

EMPLOYMENT STABILITY POLICY

1. Scope

- 1.1 This Scheme applies to all categories of employees of the Council under the age of 65 except those on special contractual arrangements. For school based staff, the principles contained in this policy should be applied, but agreement from the governing body will be required.

2. Principles

- 2.1 Milton Keynes Council is required to evolve and develop its management structure with regard to the ever-changing demands and responsibilities placed on it. These changes are inevitable and to a lesser or greater extent they will have an impact on the existing work practices of all employees.
- 2.2 The Council is committed to doing its utmost to manage such changes in ways which minimise the effect on employees. It is the Council's belief that security is important for job performance and all reasonable measures to ensure continuity of employment will be taken. This procedure exists to set guidelines for handling significant job changes and redundancies in order to achieve the maximum level of employment stability.
- 2.3 This policy gives the procedures to be followed in order to avoid unnecessary costs to the Council by way of redundancy and early retirements, including manpower planning, redeployment, restructuring and the formal procedure to follow in cases of redundancy.
- 2.4 Failure to follow this procedure could lead to the Council being liable for claims of unfair dismissal even if the Council has potentially good grounds for dismissal.

3. Human Resource Planning

- 3.1 Human resource (HR) planning is the process by which an organisation identifies who is required to carry out the work in order to meet it's business objectives. In order to do this the following information needs to be determined:

- (a) the number of jobs which will exist if the organisation is to achieve its objectives, together with the skills and knowledge which the job holders will be expected to have if those objectives are to be met successfully; and
- (b) the skills and knowledge that already exist in the organisation and how they might be deployed in the short, medium and long term future;

When planning, the needs and wishes of each employee should be considered as far as is practicable, together with other relevant information such as the turnover of employees within different service areas, staff shortages, potential for management development and any initiatives that have been identified within the organisation that may impact on staffing levels, eg Best Value, new technology.

3.2 Accurate HR planning is difficult to carry out. Within the Council, management is responsible for deciding the size and most efficient use of the workforce. By carefully developing a strategy for managing human resources, disruption to the Council's performance can be minimised, job losses avoided or reduced and the process of change eased. Effective human resource planning, both within the Directorates and Council wide, can help to determine existing and future staffing needs. In turn this can lead to an improvement in job security for employees and the avoidance of short-term solutions which are inconsistent with longer-term needs.

3.3 Where circumstances involve the deletion of posts, advance plans will be made wherever possible for the re-deployment or re-location for employees who wish to remain in the employment of Milton Keynes Council. The aim will always be to reduce the number of compulsory redundancies.

3.4 Following formal notification/consultation all of the following avoidance measures will be given detailed consideration:

- (a) Transfer to other work.
- (b) Recruitment restrictions including giving potentially redundant employees priority in filling vacancies.
- (c) Retirement of employees over normal retirement age.
- (d) Reductions in overtime.
- (e) Reduction in use of temporary staff.
- (f) Short term working to cover temporary fluctuations in workload.
- (g) Re-training.
- (h) Job sharing.

(i) Voluntary early retirement.

(j) Voluntary redundancy.

4. Redeployment

4.1 Redeployment Procedure

Employees can be in a redeployment situation as a result of a service reduction exercise, personal health needs or a personal relationship. This procedure should be followed in all cases.

ACTION

1. Identify Post Holders for redeployment. This may include employees currently under notice of redundancy and those in service areas where reductions in staffing levels have been agreed. Head of Service in consultation with Senior Human Resource Officer - Operations (SHRO)
2. Consult Trade Unions and affected staff and inform appropriate Human Resources Officer (HRO). Head of Service
3. Provide support and advice for employee, invite to complete a redeployment application form, and keep updated with details of current vacancies. Career counselling and skills identification to ascertain preferences and training requirements. HRO
4. Provide redeployees with full details of available training offered. HRO
5. Match redeployees to suitable posts, taking account of the individual's potential to acquire within a reasonable period the necessary skills deemed to be essential on the person specification and their ability to undertake the new duties and responsibilities. HRO in consultation with appropriate recruiting manager
6. In arranging redeployment the following factors will be taken into account: HRO and recruiting manager
 - (a) skills/experience deemed essential for post
 - (b) grade and status of the post
 - (c) retraining
 - (d) domestic circumstances
 - (e) personal interests
 - (f) protection of salary where the employee has been redeployed to a lower graded post

