

# ANGUS JOINT NEGOTIATING COMMITTEE FOR TEACHERS

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Dear Colleague

**AJNCT/28  
MANAGING WORKFORCE CHANGE POLICY FOR TEACHER AND ASSOCIATED  
EDUCATION PROFESSIONALS**

This is a new local agreement which sets out the principles and procedures to be followed where changes to existing services impact on the workforce and is attached as an **Appendix**.

This local agreement was approved by the Angus Joint Negotiating Committee for Teachers at its meeting on 25 February 2015, and subsequently ratified by the Staffing Sub-Committee on 12 January 2016.

Yours sincerely

**SHEONA C HUNTER  
JOHN PRATTI**

Joint Secretaries

Enc.

cc: Chief Executive  
Strategic Director – People  
Head of HR, IT and Organisational Development

**ANGUS JOINT NEGOTIATING COMMITTEE FOR TEACHERS**  
**25 February 2015**



**MANAGING WORKFORCE CHANGE POLICY**

**FOR TEACHERS & ASSOCIATED EDUCATION PROFESSIONALS**

**1. Introduction**

Angus Council recognises that it will face major challenges to its capacity to continue to deliver high quality, cost effective and sustainable services in the future. One of its key responses to these challenges was a willingness and ability to make changes to its workforce where necessary. Such changes must be implemented effectively and sensitively.

This agreement complements Angus Council's Managing Workforce Change policy, which applies to all Angus Council employees. Specifically this agreement relates to circumstances which have resulted in the displacement of employees/teacher from their existing job.

The purpose of this agreement is to set out the principles and procedures to be followed where changes to existing services, staff entitlements, or methods of delivering a service require the displaced employee/teacher to be transferred or redeployed.

Angus Council is committed to exploring every reasonable alternative to avoid compulsory redundancy as a means of implementing change. This agreement underpins the use of transfer and redeployment as an effective way of managing service needs and changes.

Whilst the principles of carrying out such workforce change are contained in the Managing Workforce Change policy, attention is drawn specifically to the need for sensitivity in implementing such changes and recognition of the need to minimise the impact on employees in such circumstances, but not withstanding the need for change.

In relevant circumstances this policy will operate in conjunction with the terms of the council's Managing Redundancy Policy.

**2. Scope**

The terms of this policy apply to all permanent teachers (including promoted staff, visiting, additional support needs, education psychologists and associated teaching professionals, including music instructors) employed under the Scottish Negotiating Committee for Teachers Conditions of Service.

### **3. Continuous Service**

Within this policy, reference to continuous service refers to full and part time service and service on a temporary contract where there has been no break in service.

A teacher returning from ordinary or additional maternity or adoption leave will not have broken continuity of service. Any period of career break of under 5 years will not have broken continuity of service (but the break itself is not counted as service). The length of service of a job share arrangement will be the continuous service of the longest serving teacher in the arrangement, even though both job-sharers will be required to transfer.

### **4. Circumstances Leading to Transfer or Redeployment**

Teachers are employed by Angus Council and each teacher, on a permanent contract, has a contractual liability to be transferred from their current school location to any other school within Angus.

The requirement to transfer to another school/location, or be redeployed, will normally be the result of the following circumstances:

4.1 Circumstances relating to falling school rolls/efficient use of teaching staff

4.2 Circumstances relating to changes or reductions in service provision

Separate but similar arrangements exist for the redeployment of employees on the grounds of ill-health or other exceptional reasons.

Circumstances relating to school closures or amalgamations are dealt with under AJNCT/18 – SCHOOL CLOSURES/AMALGAMATIONS – REDEPLOYMENT OF TEACHING STAFF.

#### **4.1 Circumstances relating to falling school rolls/efficient use of teaching staff**

In line with the council's current staffing formulae and the projection for the roll of the school, a staffing complement will be determined annually for each school, although circumstances can arise which make it applicable at other times of the year.

If this complement requires fewer teachers than the number already based in the school, or if to utilise staff efficiently to meet curriculum needs, it will be necessary to identify a teacher to be transferred. This may require the teacher to be transferred for a whole or part of their contracted hours, depending on the needs of the service.

