

AGENDA ITEM 11

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THE HIGHLAND & WESTERN ISLES VALUATION JOINT BOARD

Redeployment & Redundancy Policy

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Introduction

Due to changes in service and budget provision there will be an ongoing requirement to review the composition of the workforce. With the Board's budgets diminishing year on year and with continual changes in the methods of delivering services, redeployment and redundancy issues require to be managed in a proper, structured and compassionate manner.

The policy will apply to employees of the Board in all staff categories who are identified formally as being 'at risk' of redundancy.

Aims

The aims of this policy are to:

- Attempt to ensure the security of employment for all affected employees;
- Apply fair and equitable procedures to achieve reductions in employment levels as necessary.

Principles

The Board will attempt to ensure the security of employment for all affected employees and avoid compulsory redundancy, wherever possible.

The Board also wishes to act as a good employer, and to ensure that staff are treated in a fair, reasonable and consistent manner.

The Board recognises its responsibilities under the relevant employment legislation (in relation to consultation, seeking of alternative employment, trial periods etc.) and will ensure that managers are aware of what is required of them as employers when change has necessitated a reduction in, or restructuring of jobs.

The Board recognises that failure to comply with these requirements could lead to claims for compensation.

Initially, procedures that have the least adverse impact on security of employment will be pursued, and only where these do not achieve the required reductions in employment levels will further measures be considered.

Where reductions are anticipated the Board will comply with the requirements of the relevant employment legislation and take account of any relevant codes of practice.

The Board will consult with those employees who may be affected, and appropriate trade unions, at the earliest opportunity and within the requirements set down in the relevant employment legislation.

Redeployment and the ring fencing of vacancies will only take place where the contractual earnings of the new post are the same or less than the employee's current contractual earnings.

Consultation

The Board recognises the importance of proper consultation with recognised trade unions in the event that redundancy, either voluntary or compulsory, is being considered.

It is in the interests of the Board to ensure that consultation will commence at the earliest practicable opportunity (longer than the statutory period of consultation wherever practicable) and will be meaningful in relation to reducing the need for redundancy utilising the knowledge of employee representatives to make better decisions.

The Board will consult recognised trade union representatives for an affected category of staff where redundancy is being considered, whether or not the staff concerned are members of a trade union.

The consultation will have due regard to the statutory minimum period for consultation (as outlined below) and will have the purpose of reaching agreement on:

- Avoiding dismissals on the grounds of redundancy;
- Reducing the numbers of employees to be dismissed;
- Mitigating the consequences of dismissal.

Consultation will begin:

- At least 30 days before the first dismissal takes effect if 20 to 99 employees are to be made redundant over a period of 90 days or less.

Through consultation the Board will provide the appropriate recognised trade unions with the following information:

- Reasons for the redundancy proposals;
- Numbers and descriptions of employees and posts which are potentially involved;
- Total number of employees;
- Methods of selection for dismissal;
- Methods of possible dismissal, including periods over which the dismissals will take place;
- Method of calculating sums payable to those dismissed on grounds of redundancy;
- How and when notice of dismissals will be issued to affected staff.

The Board will also consult individually with all affected employees.

Measures To Minimise Redundancies

To avoid compulsory redundancy wherever possible, consultation will take place with the trade unions to attempt to protect existing permanent employees through such measures as:

- Restrictions on recruitment of staff from outside the employment of the Board;
- Redeployment of staff to different posts, both within and out with their existing service;
- Ring fencing of vacancies to ensure that employees facing redundancy receive priority consideration ahead of other potential applicants;
- Use of flexible working arrangements including part-time work, flexible retirement, job share and secondments;
- Reducing non-contractual overtime;
- Temporary redeployment to provide the opportunity for further investigation of alternative redeployment opportunities;
- Reducing or terminating the contracts of consultants, and agency workers;
- Voluntary or negotiated reductions in hours of work.

Redeployment

The Board and the trade unions recognise that redeployment represents an important method of avoiding compulsory redundancy.

Where the need for redundancies has been identified, the Board will:

- Ring fence vacancies, making them available initially only to those employees who have been notified of redundancy;
- Advertise posts internally only, in the first instance;
- Provide appropriate retraining where this would allow an individual to undertake the duties of a vacant post within a reasonable period.

The redeployment process will be instigated from the date when an employee is identified as 'at risk' from redundancy. The process should form part of the individual consultation process.

The employee will be invited to a consultation meeting with his/her line manager and a Highland Council's HR adviser to discuss the potential redundancy situation and outline the redeployment process.

The employee will be asked to complete a personal profile recording their knowledge, skills, experience and types of post in which they might be interested. This information will be entered onto the redeployment register and held confidentially by the Board's Personnel Adviser.

The employee is entitled to be accompanied at this meeting by a work colleague or trade union representative.

Employees in a redeployment situation will be given access to suitable vacancies before they are advertised internally or externally.

As part of the recruitment process, managers will be required to consult and consider the entries in the redeployment register before recruiting. The recruiting manager should compare the details of employees on the redeployment register with the person specification for the vacancy.