(g) equality issues

7. There will be a detailed assessment of the employee's training and development in relation to the new post. Recruiting manager and HRO
A training and development programme, over a realistic time-scale, will be drawn up. This will require commitment from both management and the employee and will include specific job training either on or off the job in the new location.
8. Limited competition between redeployees will apply as far as practicably possible to ensure equality of opportunity and equity of treatment. However the avoidance of the compulsory redundancy will always take precedence over the creation of promotional opportunities. Head of Human Resources
9. If necessary an employee should be encouraged to accept redeployment on a temporary basis pending suitable alternative and permanent arrangements. Recruiting manager/HRO
Trade unions
When locating employees to temporary work consideration will be given to:
- (a) the value of the work to retention, permanent redeployment and prospects of that employee;
 - (b) before the temporary placement is commenced, informing the post holder of the duties to be performed and the length of time of the placement, minimum 4 weeks maximum 3 months. Such redeployment should be achieved with the agreement of the individual. Appropriate trade unions will be consulted and asked to assist in resolving any differences.

4.2 Guidance Notes for Redeployment:

- 4.2.1 Lack of qualifications or experience will not normally be grounds for unsuitability, provided that the basic skills can be acquired within 6 months of the transfer date.
- 4.2.2 The avoidance of redundancy will always take precedence over promotion.
- 4.2.3 An offer of alternative employment must be made in writing, even where the employer believes that it may be rejected. This offer should show how the new employment differs from the old and by law must be made before the 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.
- 4.2.4 Under legislation, an employee who is under notice of redundancy has a statutory right to a trial period of 4 weeks in an alternative job where the provisions of the new contract

differ from the original contract, the period to begin when the previous contract has ended. The effect of the trial period is to give both the employee and the employer a chance to decide whether the new job is suitable without necessarily the employee losing the right to a redundancy payment. The 4-week trial period can only be extended for the purpose of retraining the employee by an agreement, in writing, specifying the date on which the trial period ends and sets out the employees terms and conditions after it ends. It is the Council's practice to extend this up to a maximum of 6 months.

- 4.2.5 If the employee works beyond the end of the 4-week period or the jointly agreed extended period any redundancy entitlement will be lost because the employee will be deemed to have accepted the new employment. The employee should be made aware of this when the alternative job offer is made.
- 4.2.6 If the employer wishes to end the new contract within 4 weeks for a reason connected with the new job, the employee will preserve the right to a redundancy payment under the old contract. If the dismissal was due to a reason unconnected with redundancy, the employer may lose that entitlement.
- 4.2.7 An employee who agrees to transfer to another post as an alternative to redundancy and is accepted as suitable by management will be provided with the appropriate training. The cost of training will be met by the directorate from which the employee was displaced.
- 4.2.8 In determining whether retraining is a viable option, it is reasonable to consider all of the following:- the current vacancy position, the skills and potential of the employees, the available training resources, the amount of training required and the Council's ability to cope with the shortfall in performance whilst the desired standard is reached.
- 4.2.9 An employee who unreasonably refuses an offer of suitable alternative employment, with or without a trial period being worked, may lose any entitlement to redundancy pay. Unreasonable refusal may arise where the differences between the new and old jobs are negligible or where the employee assumes rather than investigates the changes that a new job might involve, for example travelling time or working conditions. Refusal may be reasonable if the new job would cause domestic upheaval, for example if there was a considerable change in working hours. The HRO will advise as to whether a job offer would be likely to constitute suitable alternative employment.
- 4.2.10 Any employee who is in a redeployment situation for a reason other than their post being redundant will not be entitled to a redundancy payment.

4.3 Assimilation of Employees to Revised Structures

4.3.1 In order to bring about the smooth transition from an existing structure to a new structure, the following procedure has been developed. It's aim is to ensure a fair and consistent approach to the selection of employees in the new structure and so minimise uncertainty and disruption to all those affected.

4.3.2 Throughout the period of restructuring, employees will be kept regularly informed by their manager of developments and stages in the recruitment and selection programme. Employees should be given every opportunity to discuss queries or concerns with their manager.