##### **4.1.1 Voluntary Transfer**

In schools the Head Teacher will meet with teaching staff to advise of the excess being declared and ask if any teacher wishes to put themselves forward for transfer (primary – whole teaching staff are advised, secondary – staff in all subjects, in which a surplus has been identified). The volunteer will be treated in the same way as all other compulsorily transferred teaching staff.

Absent staff should be made aware of the situation and asked if they wish to put themselves forward for transfer (long term sickness, maternity leave etc.).

If more than one volunteer emerges, and no mutually agreed decision can be reached, the teacher with the most continuous service with Angus Council and, where appropriate, the former Tayside Regional Council, will be transferred.

Separate annual voluntary transfer arrangements for primary schools exist which run in conjunction with the annual staffing exercise.

#### **4.1.2 Compulsory Transfer**

Where no volunteer can be found to reduce the staff to the approved complement, the following criteria will apply to identify the teacher to be compulsorily transferred.

In most circumstances the teacher with least continuous service with Angus Council and, where appropriate, the former Tayside Regional Council, will normally be required to transfer. Where continuous service, as referred to above, produces identical results, the teacher with least continuous service in their existing school/base will transfer. Consideration should be given to the balance of experience and skills of the teaching staff remaining to support delivery of the curriculum in affected schools (for example, overall breadth of skills/experience/abilities, subject/area of registration, dual qualification etc).

If a teacher has been transferred within the previous two years, the teacher with the next least continuous service, as referred to above, is liable to transfer.

In determining an appropriate transfer, personal circumstances such as travel, family or health will be taken into account.

Eligibility for any additional travel costs to the new school will be in accordance with the council's Excess Travel Expenses (Personnel Advisory Bulletin x), payable for a period of two years.

The teacher will receive written notification of the need and liability for transfer. The Head Teacher should meet with the teacher to offer appropriate supportive advice about the circumstances leading to the liability to transfer and the procedures to be followed. The teacher should be asked to identify any preferences for schools, geographical location, size of school; stages etc and this should be passed to Schools & Learning Service Manager. Although no guarantee of meeting preferences can be given, these will be given consideration.

The teacher identified will then be transferred to an available permanent vacancy to which he/she is qualified.

Where the transfer is due to a promoted post no longer being required, a suitable promoted post will be sought, or a transfer to a class teacher post with conservation in accordance with SNCT Handbook of Conditions of Service.

Should a vacancy arise in the school the teacher was transferred from, in the first year of transfer, and the teacher requests to transfer back in writing, and is qualified, he/she will be given first option to transfer back to their former school.

Where no immediate permanent or suitable vacancy exists, the teacher will retain their permanent employment status, with the following options being applied:

1. Remain in current post in existing school
2. Transfer temporarily to another school, based on needs of schools
3. Transfer temporarily to more than one school, based on needs of schools, but delivering a meaningful timetable in each school.

In the event that there is no foreseeable likelihood of a permanent vacancy arising other options will need to be considered. There are outlined in Section 5.

#### **4.2 Circumstances relating to changes or reductions in service provision**

Changes or reductions in service provision may apply to teachers employed in areas such as additional support needs, quality improvement, educational psychology, visiting teachers, music instructors, or to specific posts of education development or support officers.

In all such cases the principles of the Council's Managing Workforce Change Policy will apply.

#### **Teachers**

Teachers deployed in the areas of additional support needs or visiting teachers assigned a school/base, are employed by Angus Council and each teacher, on a permanent contract, have a contractual liability to be transferred from their current school location to any other school within Angus.

The deployment of such teachers will be reviewed regularly and outcomes of such reviews may require a teacher/s to be transferred to a new school or base. Such changes will be made in consultation with the teacher/s. Where appropriate the criteria applied for compulsory transfer will be used and Section 4.1.2 will apply.

#### **Quality Improvement, Educational Psychology, Music Instructors, Education Development/Support Officers**

The above service areas will be reviewed regularly and outcomes of such reviews may change or reduce service provision which may affect staff employed in these areas.

Following such reviews it may become apparent that due to circumstances a job is deleted and the teacher who occupied the deleted job will be displaced and may therefore be at risk of dismissal due to redundancy.

The first option explored for such an employee will be appointment to a job in any new structure introduced as a consequence of the change. The policy to be followed to do this is set out in "Filling jobs in a new organisational structure" (Appendix 1).

