedure has been unfairly applied should raise their concerns informally to the Head of Service involved in the reorganisation normally within five working days of

the date of having received notification of a decision. There are very clear and tight deadlines surrounding the process of dealing with “at risk” posts and redeployment which means that in these particular circumstances, any concerns must be dealt with as quickly as possible.

- 22.2 If the employee is not satisfied with the outcome of the informal stage then they will send their appeal to the Chief Personnel Officer. The Chief Personnel Officer will arrange for the employee’s appeal to be considered by a Chief Officer or Director within the employing department. The employee will be invited to a meeting with the relevant Chief Officer or Director together with the designated lead manager for the particular restructuring and the lead HR Officer. The employee may be accompanied at that meeting by either a trade union or work colleague. This meeting will take place as soon as is reasonably practicable.
- 22.3 The Chief Officer or Director will notify the employee in writing of their decision within five working days of the meeting. This decision will be final and there will be no further right of appeal.

Appeals Against Dismissal – Appeals and Staffing Committee

- 22.4 In the case of a Chief Officer then the Chief Personnel Officer will arrange for the appeal to be heard by the Appeals & Staffing Committee.
- 22.5 Where a member of staff feels that they have been unfairly dismissed, by reason of redundancy, they have the right of appeal. The employee should write to the Chief Personnel Officer within ten working days of their receipt of the written confirmation of the termination of their employment, setting out their grounds for appeal. The appeal will be heard by the Appeals and Staffing Committee of the Council. The hearing will normally take place within twenty working days of the receipt of the employee’s letter of appeal. The procedure to be followed will be as set out in the Council’s Redundancy Dismissals Appeals Procedure (Appendix 4). The redundancy notice shall not be suspended during the appeal process, but shall be revoked if the appeal is successful.
- 22.6 Appeals against any pension decision made under this procedure will be managed in accordance with the Teesside Pension Fund Internal Dispute Resolution Procedure.

Appendix One: Framework for Consultation on Changes to Staffing Establishments

The following sets out the steps to be followed when a team, service area, or department is to be restructured. Normally, this will be based on two formal consultative meetings with staff. However, further additional meetings may be arranged where this is considered necessary and helpful to the change process.

Where the area affected is small, i.e. less than 30 employees, it should be possible to consult with all the staff group together. Workplace meetings should take place at suitable times, taking account of part-time and other flexible working patterns.

Step 1

The manager should meet with the whole staff group, accompanied by an appropriate HR representative and recognised trade union representative and detail:

- the reasons for the proposed restructuring and the intended outcomes. Where appropriate, this should be set within the context of any wider changes and other restructurings;
- any assumptions made about performance/productivity/work demands/activity levels and the data/information which led to these assumptions;
- if relevant, any actions to avoid or limit the need for redundancies, e.g. reductions in overtime, restrictions on recruitment, early retirement etc;
- the fact that no decisions have been made and this is a consultation process to actively and positively involve staff in the restructuring process and find out their views.

The manager should set out the proposed structure(s) and/or required changes. This may include an evaluation of alternative options in terms of their respective pro's and con's against identified criteria, e.g.

- successful delivery of outcomes;
- potential disruption of service delivery and longer term impact on service provision;
- impact on other service areas;
- financial cost;
- impact on staff group (every effort should be made to minimise the need to place staff in a redundancy position).

This is not an exhaustive list and other criteria may be applied, which should be jointly agreed/developed wherever possible.

During the meeting staff should be given the opportunity to comment on any data/information and challenge any assumptions made. Such comments should be addressed and considered carefully by management.

The meeting should be fully noted with any comments, challenges, and suggestions fully recorded with management responses. Where the manager agrees to look into issues raised, this should be actioned as soon as practicable following the meeting.

The meeting should end with staff being asked to consider the proposals for change and the outcomes required. The manager should stress that final decisions have not yet been made and that this is a consultation process, in which staff have a real opportunity to determine and influence what will happen.

Confirmation of the proposed changes should subsequently be provided to staff in writing and a further meeting arranged in order to give further consideration to their views and any alternative proposals for a new structure (see *Model Letter 2*). Staff should also be offered the opportunity of a follow-up meeting with the manager and/or HR representative on an individual basis in order to address any particular worries or concerns.

Written information must be sent to any absent staff i.e. staff who are absent due to sickness, annual leave, maternity or adoption leave or secondment.

Step 2

This meeting should include the same membership as at Step 1.

The manager should:

- summarise the information provided at the Step 1 meeting, reiterating the consultative process so far and describing any changes which have been made in line with staff views/suggestions or proposals progressed;
- detail any staff comments or proposals received since the Step 1 meeting and any management response;
- report on any management action since the Step 1 meeting with outcomes and seek comments;

- discuss the options for restructuring and seek to agree which one best meets the required outcomes, taking into account any other issues and broader service/organisational context;
- if agreement is not possible, confirm the preferred option from the management point of view and why. Seek comments on this preference and the underpinning rationale.

The meeting should conclude with all being made clear about which structure will be implemented, why it will be adopted, the likely timescale and processes for implementation.

A further meeting may be needed to address the implementation arrangements, e.g. selection and appointment to the new posts, redeployment process etc.

Group and individual meetings with members of Human Resources should then be arranged to go through such arrangements with timescales, including the specific consequences for individuals. These subsequent meetings like all previous ones should be fully recorded and outcomes followed up in writing.

The manager should provide written confirmation of the outcomes from the Step 2 meeting to all staff (*see Model Letter 3*). Written information must be sent to any staff who are absent due to sickness, annual leave, maternity or adoption leave or secondment.