4.3.3 Procedure:

- ◆ Permanent members of staff, those on fixed term contract with at least one year's service by the date of intended appointment and those whose job is considered to be at risk will be given prior consideration in selection for permanent posts within the new structure.
- ◆ Initially, employees will only be able to be considered for a post within their current service area.
- ◆ It may not be appropriate to advertise all posts. This is because, for certain posts, the grades of the new and existing posts may be similar, the duties may be broadly the same and there may be at least the same number of posts as potential applicants.

An employee selected in this way will be offered the new position and given the timing of the appointment.

- It may not always be possible to identify clearly the best candidate, on the basis of the above assessment. There may be more eligible candidates (once the above assessment has been carried out) than posts or the new post may be on a higher grade and require different skills.

If this is the case, the new posts will be advertised and employees will be invited to apply using a special application form, which will help identify their up-to-date experience and skills. Appointments will be made in accordance with the Council's Recruitment and Selection procedure.

- Appointments will be made from the top of the new structure downwards.

4.4 Application of Salary Protection

4.4.1 Salary protection will only apply in cases of redeployment in order to avoid a redundancy situation. It will not apply in cases of redeployment due to ill health or personal relationships.

4.4.2 In circumstances where the employee agrees to be redeployed to a post of one grade lower, arrangements for the protection of earnings will be specified as follows: -

- (a) Salary in the redundant post is to be fully protected for a minimum of three years, effective from the date of appointment in the redeployed post. The protected salary is to be increased in line with the cost of living award annually. Incremental progression must not be taken into account, as protection applies only to the actual spinal column point as at the commencement of protection.
- (b) Years 4, 5 and 6 percentage increases only to be applied. Increases 75%, 50% and 33% respectively to be applied. In year 7 no increase to be applied to the protected salary to bring both salaries into line.
- (c) Where an employee chooses to accept a post more than one grade below their existing post there will be no salary protection. They will be placed on an appropriate point of the scale, taking account of their skills and ability, together with the salaries of other employees in the work group.
- (d) Contractual allowances which exist in the redundant post, but are not a contractual feature of the new post, are not protected. The aim of the policy is to protect the major financial component of the remuneration i.e. salary, which in the majority of cases is likely to be the one and only financial element. If for example, contractual overtime was featured in both the redundant and redeployed post, the hourly rate derived from the annual salary would be protected. Allowances such as shift and irregular hours which are not present in the redeployed post would not be protected.
- (e) In line with the Single Status Agreement of April 1998, lease cars and lease car compensation will remain protected on a personal basis. This means that employees currently with lease cars would continue to be entitled to a car until their current lease expires at which time they would continue to receive a compensatory payment based on the lease car payment and insurance. These payments would continue until they leave the Council through resignation, retirement or redundancy, or where they apply and are successful in obtaining promotion and the benefit of the lease car is exceeded by the immediate salary increase. Whilst in receipt of lease car compensation, mileage will be paid at the lease rate.
- (f) Where protection applies, employees must be placed on the maximum spinal column point in the redeployed post. The protection element will then be calculated and shown as an allowance.

4.4.3 Where an individual is redeployed into a temporary post and their contract is terminated within the first year, their redundancy payment would be paid by the originating directorate. After this period, any redundancy payment falls to the new directorate.

- 4.4.4 Where there is protection of salary resulting from a redeployment, the cost of this is borne by the originating directorate. It is expected that any employee on a protected salary would be encouraged by their manager to seek to regain a post at their substantive grade at the earliest opportunity.

5.0 Redundancy

5.1 Definition of Redundancy

Under the Employment Rights Act 1996, redundancy arises when employees are dismissed in the following circumstances:

- (a) where the Council has ceased, or intends to cease, to carry on the business for the purposes of which the employee was employed; or
- (b) where the Council has ceased, or intends to cease, to carry on the business at the place where the employee was so employed; or
- (c) where requirements of the Council for employees to carry out work of a particular kind have ceased or diminished, or are expected to cease or diminish; or
- (d) where the requirements of the Council for employees to carry out work of a particular kind, in the place where they are so employed, have ceased or diminished or are expected to cease or diminish.