Where an employee is not appointed to a job within a new structure, they will be placed on the council's Redeployment Register, as outlined in the Redeployment

Policy for Teaching and Associated Professionals (Appendix 2) and suitable alternative employment will be sought for them.

## **5. Redeployment**

In the event that, a teacher, who has been compulsorily transferred, but has not been placed in a permanent or long-term vacancy, or an associated educational professional who remains displaced (who has not been appointed to a revised structure), is classed as at risk of dismissal due to redundancy and will be subject to the provisions of the Redeployment Policy for Teachers and Associated Education Professionals (Appendix 2) and, where appropriate, the council's Managing Redundancy Policy (Appendix 3).

This will include considering the following options:

1. Where appropriate, to retrain for other subject areas/sectors in line with GTCS Framework for Professional Standards
2. Where appropriate, early retirement/redundancy options (premature, winding down, phased retirement)
3. Where appropriate, redeployment to alternative employment, including out with SNCT conditions of service
4. Where appropriate, voluntary redundancy.

## **MANAGING CHANGE**

### **Filling Jobs in a New Organisational Structure - Matching and Restricted Recruitment**

#### 1. Introduction

This procedure is for filling jobs in a new organisational structure. It will apply to all permanent employees

- 1.1 When a new organisational structure is introduced, there will be options for the approach to filling the jobs within it. Circumstances will vary but the process adopted must be fair and transparent. Matching and restricted recruitment should always be the initial methods used and must be carried out in accordance with this policy.
- 1.2 New organisational charts, old job outlines and person specifications, new job outlines (re-evaluated and graded, if necessary) and person specifications must be used as the basis for the exercise. It must be ensured that 'old' job outlines accurately describe a job's duties immediately before the restructuring.
- 1.3 Before beginning to fill the new jobs the responsible manager must decide how they intend to carry out the exercise. This will include some or all of the following:
  1. Identifying where matching is likely to be appropriate.
  2. Identifying restricted recruitment pools.
  3. Deciding on the order in which jobs will be filled.
  4. Deciding where/when open recruitment will be used.
  5. Setting out an indicative timetable.

Having done this, the manager must inform and consult all employees affected - and their representatives - of the proposed process and consider any suggestions made for amendments.

#### **2. Matching**

- 2.1 Matching will be the first option explored and will be carried out by comparing existing and new job outlines.
- 2.2 The process of matching will start at the highest grades in the new structure and continue through each level of the new structure.
- 2.3 An employee will normally only be matched to a job on the same grade, or one grade higher or lower than their old job.
- 2.4 Where a job or group of jobs in the new structure is/are the same or substantially similar to those in the old structure, the employees who occupied the old post(s) will be automatically matched into the new posts.

- 2.5 If there are fewer jobs in the new structure than employees who did the same or substantially similar work, they will be filled by competitive interview, in accordance with normal recruitment and selection procedures. The pool of applicants for such interviews will be restricted to those who would have been an automatic match had there been sufficient jobs to accommodate all.
- 2.6 Employees who are not matched or appointed after interview will be 'at risk' of dismissal due to redundancy. They may be considered for appointment to a job in the new structure through restricted or open recruitment, if these options are available. If they are not, or an employee is unsuccessful in such an application, they will be placed on the Redeployment Register and suitable alternative employment will be sought for them under the terms of the Redeployment Policy (Appendix 2).

### **3. Restricted Recruitment (Ring Fenced Recruitment)**

- 3.1 If matching is not appropriate, or, following matching, there are unfilled jobs, there will be restricted recruitment to try to fill the jobs.
- 3.2 Ring fenced pools of employees within the group affected by the restructure will be established to determine who can apply for which jobs at each level of the new structure. These pools will normally be based on employees' grades and the grades of the jobs in the new structure. Affected employees will be notified of the vacancies for which they are eligible to apply.
- 3.3 Normal recruitment and selection procedures will apply.
- 3.4 Appointment to a job following restricted recruitment will be on the substantive grade and terms and conditions for the post. Employees appointed to a lower graded job will retain their existing salary on a cash conserved basis. Details of the conditions of the protection of salary and pension benefits, if appropriate, are contained in the council's Salary Protection Policy.