Large teams of staff or large area of service

Where the affected functional team or area of service is large then it will be necessary to split the teams into smaller groups to progress the consultation as detailed above. This may include establishing a specific, over-arching consultative group with representatives from all the teams affected and the relevant recognised trade union representatives. In these circumstances, the manager should arrange large “update meetings” of the whole staff group, as appropriate, to ensure that all staff affected are aware of the consultative process, how they will be involved, and who their representative is.

The over-arching consultative group will pull together and co-ordinate the views of each team and will develop their preferred options for all the teams to consider, both in their small groups and at any larger meetings.

Written information must be sent to any staff who are absent due to sickness, annual leave, maternity or adoption leave or secondment.

General

Formal meetings between management and the recognised trade unions will also be held in addition to the consultation process detailed above, as necessary. Where redundancies are proposed as part of the planned changes, managers must ensure that the statutory consultation requirements are complied with.

Appendix Two: Redundancy Redeployment Policy and Procedure

1. Aim

- 1.1 The aim of this policy is, wherever possible, to enable employees who have been displaced as a result of organisational/service restructuring to be redeployed to other employment within the Council, thereby retaining valuable/valued skills, knowledge and experience.

2. Principles

- 2.1 The following general principles will apply under this policy and procedure:

- redeployment will be dealt with in a way that is non-discriminatory and in accordance with the Council's equality and diversity in employment policy;
- the redeployment procedure will be fairly and consistently applied across the Council;
- regular and open communication between managers and employees will be encouraged and promoted;
- employees will be made fully aware of the pay (including protection, where appropriate) and pension implications of any redeployment offered;
- employees will be offered appropriate training and support to aid them during the redeployment process;
- trial periods will be used to ensure that the redeployment is suitable to both the Council and the employee;
- a trade union, other workplace representative or work colleague may accompany the employee during any meeting held under this Redeployment Policy;
- the pursuit of redeployment opportunities will be time limited, with reviews undertaken at specified intervals during the redeployment period;
- there is no entitlement under this policy for employees to be redeployed beyond the duration of their existing contract of employment;
- satisfactory clearance via Safer Workforce regulations will be required for employees who are being redeployed into areas of work where this is a normal pre-requisite of employment;
- priority consideration will be given to "at risk" staff in respect of any post at the same or lower grade as their existing post and which would potentially provide suitable alternative employment for them;
- where two or more redeployees are being considered for the same job, a robust selection process will be used, taking into account, where appropriate, all reasonable adjustments and training/retraining needs;
- this redeployment policy and procedure will be monitored and reviewed to ensure that it continues to meet the Council's aims and complies with these principles. Staff and trade union representatives will be encouraged to be involved in this process.

3. Eligibility

- 3.1 This policy and procedure will apply to employees who have been unsuccessful in obtaining a post in a staffing reorganisation and have thus been identified as at risk of redundancy.
- 3.2 Nothing in this policy prevents an employee from applying for another job with the Council through the usual recruitment and selection process, and they are encouraged to do so.

4. Employee Responsibilities

- 4.1 Employees will be expected to:

- actively engage in the redeployment process;
- maintain contact and communicate effectively with his/her management and Redeployment Link Person;
- undertake any support or training/retraining, which may aid his/her redeployment;
- attend any review meetings, as appropriate.

5. Manager Responsibilities

- 5.1 Managers will be expected to:

- ensure that every effort is made to place members of staff in alternative posts;
- ensure that all staff and supervisors are aware of the redeployment policy and comply with its provisions;

- provide guidance, assistance, training and induction to redeployed employees, including those on trial periods;
- liaise with HR (Workforce Development) and well-being teams regarding any training needs/reasonable adjustments for redeployees;
- monitor the performance and progress of redeployees during the trial period, providing counselling/action plans/support and completing assessment reports, as appropriate;
- notify Human Resources of all vacancies, temporary posts or other work opportunities assist in redeploying/utilising “at risk” staff.

6. Support available to Managers and Employees

6.1 In order to support this policy, the following are available to managers and employees:

- Employee Support Service – to provide a confidential service to employees in order to discuss concerns related to the redeployment process;
- HR Services – to provide support and guidance to managers and employees in the use of the redeployment procedure and to provide a redeployment link to the employee during the redeployment period;
- HR (Workforce Development) – to provide training in relation to applying for jobs and specific job-related skills;
- Disability Employment Advisor/Disability Service Teams – to provide an assessment of disabled people and to assist with maintaining disabled employees in work including assisting with and accessing funding (where appropriate);
- Disability charities – to provide an assessment of disabled people and to assist with maintaining disabled employees in work including assisting with funding (where appropriate).

6.2 Appropriate assistance in completing application forms and preparing CVs, advice on interview and other job search techniques can also be provided by HR, on request.

7. Redeployment Link Person

- 7.1 Redeployees will be provided with the name of a specific link person in HR (known in this procedure as the “Redeployment Link Person”) who will act as his/her formal contact during the redeployment process.
- 7.2 The Redeployment Link Person will undertake the initial redeployment assessment, monitor and advise of vacancies for redeployment opportunities and provide advice and support during the process.