- 5.1.2 This definition of 'redundancy' is that used to establish entitlement to redundancy payments. The definition for purposes of the right to be consulted differs from that used for redundancy purposes. The legislation defines 'redundancy' for consultation purposes as "dismissal for a reason not related to the individual concerned or for a number of reasons all of which are not so related." This definition is wider and might include, for example, a situation where dismissals are not related to the conduct or capability of individuals but are part of a reorganisation where there is no reduction in the overall numbers employed because the employer has recruited new staff.

5.2 Redundancy Selection Procedure

5.2.1 General principles:

- (a) The numbers of employees and their location should be identified for the final selection for redundancy.
- (b) Redundancy pooling may be necessary to avoid the application of otherwise fair redundancy selection criteria to the wrong employees. For guiding principles for the formulation of redundancy pools see paragraph 5.5.
- (c) Where early retirees or volunteers for redundancy can be found these posts will become ring-fenced redeployment opportunities for displaced employees. Where

'bumping' of this nature occurs approval cannot be given to the departure of the volunteer until the complete structure has been filled and it is clear that a net reduction/saving has been made.

- (d) If as a result of the size of the reduction required a restructuring of the remaining work area is necessary, then all posts affected by that restructuring will form the unit of selection.
- (e) The selection of the individuals for redundancy will be made with the aid of a completed Redundancy Selection pro forma for each post-holder in each 'pool' by comparing knowledge and skill, aptitude, job performance and attendance record to retain the best individuals for the remaining posts. The selection will also be subject to an analysis of the equal opportunities implications of the proposed selections. Details of selection criteria are given at paragraph 5.6.
- (f) All other things being equal, length of service with the Council will determine final selection for redundancy.
- (g) Following completion of the final list of redundant employees, the redeployment procedure will be implemented (see paragraph 4).

5.3 Payment to Redundant Employees

5.3.1 The following applies in instances of both compulsory and voluntary redundancy: -

An employee who is dismissed for redundancy will be entitled to redundancy payment providing he/she is over the age of 18 and has two years or more continuous service with the recognised bodies. Service before the age of 18 does not count.

5.3.2 Payments are based on an individual's age and length of continuous service, up to the maximum of 20 years' service based on the following bands: -

For each completed year's service this equates to:

Service between Ages	Entitlement
18 to 21	Half a week's pay per year
22 to 40	One week's pay per year
41 to 65	One and a half week's pay per year (an individual's redundancy payment is reduced by 1/12 th for every month past their 64 th birthday).

5.3.3 A week's pay is that which the employee is entitled to under the terms of their contract at the date on which the employer gives the employee the minimum notice to which they are legally entitled. If the employee's pay varies from week to week, the amount of the

week's pay is averaged over the 12 weeks prior to notice being given. There is a maximum statutory limit on the amount of a week's pay that may be reckoned (£220 per week as at 1st April 1999).

- 5.3.4 It is the Council's practice to exercise its discretion and waive this maximum limit and base redundancy payments on actual weekly pay. This policy is subject to regular review.

5.4 Voluntary Redundancy

- 5.4.1 Where more volunteers come forward than are required selection will be made, using the selection criteria set out in paragraph 5.6, by management following consultation with the appropriate employees and trade unions officials. Consideration must also be given to the effect on each employee of their application for redundancy being turned down.

5.4.2 Employees aged under 50

There is no provision for payment for those under the age of 50 who wish to leave the Council's employ on grounds of the interest of the service.

However, should any employee wish to take voluntary redundancy and not have attained age 50, a redundancy payment will be made if as a consequence of a person's premature and voluntary departure, the Council is able to effect financial economies providing a redundancy situation exists. The payment is calculated by taking account of the continuous Local Government Service, age and actual weekly wage.

Pensionable service attained prior to departure would result in pension and lump sum benefits being deferred until normal retirement age.

5.4.3 Employees Aged 50 or over

Employees who have attained the age of 50 are entitled to immediate payment of pension and lump sum if early retirement on the grounds of redundancy or efficiency is agreed by the Council, subject to a minimum of two years pensionable service.