If one or more employees on the register matches the person specification, they should be called for interview (subject to the restrictions on ring fencing). This interview will be undertaken as a priority, in advance of other internal or any external candidates.

The redeployment interview must take place within a reasonable timescale. If any of the staff are successful at this interview, he/she will be offered a post, subject to a 4 week trial period (as per redundancy legislation).

Where an employee, is able to demonstrate at the interview that he/she fully meets the requirements of the post, he/she may be offered the post without a trial period. The duties and terms and conditions of the post and the date of the termination of the trial period will be provided to the member of staff.

If the employee is unsuccessful at the interview or the redeployment is unsuccessful after the trial period, his/her entry will be reactivated on the redeployment register. An employee will remain on the redeployment register until the end of the notice period or expiry of the fixed term contract or until he/she is redeployed whichever is the earliest.

The Board will make every practicable effort to redeploy staff into posts which protect existing contractual earnings. However, should it be necessary to redeploy an employee into a post with lower contractual earnings, the existing contractual earnings will be preserved on a personal basis for a period of 6 months. During that period efforts will continue to be made to redeploy the member of staff into a post at their previous level of contractual earnings.

The process will not apply to promoted posts as this would contravene the Board's Equal Opportunities policy. If the employee wishes to be considered for a promoted post he/she must submit an application in accordance with the normal recruitment procedures.

In order to assist with the process of redeployment staff must be prepared to accept any suitable, reasonable, alternative job offer.

The Board in redeploying staff, and in offering training and counselling to those who are facing redundancy, will not be bound to appoint to alternative jobs where there is a clear mismatch between staff competencies and the demands of the job. Neither will it be committed to retaining a person appointed to a new role if the subsequent performance of the member of staff does not meet expected standards of performance.

Refusal of Alternative Employment

Where an offer of suitable alternative employment is rejected, or an employee resigns during the trial period, without valid reason he/she may lose his/her entitlement to a redundancy payment.

Where the new post involves additional travel costs or relocation, the appropriate national Conditions of Service or any other local agreement adopted by the Board will apply.

Compulsory Redundancy

Compulsory redundancy will not be considered until all other options have been explored. Where compulsory redundancies are contemplated and appear to be unavoidable, the following process will apply:

- The relevant trade unions and the affected staff will be notified of the possibility of redundancies, at the earliest practicable opportunity;
- The trade unions will be provided with all the necessary information as soon as possible;
- Consultation will take place with the appropriate representatives with the aim of investigating ways of avoiding compulsory redundancy, reducing the number of staff who could be subject to redundancy, mitigating the consequences of any necessary redundancies and determining the criteria to be used for selection of staff if necessary and where appropriate;
- Following consultation the Board will decide on the number of redundant posts, the timing of the redundancies and the criteria to be used for selection of staff if necessary;

- The employees whose posts are redundant will be notified as soon as possible and allowed reasonable time off to look for other employment or retraining.

Selection Criteria

In some circumstances a post or posts will be declared redundant and staff holding such posts will face dismissal. It may be required for there to be a selection process for staff affected by redundancy.

In selecting for redundancy the Board will consult the trade union side on the criteria which will be used where this becomes necessary. The criteria and weighting to be used will ensure redundancy selection decisions are related to the Board's current and anticipated operational needs.

Criteria for consideration may include length of service, work performance where this is measurable, proven flexibility in undertaking duties, attendance and absenteeism record, disciplinary record and individual competencies (including qualifications, experience, knowledge, skills and expertise) as they relate to the future operational needs of the Board.

Payments

Any employee selected for redundancy will be fully informed of their financial entitlements, and how these are calculated, including notice periods and redundancy payments.

Support and Assistance

Where redundancy is necessary the Board will, wherever possible, try to provide support and assistance for affected employees including:

- Reasonable paid time off to look for other employment;
- Relevant counselling and outplacement advice;
- Early release from the duties of the post;
- Business support in assisting employees to search for other positions, for example, typing application forms/CV's etc.

Appeals

Where it is considered that the procedures for redundancy selection have not been followed staff will have a right of appeal on these grounds alone.

The right of appeal will be to the Assessor and any appeal must be lodged in writing within 10 working days of receipt of formal notification of selection for redundancy.

Guidance

In relation to attendance management this guidance will:

- Inform employees what to do in the event of absence;
- Provide employees with clear information on the issue of remuneration during sickness absence;
- Guide management action in the event of absence including training/briefing;
- Advise on the procedures to be followed in the event of medical examination;
- Ensure accurate recording and provision of information to assist the management of absence;

- Address the management of unauthorised absence.

Legislation

The development and application of this policy is guided by:

- Equality Act 2010
- Employment Rights Act 1996
- Working Time (Amendment) Regulations 2007 (SI 2007/2079)
- Statutory Sick Pay (Medical Evidence) (Amendment) Regulations 2010 (SI 2010/137)

Monitoring

The application of this policy will be monitored regularly.

22 November 2019