8. Redeployment Meeting

- 8.1 Following the initial notification to the employee that they are at risk of redundancy and their placement on the redeployment register, a meeting will be arranged between the employee, his/her representative (if appropriate), his/her line manager (if appropriate) and the Redeployment Link Person.
- 8.2 The purpose of the meeting will be to explain to the employee:
- how the Council’s Redundancy Redeployment Policy and Procedure works;
 - what support mechanisms and training opportunities may be available during the redundancy redeployment period;
 - entitlements to, and arrangements for taking, paid time off to look for work or to make arrangements for training for another job;
 - the period during which redeployment will be pursued; and
 - the implications of redeployment being unsuccessful.
- 8.3 The employee will also be provided with a copy of the Redundancy Redeployment Policy and Procedure. At the meeting, the employee will be provided with the opportunity to ask any questions regarding the procedure and give his/her thoughts and views on pursuing redeployment.

9. Redeployment Assessment

- 9.1 The employee will be offered the opportunity of a confidential assessment in order to identify his/her skills and experience, the redeployment options that may be suitable and the support and training that may be required. The confidential assessment will include, as appropriate, the employee, his/her representative, management, Redeployment Link Person etc. Where appropriate, tests and an assessment of skills will be provided, e.g. IT skills.

10. Redeployment Register

10.1 A central register will be maintained by Human Resources, with restricted access controls to maintain confidentiality. The register will hold the following information on each individual:

- date registered;
- name;
- details of current job;
- contact details;
- details of employment history with the Council;
- qualifications, skills, training record and work experience;
- evidence of performance (from appraisal records);
- medical and/or DDA information including any reasonable adjustments that may be required (if appropriate);
- any other information relevant to the redeployment process.

11. Work Experience and Training

11.1 Whilst redeployment is pursued the employee may be helped to gain experience of different job opportunities within the Council or to develop specific skills. During this period the Council will attempt to find appropriate work experience opportunities or training suitable to the employee and which may aid his/her redeployment opportunities. This may include:

- undertaking different work within their current service area or other part of the Council; and/or
- undertaking a period of secondment to a specific project or working party; and/or
- attending appropriate training and development opportunities.

11.2 Employees will be expected to undertake such work experience and training unless they provide an acceptable reason for not doing so. These opportunities will be temporary placements and there can be no guarantee that they will become a permanent redeployment opportunity.

11.3 Managers will be expected to inform the Chief Personnel Officer at the earliest opportunity of any such temporary redeployment opportunities, e.g. to assist in undertaking a review, with the development of a new initiative, or provide cover for maternity leave or sickness absence. Managers cannot employ additional temporary staff in these circumstances until consideration of employees awaiting redeployment has first taken place.

12. Jobs Covered by the Redeployment Procedure

12.1 The support and guidance available to an employee under this procedure will apply to any job vacancy within the Council, regardless of the level of responsibility or contractual status of the job.

13. Redeployment Period and Reviews

13.1 The pursuit of redeployment opportunities will normally continue until a suitable alternative job is identified and accepted by the employee or the date on which the employee's contract of employment is due to come to an end, whichever is the earlier.

13.2 A review of progress on redeployment should take place at least every two weeks during the redeployment period. A meeting should take place involving the employee, his/her representative, the Redeployment Link Person and the line manager. The purpose of the meeting will be to discuss the actions the employee and the Council have taken during the period, whether there are other options such as training, support or different types of jobs that could be pursued and any further action that should be taken.

14. Pay and Pension Implications

14.1 Until such time as an employee is redeployed, he/she will continue to be paid in accordance with his/her contract of employment.

14.2 Decisions about whether or not to protect an employee's salary following redeployment will be made by the Chief Personnel Officer in accordance with the relevant Council Pay Protection Policy (see section 16 of the main procedure).

- 14.3 Where the pay (without protection) of an employee in the Local Government Pension Scheme is reduced, the Chief Personnel Officer, in accordance with the Pension regulations, will determine that the reduction in pay is 'material' i.e. pensionable pay.
- 14.4 Where the reduction in pay is 'material', the employee has two options available as follows (*see Model Letter 16*):
- To preserve the accrued benefits at the time the reduction takes place and accrue a new set of benefits in respect of the new contract; or
 - Do nothing, in which case pension benefits will be based on the employee's final pay. Benefits can be calculated on one of the two previous years' pay if better and, if the employee is downgraded or moves to a job with less responsibility in the last 10 years, the employee has the option to have his/her benefits based on the average of any 3 consecutive years in the last 10 years (ending on a 31 March).
- 14.5 Where the employee chooses to preserve the benefit already accrued and accrue a new set of benefits in respect of the lower paid post, the employee must leave the Teesside Pension Fund in respect of the old post and rejoin in respect of the new post.
- 14.6 Where it is decided that the reduction in pay is not material, membership of the Teesside Pension Scheme will continue and pension benefits will be based on the best level of earnings in the 3 years immediately prior to retirement.