In addition the Council exercises discretion given under the Local Government Pension Regulations for the enhancement of Pension benefits including all continuous Local Government pensionable service. This can result in enhancements up to a maximum of 6 2/3 years being granted, subject to age and length of pensionable service at the date of retirement. In exceptional cases, this can be extended to up to 10 years. **NOTE:** Enhancing of pensions has a continuing financial cost to the Council and are only payable as a result of the direct or indirect organisational savings being demonstrated which could not otherwise have been achieved.

5.5 Redundancy Pools

- 5.5.1 In a redundancy situation, a pool of appropriate posts will be identified from which the redundancy selection will be made. Heads of Service will be required to assess each pool member against the Council's redundancy selection criteria using a standard pro-forma.

The pro-forma will assist with ensuring the criteria are applied consistently and will facilitate objective assessment.

- 5.5.2 Heads of Service will arrange for the Directorate Finance team to provide a financial assessment in the format used for Applications for Early Retirement.
- 5.5.3 Heads of Service will discuss and justify their conclusions with the relevant Strategic Director before any employee is selected for redundancy or redeployment.
- 5.5.4 Redundancy pools should be drawn up from amongst staff affected by each specific reduction proposal across the Council. Directorates will retain responsibility for their employees, even when placed in a pool.
- 5.5.5 In some instances it will be appropriate to include staff with a proportion of similar core skills in the same pool, eg for secretarial staff on lower grades, it will be appropriate to include them in a pool with other secretarial staff and also include them in a clerical assistant pool. However, the clerical assistants would normally be confined to their own pool. The reason for this is that while the clerical assistants may not have the keyboard skills needed to undertake a secretarial role, it is likely that the a secretarial assistant could undertake the clerical role.
- 5.5.6 Normally pools will be formed from staff on the same grade whether the posts are occupied by full or part-time staff providing the duties and skills of the postholders are deemed to be reasonable similar.
- 5.5.7 Exceptionally, where managers are considering restructuring in specific service areas which could result in more than one reporting structure being affected, then all the staff affected by the restructuring should be included in the pool.

5.6 Compulsory Redundancies - Selection Criteria

5.6.1 Selection will be based on an individual analysis of the following information relating to all the affected employees:

- (a) Whether or not the employee has valuable knowledge and/or skills that may be of continuing use to the Council in another post.

A skills inventory will need to be undertaken to assess what skills individuals possess, either by way of formal qualification or practical experience, and the level of those skills, together with an assessment of the future needs of the organisation.

- (b) The attitude and aptitude assessment of the employee in relation to service provision and re-training (motivation and flexibility).

An assessment will be made of each individuals aptitude for further training in skills required by the organisation, using recognised tests where available. Also, a judgement will be made as to the individuals ability to respond to the changing nature and needs of the organisation.

An assessment will be made of an individual's attitude to his job and to the organisation, with regard to their past record. Such judgements will take into account commitment, motivation, willingness, flexibility and value to the organisation. Where possible, supporting evidence should be provided, eg Staff Development Appraisal, written examples etc.

(c) Level of performance

A judgement will be required to be made as to an individual's performance in the current job, having regard to factual information such as performance reviews, actual performance monitoring data and the quality of the work. In the absence of documented facts, assessment will be made, with regard to the known facts and observation of performance.

(d) Attendance Record

A judgement will be made, taking into account the number, nature, extent and trend of an individual's absence record, recognising that any one item considered individually can distort the real effects of the overall record of attendance. For example, one absence of 12 weeks for a broken leg could be perceived as more significant than 6 short absences for a few days for minor reasons, but in real terms the intermittent short absences are more disruptive and questionable.

(e) Equalities monitoring information

A profile of the workforce is available in respect of ethnicity, gender, disability and grade. Consistent with the Council's Equalities policy, any positive action measures previously agreed to redress the balance in the workforce will have significance in the selection for redundancy.

(f) Length of Service

Following an assessment of the criteria defined in paragraphs (a) to (e), all other things being equal, those employees with significantly more service to the Council would be given prior consideration for employment.

5.6.2 Selection must not be based on grounds of race, sex, disability or for a trade union reason. It is not permissible for example, to take the fact of an employee's pregnancy into account when selecting for redundancy.