### **4. Right of Appeal**

- 4.1 An appeal may be submitted in writing to the Head of Service within three days of notification regarding matching to posts or inclusion in restricted recruitment pool where an employee believes:
- they have not been matched where they should have been
  - they have been included in the wrong pool(s) for restricted recruitment
- 4.2 Appeals will normally be dealt with within five working days of receipt.
- 4.3 Where an appeal has been made against any part of the process, that action will not be confirmed until the outcome of the appeal is known.

### **5. Open recruitment**

5.1 Remaining vacancies will be advertised internally or externally as appropriate.

## **6. Displaced Employees**

6.1 Any employees who remains displaced will be subject to the provisions of the Redeployment Policy (Appendix 2) and Managing Redundancy Policy (Appendix 3).

## REDEPLOYMENT POLICY

### 1. Introduction

- 1.1 The aim of this policy is to help employees displaced from their jobs to find suitable alternative employment.
- 1.2 This policy will apply where an employee requires to be redeployed as a consequence of organisational change. Separate but similar arrangements exist for the redeployment of employees on the grounds of ill-health, performance or other reasons.
- 1.3 This policy will apply to all permanent employees.
- 1.4 This policy will operate in conjunction with the terms of the council's Managing Change Policy.
- 1.5 Where, as part of an organisational change, a job is deleted, the employee who occupied the deleted job will be 'displaced' and may therefore be 'at risk' of dismissal due to redundancy.
- 1.6 The first option explored for such an employee will be appointment to a job in any new structure introduced as a consequence of the change. The policy to be followed to do this is set out in '**Filling jobs in a new organisational structure**' (Appendix 1).
- 1.7 Where an employee is not appointed to a job within a new structure, they will be placed on the council's Redeployment Register, as described below, and suitable alternative employment will be sought for them.

### 2. Timescales

- 2.1 An employee will remain on the Redeployment Register for a period of eight weeks or the duration of their contractual notice period - whichever is the longer.

### 3. Responsibilities

- 3.1 The manager with overall responsibility for implementing the change will work with an HR adviser to oversee the redeployment process and the HR team will administer the operation of the Redeployment Register. All managers will support the redeployment procedure when seeking to fill vacant jobs. The council will make reasonable investment in training to facilitate redeployment and employees seeking redeployment must be flexible and open in response to redeployment possibilities.

### 4. Communication

- 4.1 Regular communication with the employee and, where appropriate, their representatives, will take place throughout the redeployment process.

## **5. Procedure**

### **Information provision, placement on register, serving of notice**

5.1 When it is identified that there is a need to seek redeployment, a meeting will be arranged between the employee, manager and an HR Adviser to:

- Outline the procedure and timescales.
- Issue a Redeployment Personal Profile Form for completion.
- Explore the types of roles that may be suitable and any training needs.
- Explain how the employee can access information regarding job vacancies.
- Explain the process of identifying potential redeployment opportunities.
- Discuss how the employee's suitability will be assessed against any potential redeployment opportunity.
- Discuss the implications of the employee refusing a potential redeployment opportunity.
- Discuss and follow up any training and support mechanisms available/to be provided e.g. Employee Assistance Programme.
- Explain that an employee may apply under the Teachers retiral scheme/Early Retiral & Voluntary Redundancy Scheme at any time during the redeployment process, and
- Explain the outcome should no suitable alternative employment be identified by the end of the notice period.

5.2 Following the initial meeting, the Redeployment Personal Profile Form must be completed by the employee, supported by their manager, and returned to their manager within 5 working days.

5.3 A further meeting will take place within 5 working days, between the employee, manager and an HR Adviser to:

- Serve the employee notice of dismissal
- Advise the employee that they will be placed on the Redeployment Register with immediate effect and until their scheduled date of dismissal.
- Advise the employee how long they will remain on the Redeployment Register.