15. Redeployment Application Process

- 15.1 The employee will be required to complete a generic Application for Redeployment Opportunity Form (*see Appendix insert number*) setting out details of his/her employment history, skills/abilities (to be assessed as appropriate), qualifications, previous training/professional development, and other experience. This will be kept on file and used by appointing officers to determine whether the employee might be suitable for each redeployment opportunity considered. In addition, the employee may produce a statement or covering letter, tailoring the details outlined on the application form to reflect the needs of the specific redeployment opportunity being considered. The employee will be provided with support and guidance during the redeployment period to enable them to complete the generic application form, together with appropriate pre-redeployment training to help tailor this to specific opportunities that may arise.
- 15.2 All current vacancies will be monitored by the Human Resources Division to identify potential opportunities for employees who are pursuing redeployment under the Redundancy Redeployment Procedure. Where an opportunity is identified, the Redeployment Link Person will notify the relevant employee(s) who are pursuing redeployment.
- 15.3 In addition, a copy of the Council's Vacancy Bulletin will be forwarded to employees who are pursuing redeployment. If the employee identifies a job vacancy that he/she is interested in he/she should inform his/her Redeployment Link Person so that further information (e.g. job description and person specification) can be sent to them. The employee must identify any new and additional information relevant to the vacancy.
- 15.4 The Redeployment Link Person will forward the employee's details to the appointing officer within two days of being notified of their interest in the vacancy.
- 15.5 The appointing officer will consider the employee's details in relation to how the employee meets the job requirements and whether the job would be a suitable alternative. When considering suitability, the appointing officer will also identify whether any additional training or support could reasonably be offered and/or any reasonable adjustments could be made to enable the employee to meet the requirements of the job within a reasonable timescale. The appointing officer must seek advice and guidance from HR when coming to a decision about the suitability of the employee.
- 15.6 All redeployees who meet the essential criteria on the person specification for a job, taking into account any training/retraining or other support/adjustment, must be interviewed for a post which is considered to be suitable alternative employment. Redeployees applying for a post at the same or lower grade as their current post will be given priority consideration ahead of any other redeployees. Where there is more than one redeployee expressing interest in the same job, the appointing officer will undertake a selection process in order to determine who is most suitable.
- 15.7 The appointing officer will contact the employee and his/her Redeployment Link Person to inform them of his/her decision and will confirm this in writing (*see Model Letter 17*). If the employee is unsuccessful, the

appointing officer should explain the reasons for the decision. A written record of the decision and reasons for this will also be kept by Human Resources.

16. Job Offers

- 16.1 Full details and implications of the terms and conditions of the new post (including the terms and conditions, and duration of, any trial period – see section 17 of the main procedure) shall be provided to the employee in advance of any acceptance of the post and take up of duties. This will include details of decisions made in respect of pay (and where appropriate protection) and any pension implications associated with the new post. All job offers and acceptances shall be confirmed in writing.
- 16.2 Where an employee is offered a post on the basis that they have the realistic potential to fulfil the requirements of the job with further training and development, they will be required, as a condition of employment, to successfully achieve the necessary qualification and/or skills and/or experience within the agreed timescale.
- 16.3 The employee should agree a starting date with the appointing officer and his/her current line manager.
- 16.4 Where appropriate, a meeting involving the employee, his/her representative, the previous and new line manager and the Redeployment Link Person shall be arranged to discuss the handover arrangements.
- 16.5 Where a redeployee is appointed to an alternative post, they will be entitled to a trial period, normally of not more than four calendar weeks, although this may be extended for the purposes of re-training (see section 17 of the main procedure). If the trial period is unsuccessful, the employee shall return to his/her substantive post for the remaining period of their contract of employment.
- 16.6 During the first three months of employment in the new job, the employee, his/her representative (if applicable), the previous and new line manager and the Redeployment Link Person should meet every four weeks to review the employee's progress. If any concerns are raised these will need to be considered and decisions should be made regarding what further steps to take.
- 16.7 If any additional training or support is required to enable the employee to become fully accustomed to his/her new job this should, where possible, be arranged within the three month period.

17. Funding Arrangements

- 17.1 All redeployment costs will be funded from departmental revenue budgets, unless specific central funds are available for this purpose, as specified by the Chief Financial Officer. Where central funds are not available to fund redeployments, the funding arrangements shall be as follows:
 - The transferring department funds all costs of protection, (where this applies, including during trial periods), arising from the application of the Council's Pay Protection Policy. Where a whole service is closed, such costs should be dealt with as a cost of closure;
 - The receiving department funds all training costs unless there are substantial additional training costs arising from a change of career or department, in which case these costs should be met by the transferring department;
 - The costs associated with trial periods (except the costs of pay protection – see above) shall be shared equally between the receiving and transferring departments unless the trial period exceeds 2 months, in which case the funding of the trial period beyond 2 months will be dealt with on an individual basis;
 - The receiving department funds all other costs associated with the new member of staff;
 - The apportionment of costs set out above may be varied providing both departments agree.

APPENDIX 3

REDUNDANCY SELECTION CRITERIA

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Employee Information Sheet	Appendix 3c
Quick Guide	Appendix 3d
Timetable	Appendix 3e

REDUNDANCY SELECTION CRITERIA

1. Qualifications

This will consider the essential and desirable qualifications in accordance with the requirements for the post, professional and academic qualifications and certified training in areas relevant to the job.

2. Specialist Subject Knowledge and Responsibility

This will consider specialist knowledge and level of responsibility in areas of work that are most relevant to the post and which form a key element in the performance of the service.

Attendance at in-house training courses, evidence of relevant continuous personal development and the application of learning outcomes to the benefit of the service may be indicators of the specialist knowledge opportunities or how it is used.

There may be other evidence of the employee's wider expertise or levels of responsibility in sharing and developing knowledge by leading or participating in projects / other areas of work. For example, training, staff supervision, strategy, leadership, etc.

Assessment will be based on factual, relevant evidence supported by the employee's personal file and the line manager's knowledge of wider service application of qualifications, specialist knowledge and levels of responsibility.

3. Overall Performance

This will consider performance in the current role relevant to the requirements of the post. Criteria identified in section 2, (specialist subject knowledge and responsibility) would also give an indication of key performance areas. Where possible, and appropriate, there should be objective evidence such as supervision notes, capability records, appraisal records, or any other relevant documentation.