5.6.3 Employees who are declared redundant will be afforded reasonable time off with pay to seek alternative employment. The HR Officer will provide advice on this potentially difficult area.

5.7 Redundancy Selection Appeals Procedure

5.7.1 The Advisory Conciliation and Arbitration Service (ACAS), and the Institute of Personnel and Development (IPD), advises as good management practice, the establishment of a redundancy appeals procedure.

5.7.2 Such an appeals procedure is devised only to deal with complaints from employees who feel the redundancy selection criteria have been applied unfairly in their case, or feel that they have been wrongly included in the unit of selection (the pool) or that the unit of selection has been wrongly determined. The procedure may not be used in respect of other matters associated with redundancy, for example a challenge to the principles of the composition of a pool in its entirety in a particular area or areas.

5.7.3 An advantage to such a procedure is that the complaints about selection for redundancy may be resolved internally and thus reduce the likelihood of complaints to employment tribunals.

5.7.4 This policy and procedure forms the basis of a joint agreement with the recognised trade unions.

5.7.5 The Selection Decision

The Head of Service or his/her representative is required, using a standardised pro-forma, to assess each pool member against the Council's redundancy selection criteria defined in the Employment Stability Policy. The pro-formas are designed to facilitate consistency of application and objective assessment.

Prior to any individual being finally confirmed as being selected for compulsory redundancy, the specified senior manager responsible for implementing the redundancy action will discuss and justify his/her conclusions with the appropriate Strategic Director and the Senior HRO (Operations).

5.7.6 Appeals Procedure

To register an appeal under this procedure, individuals must write to the Head of Human Resources within 10 working days of the date of notification of the potential redundancy.

5.7.7 Informal Stage

Before any formal appeals hearing is arranged the appropriate Human Resource Officer (Operations) will offer to arrange for the individual to present their appeal, informally, to the relevant Head of Service and appropriate line managers, including the manager(s) specified by the Head of Service as contributing to the original selection decision. The individual member of staff may be accompanied by a work colleague or trade union representative, who may assist with presenting the case.

Alternatively, the individual has the right to proceed straight to the formal stage of the proceedings set out below.

The appropriate Human Resource Officer (Operations) will be present and act in the advisory capacity at the hearing, and will remain at the conclusion of the hearing to advise the Head of Service in reaching a decision.

The outcome of the informal hearing, which will be conveyed verbally, will be either:-

- (a) That the individual's appeal is upheld, in which case either:

All of the individuals in the redundancy selection pool will be reassessed and a revised selection made based on the selection criteria;

or

The individual identified will be excluded from the pool (where it is accepted that they were mistakenly included in the first instance), and the staff side advised;

or

The pool will be adjusted as determined by the Appeal Panel.

OR

- (b) That the individual's appeal is not upheld, in which case the appellant will need to determine whether he/she still wishes to proceed with a formal appeal. In either event the appellant should confirm his/her decision in writing to the Head of Human Resources within 7 calendar days of the decision of the informal hearing. Every effort will be made to convene an appeals hearing as soon as possible.

5.7.8 Formal Stage

In the event of the individual wishing to proceed to the formal stage of the procedure, the Strategic Director and the Head of Human Resources or their representatives will form an Appeal Panel to hear representations from aggrieved individuals.

- (a) The concept of natural justice will apply to the conduct of the hearing
- (b) The appellant may be accompanied/represented by a work colleague or trade union representative.
- (c) The appellant and/or their representative will state their case and will be allowed to present the evidence and, if appropriate, call witnesses.
- (d) The appropriate Head of Service or his/her representative involved in the original selection decision, will be available to explain the original decision and answer questions raised by the appellant or the Appeals Panel.
- (e) The Strategic Director and the Head of Human Resources or their representative will determine the outcome and communicate it as soon as possible after the hearing, if possible verbally, but, in any event, in writing from the Strategic Director. Normally the written decision will be given within 1 working day of the hearing, but exceptionally, if there is a need to adjourn the hearing to conduct further investigations, this may not be possible.