## **6. Search for suitable alternative employment**

- 6.1 Once placed on the Redeployment Register the employee will be considered for any vacancies prior to jobs being advertised.
- 6.2 While suitable alternative employment is being sought, the employee will retain their existing terms and conditions. The employee will be paid by their employing department during this period (including during any 'trial period' - see below) but may be required to work at alternative locations or to carry out different types of work within the scope of their general capabilities, skills and experience.
- 6.3 Prior to taking any steps to fill a vacant job, all recruiting managers should contact Human Resources to check the Redeployment Register for suitable candidates.
- 6.4 A job will be considered suitable alternative employment if its terms and conditions do not differ from their previous contract, **or**, where there are differences, the work is still suitable in relation to the employee's skills, experience and personal circumstances
- 6.5 Whether or not a job is suitable would depend on the following main factors:
- Similarity of duties and responsibilities.
  - An employee's range of skills and experience.
  - Pay/Grade – a significant reduction in the employee's pay and/or grade may be considered unsuitable.
  - Location – increases in travelling time should be considered in relation to the health and domestic circumstances of the employee and additional expense incurred. (a redeployed employee will be entitled to payment for excess travelling expenses in accordance with the council's policy.)
  - Hours of work – change in an employee's hours of work may be considered unsuitable taking account of the individual's personal circumstances.
- 6.6 An employee redeployed to a lower graded job will retain their existing salary on a cash conserved basis in accordance with the SNCT conditions of service, for a period of three years, or until the salary for the post occupied exceeds the conserved salary, or the employee is recruited to another job in the council. There is no entitlement to conservation of salary where a teacher refused unreasonably, on two occasions, to accept an alternative equivalent, or better, post.
- 6.7 For any potentially suitable alternative job, there will be an initial comparison of employees' skills and experience against the essential criteria set out in the person specification for the job in question, using the Redeployment Personal Profile Form. The recruiting manager, in conjunction with Human Resources,

should ensure that full consideration is given to all aspects of employees' skills and experience.

- 6.8 The vacancy will be a potential match where the Redeployment Personal Profile Form and the person specification indicate that the employee either fully meets the essential criteria or could be expected to do so after a reasonable period of training. In the case of an employee with a disability consideration will be given to making reasonable adjustments.
- 6.9 a) Where a single employee is considered a potential match, a meeting between the recruiting manager and the employee will be arranged to discuss this. If it is determined that the employee is a match to the job, they will be redeployed into it. It may be determined that a trial is required to 'test' the match (see 7 below).
- b) Where more than one employee is considered a potential match to a vacancy, interviews will be carried out to determine the best candidate.
- 6.10 Where it is agreed that one or more employees meet the essential criteria for a vacancy, it will normally be the case that one of the redeployees will be appointed.
- 6.11 If, following a meeting, the recruiting manager considers that the employee(s) is not suitable; they must discuss the situation with Human Resources. If it is agreed that an appointment is not to be made, the employee must be given the reasons and provided with feedback.
- 6.12 If an employee on the Redeployment Register identifies an advertised job for which they believe they are suitable, they should advise their manager as soon as possible. If it is agreed that it is a potentially suitable vacancy after consideration of the factors described at 6.5 above, the recruitment process will be halted pending the process described at 6.9 above. If the manager, in consultation with an HR adviser, does not assess that the employee meets the essential criteria, the employee will be advised accordingly.
- 6.13 If an employee on the Redeployment Register identifies an advertised job at a higher grade which they believe they could do, they should notify the HR team. If the recruiting manager for this job believes the employee meets the essential criteria, they will be guaranteed an interview. This will involve competition with other candidates through the council's normal recruitment and selection procedures.
- 6.14 Employees who are on maternity leave, adoption leave or additional paternity leave have statutory additional preferential rights where they are at risk of redundancy. They must be offered any suitable vacancy which arises, in preference to other employees.
- 6.15 If an employee is matched to a job requiring Protection of Vulnerable Groups Scheme membership, an application form, references and Protection of Vulnerable Groups Scheme Membership should be obtained prior to

confirming the match or at the beginning of a trial. Time taken to secure scheme membership will not count towards the period of notice.

## **7. Trial Period**

- 7.1 Offers of alternative employment will be subject to a four week trial period if any term of the new contract differs from the corresponding term in the old contract e.g. place of employment or terms and conditions.
- 7.2 The trial period allows both parties to assess the suitability of the job as suitable alternative employment. This will normally last four weeks. In exceptional circumstances a longer trial period may be arranged. In some cases a trial may not be necessary.
- 7.3 During the trial period, the recruiting manager will regularly monitor and review the employee's performance and provide feedback to the employee. Training, on or off the job, may be arranged and undertaken during the trial to assist the employee.
- 7.4 An employee on a trial period must raise any concerns they have about the suitability of the job or their need for additional support as soon as possible.
- 7.5 During the trial, the employee's existing salary will continue to apply (and they will be paid by their employing directorate) but their other terms may be varied depending on the nature of the job.
- 7.6 A final review meeting will be held no later than a week before the end of the trial period to discuss the trial and assess the suitability of the job as an alternative.
- 7.7 The duration of a trial period will be counted as part of the overall redeployment period to which the employee is entitled.
- 7.8 During the trial period the employee can reject the offer and may still be eligible for a redundancy payment, depending on the reasonableness of the grounds for their rejection.