The assessment will incorporate, where possible:

- Performance targets
- Quality and accuracy of work
- Contribution to the service
- Performance delivery and improvement
- Flexibility and willingness to undertake a range of relevant duties
- Feedback and evaluation from customers, for example compliments and complaints
- Other performance related factors, such as completion of specific tasks and/or projects, meeting targets and deadlines, etc.
- Overall management assessment

4. Skills – Additional and Relevant

List in the table the specialist skills and abilities, relevant to the role. To assist, this information may be obtained from the person specification. For example, facilitation skills, communication skills, team work skills.

5. Discipline

Live warnings only should be used; others should be discounted.

Points	Criteria
10	No record
7.5	Informal Guidance (issued in the last 6 months)
5	Verbal Warning
2.5	First written Warning
0	Final written Warning

6. Absence and Sickness Record

This will be based on an assessment against the employee's sickness and attendance record over the last 2 full financial years plus the current year to agreed date. Shorter periods of employment will be assessed on a pro rata basis. Please ensure you are aware of the reasons for the absence.

Only absences related to sickness or unauthorised absences will be included. Authorised absences will be excluded.

Disability related sickness absence will be excluded.

Sickness that is specifically related to pregnancy will be excluded.

Any further queries regarding specific sickness absence instances should be raised and discussed with Human Resources.

Criteria/Scoring for Absence/Sickness

(A) + (B) = total number to be added to overall score

Working Weeks Absence (5 days per week)	Score (A)
None	5
Less than 5 days / 1 week	4
5 days/1 week but less than 10 days / 2 weeks	3
10 days / 2 weeks but less than 15 days / 3 weeks	2
15 days / 3 weeks but less than 20 days / 4 weeks	1
20 days / 4 weeks +	0

Occasions	Score (B)
0	5
1	4.5
2	4
3	3.5
4	3
5	2.5
6	2
7	1.5
8	1
9	0.5
10 or more	0

Examples

1. Employee has one long term absence of 26 days (one occasion)

26 days	0 points
1 occasion	<u>4.5 points</u>
Total	4.5 points

2. Employee has 2 days absence followed by 3 days later on followed by a 1 day absence. A total of 6 days on 3 occasions

6 days	3 points
3 occasions	<u>3.5 points</u>
Total	6.5 points

3. Employee has a number of one and two day absences 1 day then 2 days followed by 1 day, 2 days, 1 day then a further single day totalling 8 days on 6 occasions.

8 days	3 points
6 occasions	<u>2 points</u>
	5 points

Criteria and Scoring Methodology

- | | | |
|----|-----|---|
| 1. | 10% | Qualifications |
| 2. | 15% | Specialist knowledge and responsibility |
| 3. | 40% | Overall performance in current role |
| 4. | 25% | Skills – relevant and up to date |
| 5. | 5% | Discipline record |
| 6. | 5% | Absence/sickness record |

Criteria/Scoring

Use the scores as illustrated below – DO NOT split the scoring.

Criteria	Level 5	Level 4	Level 3	Level 2	Level 1
1. Qualifications – relevant	20	15	10	0	
2. Specialist knowledge	30	20	10	0	
3. Overall performance	80	60	40	20	10
4. Skills – additional/ relevant	50	40	30	20	10
5. Discipline	10	7.5	5	2.5	0
6. Absence/ Sickness record	See tables below				

- Level 5 = far exceeds the requirements of the post
Level 4 = meets higher than the requirements of the post
Level 3 = meets the requirements of the post
Level 2 = meets less than the requirements of the post
Level 1 = meets significantly few or none of the requirements of the post

Tie-break

10. In the event of a tie-break between employees then length of service with Hartlepool Borough Council will be used, with the person selected for redundancy having the least service. Previous service recognised under the redundancy modification order will not be considered.



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Redundancy Selection Panel Employee Record Form	
Employee Name _____	Job title _____
Department _____	Division/Service _____
Date of Panel _____	

1) Qualifications

List in the table below, the essential, desirable, professional, academic qualifications and certified training requirements which are all **relevant** to the job. To assist this information may be obtained from the person specification / job evaluation documents.

Additional professional, academic qualifications and certified training requirements which are **relevant** to the job may be listed below to evidence the allocation of a higher score.

Level 1	Level 2 (0 points)	Level 3 (10 points)	Level 4 (15 points)	Level 5 (20 points)
	<i>Does not meet essential criteria</i>	<i>Meets essential criteria</i>	<i>Meets key desirable criteria (identify key criteria)</i>	<i>Exceeds key desirable criteria</i>
<i>Not used</i>	<i>Please comment</i>	<i>Please list</i>	<i>Please list</i>	<i>Please list</i>
Score				

2) Specialist Subject Knowledge and Responsibility

List in the table below the key areas of specialist knowledge and level of responsibility required for the role. Additional criteria you have identified which is **relevant** to the job may be listed below to evidence the allocation of a higher score. To assist information can be obtained from the person specification, development scheme, job evaluation profile and through continuous professional development.

Level 1	Level 2 (0 points) <i>Does not meet essential criteria</i>	Level 3 (10 points) <i>Meets essential criteria</i>	Level 4 (20 points) <i>Meets key desirable criteria (identify key criteria)</i>	Level 5 (30 points) <i>Exceeds key desirable criteria</i>
Not used	<i>Please comment</i>	<i>List criteria and level of responsibility</i>	<i>List criteria and level of responsibility</i>	<i>List criteria and level of responsibility</i>
Score				

3) Overall Performance

List in the table below the key performance criteria relevant to the job.