- (f) The decision of the panel will be final
- (g) The outcome of the hearing will be either: -
 - (i) That the individuals appeal was not upheld in which case there is no further internal appeal right; or
 - (ii) That the individuals appeal is upheld; in which case either:-
 - All of the individuals in the redundancy selection pool will be reassessed and a revised selection made based on the selection criteria;
 - or
 - The individual identified will be excluded from the pool (where it is accepted that they were mistakenly included in the first instance) and the staff side advised;
 - or
 - The pool will be adjusted as determined by the Appeal Panel.

In the case of large scale redundancies and several appeals being generated, efforts will be made to organise panels sitting for a half day or a whole day to hear more than one appeal.

The lodging of the redundancy selection appeal will not in itself affect the issue of notice of redundancy letters, or halt the elapse of the notice period.

5.8 Notice

- 5.8.1 Each employee will receive a period of notice on full pay to which their Contract of Employment entitles them or notice equating to one week for each year completed year of service with the Council to a maximum of 12 weeks whichever is the greater.
- 5.8.2 An employee may wish to leave before his/her full notice period has been exhausted, where for example they have found alternative employment. Providing their resignation is within their statutory or contractual notice period (whichever is the greater), management would normally agree to this request, unless there are overriding operational reasons for insisting that the employee serves out their notice. Where an early release date is agreed there would still be entitled to a redundancy payment; the effective date of their redundancy would be brought forward. In exceptional circumstances their redundancy payment can be withheld, however an employee could complain to an employment tribunal; who would apply the test of reasonableness to the decision.

5.9 Counselling Services

The Council will provide a counselling service, in order to assist employees to cope with redundancy and to help them to find alternative employment. Redundant employees will be interviewed by a counsellor (a member of Human Resources) as early as possible

before redundancy is to be implemented. The support and advice of the counsellor will remain available on a regular basis until the redundancy has taken place.

5.10 Consultation Procedures

5.10.1 When a situation is identified which could involve redundancies, even if only one employee is involved, consultation will take place with the recognised trade unions to try and reach an agreement at the earliest available opportunity and must in any event begin:-

- (a) Where it is proposed to dismiss as redundant 100 or more employees within a period of 90 days or less, at least 90 days before the first of those dismissals takes effect.
- (b) Where it is proposed to dismiss as redundant 20 or more employees within the period of 30 days or less, at least 30 days before the first of those dismissals takes effect.
- (c) Where it is proposed to dismiss less than 10 employees there is no time limit stated, nevertheless there is still an obligation to consult at the earliest opportunity and we have a local agreement that this will normally at least 30 days before the first dismissal takes effect.

5.10.2 Legally consultation must include notifying the trade unions in writing of the following:

- (a) The reason for the proposed redundancies.
- (b) The numbers and descriptions of employees whom it is proposed to dismiss as redundant.
- (c) The total number of employees of any such description employed by the Council at the establishment(s) in question.
- (d) The proposed method of selecting the employees who may be dismissed.
- (e) The proposed method of carrying out the dismissals including the period over which the dismissals are to take effect.
- (f) The proposed method of calculating any non statutory redundancy payments, i.e. a statement must be made when a redundancy calculation is being based on actual salary which is greater than the statutory maximum for redundancy payments.

5.11.3 And in the course of consultation management must:

- (a) Undertake it with the view to reaching agreement with the trade union representatives. This makes it essential that consultations with the trade unions are begun as early as possible and in any event before all the decisions have been taken.

- (b) Consider any representations made by the trade unions.
- (c) Reply to those representations and if they are rejected, state the reasons why.
- (d) Discuss ways of avoiding the dismissals, reducing the numbers to be dismissed, mitigating the consequences of the dismissal.
- (e) Discuss the proposed methods of selecting the employees who may be dismissed.
- (f) Discuss the proposed method of carrying out the dismissals, including the period over which the proposed dismissals are to take effect.

5.11.4 During the period of consultation, normal recruitment procedures will be suspended, except in cases where management consider that the nature of the vacancy is inappropriate to the qualifications and experience of the holders of the redundant posts.

5.11.5 There is a statutory duty to notify the Department of Trade and Industry if they propose to make 20 or more workers redundant at one establishment over a period of 90 days or less. Form HR1, obtainable from a Redundancy Payments Office, Jobcentre or Unemployment Benefit Office should be completed by the appropriate Human Resources Officer (Operations), in conjunction with the appropriate Head of Service.