## **8. Outcome of trial and appointment to vacancy**

- 8.1 Where a match is agreed following a trial, the employee should be offered the job on a permanent basis or, if the job is temporary, a temporary basis.
- 8.2 Any offer of redeployment will be made at the pay or grade of the vacant job. If the offer is accepted and the job is permanent, the employee will be removed from the Redeployment Register and no further redeployment opportunities will be sought.
- 8.3 If the employee is offered and accepts redeployment to a temporary job they will be removed from the Redeployment Register while they are in the

temporary role. As the period of temporary employment approaches its end, the steps set out at 2.1 above will be taken and they will be reinstated to the Redeployment Register.

- 8.4 Where during or following a trial, the recruiting manager does not consider the vacancy a match, they must discuss the situation with Human Resources. If it is agreed that the vacancy is not suitable, the employee will be advised and given reasons. The employee will remain on the redeployment register for the rest of their notice period.
- 8.5 Where a trial period - or the extension of a trial period – overlaps with the expiry of an employee's scheduled notice period. The notice period will be extended until the end of the trial period.
- 8.6 Where an employee refuses to cooperate with the redeployment process or they unreasonably refuse the offer of a job which the council believes is suitable alternative employment, they will forfeit any right to redundancy payment. The employee will remain on the Redeployment Register but the council will not actively seek redeployment for them.
- 8.7 If a potential alternative job is identified, but taking into account the factors listed in Section 6.5 above, it is not considered a suitable alternative to redundancy, the employee will not forfeit their right to any redundancy payment should they decline the offer. In these circumstances, the employee will remain on the Redeployment Register for the remainder of their notice period and the search for suitable alternative employment will continue until the expiry of the notice period.

## **9. End of notice period**

- 9.1 Where the redeployment process is unsuccessful for an employee their manager and an HR Adviser will hold a meeting with them in the last week of their notice period to confirm this and that the employee will be dismissed on the grounds of redundancy.
- 9.2 Employees will have the right of appeal against a decision to dismiss them.

## Managing Redundancy

### 1. Introduction

- 1.1 The council recognises that implementing organisational changes will require changes to the composition of its workforce and that this may include a reduction in job numbers. Where this is required the council will seek to implement the reduction by such measures as redeployment and the use of its Early Retirement/Voluntary Redundancy(ER/VR) Scheme. These and every other alternative option will be explored to avoid the need for compulsory redundancies as a means to implement change.
- 1.2 However, the council recognises that circumstances may arise where, as a last resort, compulsory redundancies are unavoidable and in that event it will apply the terms of this procedure, which takes account of both statutory obligations and the principles of its Managing Workforce Change Policy.

### 2. Definition

2.1 Redundancy will occur where:

- The council ceases, or intends to cease, to carry on the business for the purposes of which employees were employed; or
- The council ceases, or intends to cease, to carry on the business in the place where employees were so employed; or
- The requirement of the council for employees to carry out work of a particular kind has ceased or diminished, or is expected to cease or diminish; or
- The requirement of the council for employees to carry out work of a particular kind in the place where they are so employed has ceased or diminished, or is expected to cease or diminish.

### 3. Statutory Notification Requirements

3.1 There is a statutory requirement for the Government to assist employees facing redundancy. In order to do this, advance notification of potential redundancies is required from employers.

3.2 Statutory notification is required in the following circumstances:

- Where the employer is proposing to dismiss as redundant between 20 and 99 employees at one establishment\* within a period of 90 days or less, it must notify the Secretary of State for Business, Innovation and Skills of the proposal before giving notice to terminate any of the relevant employees' contracts at least 30 days before the first of the dismissals takes place.