This will consider performance in the current role relevant to the requirements of the post. Criteria identified in section 2, (specialist subject knowledge and responsibility) would also give an indication of key performance areas. Where possible there should be objective evidence such as appraisal records, supervision notes, capability records, or any other relevant documentation.

The assessment should incorporate, where possible:

- Performance targets
- Quality and accuracy of work
- Contribution to the service
- Performance delivery and improvement
- Flexibility and willingness to undertake a range of relevant duties
- Overall management assessment
- Feedback and evaluation from customers, for example compliments and complaints
- Other performance related factors, such as completion of specific tasks and/or projects, meeting targets and deadlines, etc.

Level 5 = far exceeds the requirements of the post

Level 4 = meets higher than the requirements of the post

Level 3 = meets the requirements of the post

Level 2 = meets less than the requirements of the post

Level 1 = meets significantly few or none of the requirements of the post

Overall Performance <i>Only identify key performance criteria relevant to the job</i>	Level 1 (10 points)	Level 2 (20 points)	Level 3 (40 points)	Level 4 (60 points)	Level 5 (80 points)

To score please divide the overall total score by the number of criteria used.

Total Score

4) Skills and Abilities – Additional and also Relevant

List in the table below the specialist skills and abilities relevant to the role. To assist, this information may be obtained from the person specification.

- Level 5 = far exceeds the requirements of the post
Level 4 = meets higher than the requirements of the post
Level 3 = meets the requirements of the post
Level 2 = meets less than the requirements of the post
Level 1 = meets significantly few or none of the requirements of the post

Skills Required for the role (additional and also relevant)	Level 1 (10 points)	Level 2 (20 points)	Level 3 (30 points)	Level 4 (40 points)	Level 5 (50 points)

To score please divide the overall total score by the number of criteria used.

Total score

5) Discipline

Live warnings should only be used; others should be discounted

Points	Criteria
10	No record
7.5	Informal Guidance (issued in the last 6 months)
5	Verbal Warning
2.5	First Written Warning
0	Final Written Warning

Total Score

6) Absence and Sickness Record

Remember to discount pregnancy and disability related absences.

Working Weeks Absence (5 days per week)	Score (A)
None	5
Less than 5 days / 1 week	4
5 days/1 week but less than 10 days / 2 weeks	3
10 days / 2 weeks but less than 15 days / 3 weeks	2
15 days / 3 weeks but less than 20 days / 4 weeks	1
20 days / 4 weeks +	0

Occasions	Score (B)
0	5
1	4.5
2	4
3	3.5
4	3
5	2.5
6	2
7	1.5
8	1
9	0.5
10 or more	0

(A) + (B) = total number to be added to overall score

Total Sickness Score

Overall Total Score

Criteria	Additional Notes	
1. Qualifications		
2. Specialist Knowledge & Responsibility		
3. Overall Performance		
4. Skills		
5. Discipline Record		
6. Absence / Sickness Record		
<u>Summary Feedback for Employee (if unsuccessful)</u>		
Panel Member Name	Job Title	Signature

Redundancy Selection Decision given verbally to Employee
by Manager (This must be given, where possible, within 24 hours of decision being made)

Date

Letter confirming decision and appeal process sent to Employee
(This must be within 5 days of a decision being made)

Date

REDUNDANCY MATRIX (SCORING ASSESSMENT)

EMPLOYEE NUMBER	SELECTION CRITERIA						
	1	2	3	4	5	6	SCORE
1							
2							
3							
4							
5							
6							
7							
8							
9							
10							

Signed.....(Panel Member)

Signed.....(Panel Member)

Signed.....(Panel Member)

Signed.....(HR Rep to Panel)

Date

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EMPLOYEE INFORMATION FORM

You have complete assurance that the information provided will be treated with strict confidentiality by the selection panel. Please ensure all sections are complete.

Note: for additional guidance on completion please refer to Appendix 3a.

SURNAME	FORENAME(S)
Home Address	Home Telephone No
	Mobile Telephone No
Post Code	Work Telephone No (where applicable)

EMPLOYING DEPARTMENT / DIVISION	Date commenced current post
Department / Division	Job Title
Service	Hours of Work

SUMMARISE YOUR MAIN DUTIES & RESPONSIBILITIES	

QUALIFICATIONS – SUMMARY (1) If proof of qualification is not held on your personal file then you will be required to submit a copy of your qualification.

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Specialist Subject Knowledge and Responsibility: (2)

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Overall Performance (3):

Skills – Additional and Relevant (4)**Discipline Record** (where appropriate) (HR will provide this information if not available in service area) **(5)****Summary of Absence and Sickness record for last 2 financial years (Apr to Mar) plus current year** (where appropriate) (HR will provide this information if not available in service area) Please identify clearly if any absences are disability or pregnancy related. **(6)**

Additional Information: Please summarise any additional information you may wish to add in support of your application (you can submit additional sheets if necessary)

Signed:Date:

Please return the form as early as possible and by the specified date

Guide to the Process

- At least 10 working days before the meeting of the selection panel each 'pooled' employee will be issued by the appropriate manager a copy of the Redundancy Selection Criteria (Appendix 3a), and a Redundancy Selection Criteria Employee Information Form (Appendix 3c) to be completed by the employee and returned by a specified date (no less than 5 working days). There needs to be enough time identified for the appropriate manager to verify ALL the information submitted by the employee by cross checking against information held. If the Employee Information Form is not completed or returned then the selection panel can score the employee on all relevant information that is available. Where an employee is not at work then all attempts should be made to give an opportunity for them to complete and return the form.
- The selection panel will consider each employee in the pool against the job description and person specification for the post and current post requirements relating to the criteria set for redundancy selection. Each individual will be scored separately against the criteria and not against each other. The panel selection process does not involve an interview.
- The form submitted will be assessed against the criteria at Appendix 3a along with appropriate information held, for example, on the employee's personal file and information as advised by the line manager(s) or senior managers.
- The employee(s) receiving the lowest marks will be nominated for redundancy.
- The panel will keep confidential the scoring sheets for all pooled employees.
- Employees nominated for redundancy will be notified verbally, of the decision, by the appropriate manager, within 24 hours where possible, and informed that they have the opportunity of attending a pre-scheduled Redundancy Selection Outcome meeting with the manager, Human Resources and the employee representative (if represented). The purpose of this meeting is to provide the employee with the opportunity to seek clarity, raise queries or concerns relating to their selection.
- The manager will ensure the employee receives a copy of their score sheet at least 2 working days prior to the scheduled Redundancy Selection Outcome meeting. If the employee does not wish to attend this meeting they will still receive a copy of their score sheet.
- Employees not nominated for redundancy will receive in writing a letter informing them that they are no longer at risk of redundancy, subject to the outcome of any appeal which may be submitted by an employee selected.
- ***The appropriate Chief Officer will issue those employees nominated for redundancy their notice of redundancy following Member approval, as advised by Human Resources.***

Timetable

Date	Action
	Selection panel meeting(s) set up with Independent Manager, nominated Manager(s) and HR Representative to score employees and complete the Record Form.
	Redundancy Selection Outcome meeting date, time and venue pre-scheduled with nominated manager, HR representative, employee and representative (where represented). The nominated manager must ensure the employee has a copy of their score sheet 2 days before the Outcome meeting.
	Issue Redundancy Selection Criteria Employee Information Record Form at least 10 working days prior to the panel date
	Employee returns the Redundancy Selection Criteria Employee Information Record to the nominated manager at least 5 working days prior to the panel date
	The nominated manager must check the validity of the information provided by the employee, including absence information.
	Following selection the nominated manager notifies the employees of the decision within 24 hours (where possible) notifying the selected employee of the scheduled Redundancy Selection Outcome meeting date
	The manager will ensure the selected employee receives a copy of their score sheet at least 2 working days prior to the scheduled Redundancy Selection Outcome meeting.
	The nominated manager will write all employees to confirm the outcome of the process, subject to the outcome of an appeal by any employee selected.
	Human Resources will then advise the manager of the next steps relating to redeployment and redundancy notices.

Appendix 4

Appeals against Redundancy Dismissal

Constitution of Appeals Committee

Appeals against redundancy dismissal are heard by a duly convened and quorate Appeals and Staffing Committee of the Council. The Constitution defines the make up of the Committee and how many Members constitute a quorum.

Members who have had any direct prior involvement in the case will be excluded from sitting. A Human Resource Representative will attend appeals against redundancy dismissal to provide advice (including procedural and employment law advice) to the Committee and to assist Members generally in establishing the arguments and facts being presented to them.

Normal Council Democratic Services support will be provided to the Committee. The Democratic Services Officer shall record the decision of the Committee but is not present to provide any form of advice other than on administrative matters.

Written Statements

Both management and the employee will be invited to submit written statements of case which will be forwarded to Committee Members by the notified report deadline. Where both parties have provided statements these will also be exchanged at the same time. If one party does not produce a statement, they will receive the other party's statement as early as practicable or on the day of the hearing.

Within 3 days of the hearing both the management representative and the employee must notify the Human Resource Representative advising the Committee, of the names of any witnesses that will be called to support their case. The names of these individuals will be notified to both parties in advance of the hearing.

Representation and Attendance

The normal procedure will be for the Employee plus their Representative, and the dismissing Chief Officer, the relevant Service Manager, plus a Human Resources representative, to attend the hearing and present their cases. Witnesses will be called in turn, to give evidence and will then leave the hearing. It is at the discretion of the Committee to permit either party to bring additional representatives/managers and to decide whether they may attend in an observer or participant capacity.

Decisions

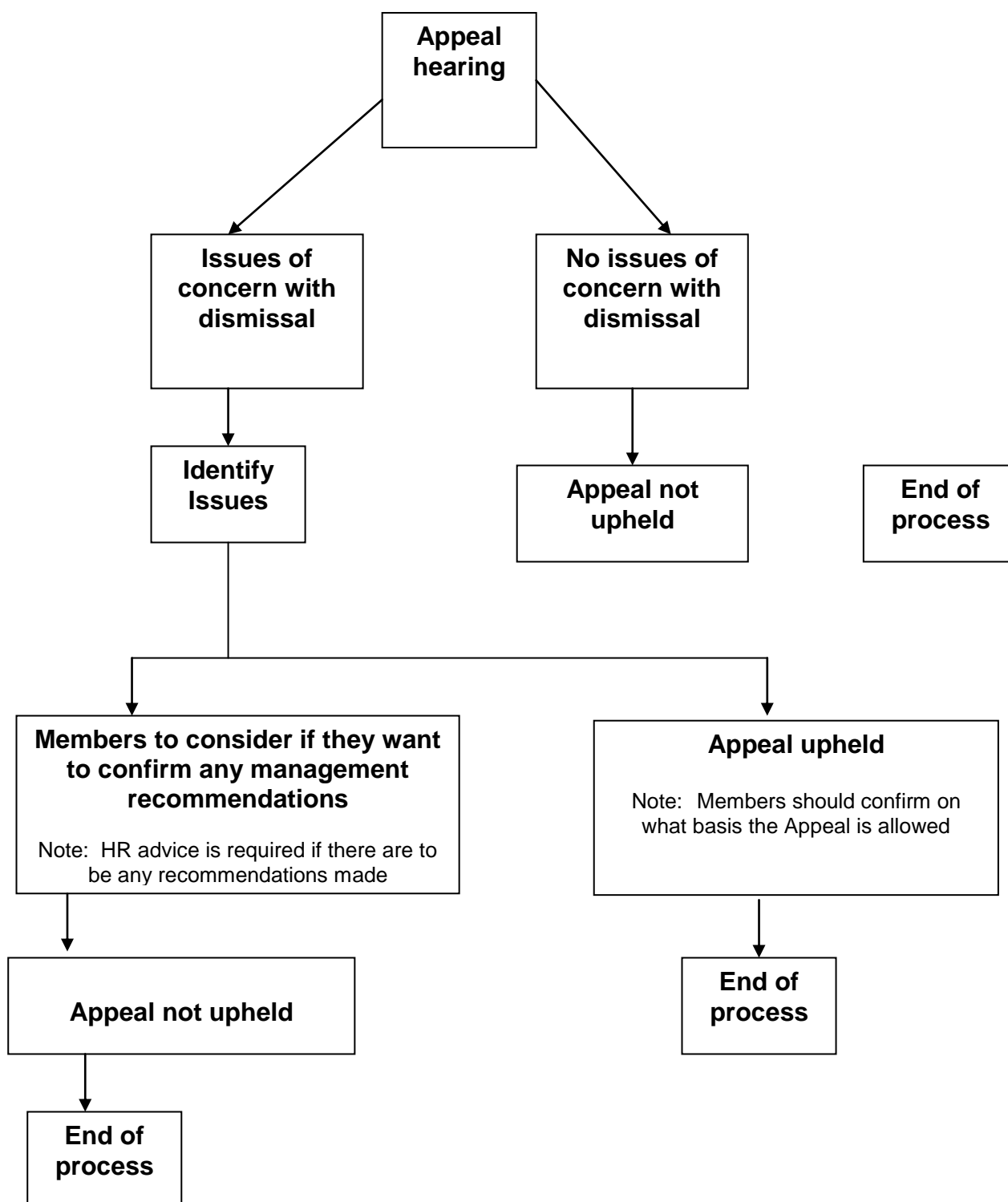
Decisions generally will fall into two categories, namely:

- (a)** Appeal Not Upheld: not allowing the appeal in which case the employee's redundancy dismissal is confirmed.
- (b)** Appeal Upheld: allowing the appeal. Members should confirm on what basis the appeal is allowed.

Members should refer to the process flowchart in this procedure (Flowchart 1: Guide for Members / Appeals against Redundancy Dismissal Process) below.

The Appeals and Staffing Committee shall give its decision in full detail in the presence of both parties and the Human Resources Representative advising the Committee, and clarification may be sought by any party.

Flowchart 1: Guide for Members / Appeals against Redundancy Dismissal Process



Guide to the format of the Hearing

The procedure will be as follows: -

Management Case

1. The Management Representative and/or Human Resource Representative shall state the case.
2. The Management Representative and/or Human Resource Representative may call witnesses and the procedure for questioning each witness shall be:
 - Management and/or Human Resource Representative to question
 - Employee and/or Representative to question
 - Each Member of the Committee and the Human Resource Representative advising the panel, to be invited to ask any questions
 - Management and/or Human Resource Representative to re-examine
 - Witness to retire
3. The Employee or Representative may ask questions of the Management Representative and/or Human Resource Representative.
4. The Committee Members and the Human Resource Representative advising the panel may ask questions of the Management Representatives and/or Human Resource Representative

Employee Case / Response

5. The Employee or Representative shall state the case.
6. The Employee or Representative may call witnesses and the procedure for questioning each witness shall be:
 - Employee and/or Representative to question.
 - Management representative and/or Human Resource Representative to question.
 - Each Member of the Committee and the Human Resource Representative advising the panel to be invited to ask any questions.
 - Employee and/or Representative to re-examine.
 - Witness to retire
7. The Management Representative and/or Human Resource Representative may ask questions of the Employee.
8. The Committee Members and the Human Resource Representative advising the panel, may ask questions of the employee and/or representative.

Summing Up

9. The Management Representative and/or Human Resource Representative to have the opportunity to sum up the case, if they choose to.
10. The Employee and/or Representative to have the opportunity to sum up the case, if they choose to.

11. The Management Representative and Human Resource Representative, the Employee and Representative to withdraw.
12. The Committee to deliberate in private with only the Human Resource Representative to the panel, and Democratic Services Officer in attendance recalling the Management Representative, Human Resource Representative, the Employee and Representative only if clarification of evidence already given is required. In such instances all parties should be recalled even though clarification may be required from only one party.

Decision

13. The Committee shall announce its decision to both parties unless further time for deliberation is needed; in which case both parties will be advised of this.
14. The decision of the Committee and the terms of this will be notified to both parties in writing within 7 calendar days of the hearing.

General Notes

1. The provision for summing up at (9) and (10) does not include the right to introduce new evidence at this stage in the procedure. If this becomes necessary, then the other party should be given the right of reply.
2. Any matters not covered by the above procedure will be for the Committee to determine.
3. The Employee Representative must be a Trade Union representative or colleague from work.
4. When advising the Committee, the Human Resource Representative shall not have had any involvement in the original decision to dismiss.