- Where the employer is proposing to dismiss as redundant 100 or more employees at one establishment\* within a period of 90 days or less, it must notify the Secretary of State of the proposal before giving notice to terminate any of the relevant employees' contracts at least 45 days before the first of the dismissals takes place.

\*The HR team will advise on what constitutes an establishment.

- 3.3 In determining whether statutory notification is required employees leaving on both a voluntary and compulsory basis are counted.
- 3.4 Notification is made using a document known as an HR1. Notification on behalf of the council will be carried out by the HR team.

#### **4. Consultation with Trade Unions**

- 4.1 Where a proposed change to the workforce may result in redundancy, the council will consult representatives of its recognised trade unions - whatever the number of potentially affected employees.

However, there are specific statutory obligations which govern consultation where an employer is contemplating making 20 or more employees redundant within specific timescales. In these circumstances the consultation process should begin as soon as practicable but must begin at least:

- 30 days before the first of the dismissals takes effect where between 20 and 99 redundancy dismissals are proposed at one establishment within a period of 90 days or less; or
- 45 days before the first of the dismissals takes effect where 100 or more redundancy dismissals are proposed at one establishment within a period of 90 days.

- 4.2 In reckoning employee numbers to determine whether there is a statutory need to consult; those who may be leaving on both a voluntary and compulsory basis are counted.

- 4.3 The relevant trade unions must be advised in writing of a proposed change which puts employees at risk of redundancy, prior to formal meetings with the affected employees. The purpose of consultation is to give an opportunity for all concerned to explore any options to avoid dismissals as a consequence of the proposed redundancies, to reduce the numbers affected and/or to minimise the detriment caused by redundancy.

- 4.4 Formal consultation will not be deemed to have started until the following information is provided to the HQs of trade unions representing the affected employees:

- Reasons for proposed redundancies
- Numbers and descriptions of employees it is proposed to dismiss as redundant

- Total number of employees affected
  - Proposed method of selection
  - How, and over what period, the dismissals are to be carried out
  - Proposed method of calculating redundancy payments
  - The number of agency workers working for the council, where they are working and the type of work they are doing
- 4.5 The trade unions will be given an indicative timetable of key events at the start of the consultation process. The trade unions must have adequate information and time in which to make representations about proposals.
- 4.6 The council will consider and consult about ways of reducing or avoiding compulsory redundancies and/or of mitigating their effects including:
- Restricting or ceasing recruitment
  - Redeployment
  - Reducing non-contractual overtime
  - Short time working or temporary lay-offs
  - Reducing use of agency workers and consultants
  - Reducing the employment of temporary employees
  - Promoting flexible working and retirement options
  - Seeking volunteers for redundancy or early retirement from either within the affected workforce or a wider group.
- 4.7 A group consultation meeting for all those affected will be held at the start of the consultation period to advise employees that there may have to be a reduction in posts to ensure that a consistent message is delivered to all concerned. Invitations to the meeting must be given to employees on long term leave associated with sickness, maternity, paternity, parental or adoption leave. If such employees cannot attend this or any other group consultations, alternative arrangements to consult them must be made.
- 4.8 Trade Union representatives will be invited to all group consultation meetings.
- 4.9 The council will consider and respond to all representations made, giving reasons if rejecting them. While the consultation must be undertaken with a view to reaching agreement, and the council must give genuine consideration to matters raised, the final decision rests with the council.

## **5. Individual Consultation**

- 5.1 Irrespective of statutory requirement for consultation, all employees who are at risk of dismissal due to redundancy- including those on long term leave associated with sickness, maternity, paternity, parental or adoption leave - must be consulted on an individual basis
- 5.2 The purpose of the individual consultation meeting(s) is to discuss with employees how the proposals might affect them and to give employees an opportunity to ask any questions they have about the process. Employees will be encouraged to put forward any suggestions which may avoid or reduce the need for redundancies.
- 5.3 Both collective and individual consultation must continue as often as is appropriate throughout the consultation period.
- 5.4 The council will write to the trade unions when the consultation is completed, summarising issues raised, proposals made and the response, detailing any changes to original plans and describing the next stages of the process. . This will not normally be before the end of the statutory timescales described above. Only exceptionally will the consultation period be shortened.
- 5.5 No notices of dismissal will be issued until the consultation period is completed.

## **6. Measures to avoid compulsory redundancies**

- 6.1 All possible measures to avoid compulsory redundancies will be pursued. In particular the council will seek to use its Teacher retiral provisions/Early Retirement/Voluntary Redundancy(ER/VR) Scheme to achieve reductions in job numbers and its **Redeployment Policy** to find suitable alternative employment for employees who are displaced by workforce change.
- 6.2 Applications for voluntary redundancy will be invited where this is deemed an appropriate method to avoid compulsory redundancies. Any application made will be dealt with in accordance with statutory provisions/the council's ER/VR scheme.
- 6.3 The council will seek to redeploy affected employees to suitable alternative employment in accordance with its Redeployment Policy.
- 6.4 Where a suitable alternative post is identified but refused by the employee, they will forfeit any right to a redundancy payment.
- 6.5 If an alternative post is identified, but not considered by the council to be a suitable alternative to redundancy, as defined within the Redeployment Policy, the employee will not forfeit their right to any redundancy payment should they decline the offer. In these circumstances, the search for suitable alternative employment will continue until the expiry of the notice period.

## **7. Redundancy Selection Criteria**

- 7.1 Where the required reduction in numbers cannot be achieved by other means, it will be necessary to select employees for compulsory redundancy and a set of criteria which will be used for this selection must be determined.
- 7.2 The selection criteria applied may vary with circumstances but must always be relevant and appropriate to the job, objective and measurable. The criteria are always likely to include absence and disciplinary records, formal capability records and length of service. Work performance and/or skills will be included where objective and measurable evidence of these are available for all those in the selection pool.
- 7.3 Criteria will be applied fairly and consistently and will not directly or indirectly discriminate on the grounds of any the protected characteristics as detailed in the Equality Act 2010.
- 7.4 A weighting may be applied to each criterion in order to calculate a total score. Redundancy selection will be based on those with the lowest score
- 7.5 The selection criteria and how they will be applied will be the subject of consultation with employees and their representatives before they are adopted.
- 7.6 The selection exercise will be carried out by the manager responsible for the change process in conjunction with an HR Adviser.
- 7.7 Employees will be advised in writing of the procedure to be adopted and of the outcome of the exercise. They will have the right of appeal against the outcome of the application of selection criteria.
- 7.8 An employee who wishes to appeal must do so in writing within three working days of receipt of their letter confirming the outcome to the relevant Head of Service.
- 7.9 Appeals will normally be dealt with within five working days of receipt.
- 7.10 Where an appeal has been made, no further action will be taken regarding selection for redundancy until the outcome of the appeal is known.

## **8. Notice and dismissal**

- 8.1 Employees being dismissed on the grounds of redundancy, (whether voluntarily or compulsorily), must work their contractual period of notice. The council will not make payments in lieu of notice. However, an employee under notice of redundancy may request to leave early e.g. to take up employment elsewhere; this may be acceptable to the council, resulting in the employee leaving at an early date and retaining their entitlement to a redundancy payment.
- 8.2 Where an employee is being dismissed compulsorily, a meeting will be arranged to issue notice of dismissal. They will be informed that actions in accordance with the council's Redeployment Policy will be taken during their

notice period to identify suitable alternative employment. This will be confirmed in writing.

- 8.3 Where suitable alternative employment is not found, a further meeting will be arranged with the employee, manager and Human Resources in the last week of the employee's notice period to confirm this and the employee will be dismissed.

## **9. Redundancy payments**

- 9.1 Employees must have two years' continuous local government service to be entitled to a redundancy payment. Employees volunteering for redundancy or at risk of redundancy will be given written details of their redundancy pay entitlement and any pension benefits.
- 9.2 The formula, which takes into account age and length of continuous service, is set out in the Statutory Redundancy payment Scheme. Local government service is defined within the Redundancy Payments Order 1999, as amended.

## **10. Employee support and advice**

- 10.1 Employees will be encouraged to seek confidential advice from the Council's Employee's Assistance Service PAM Assist.
- 10.2 Employees at risk of redundancy will be granted reasonable paid time off to seek other work, irrespective of length of service.

## **11. Appeals against dismissal on grounds of redundancy**

- 11.1 An employee has the right of appeal against the decision to dismiss on the grounds of redundancy.

