



Managing Change

Policy

May 2011

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The Policy

1. Purpose

This policy sets out how the council will approach and manage organisational change. The main aim of the policy is to ensure fair and effective procedures are followed in managing staff involved in change including informing and consulting individuals and unions.

The Council is committed to ensuring that it has an effective organisational structure in place which delivers cost effective, integrated services which meet the organisation's vision, values and performance objectives and delivers excellent services to the people of Brent. The focus on excellence in delivery means that the structure of the organisation may be altered, new working methods may be introduced and employees may be required to perform new tasks, to work different hours, work in different locations and participate in other changes to their roles. While change is inevitable where service delivery is of paramount importance, the Council recognises the uncertainty that it can bring if not managed properly and will implement any requirements to reorganise its operations using a fair and reasonable process which fully informs unions and employees of the business needs and consults with them appropriately

2. Scope and Exceptions

This policy will apply in all change proposals involving reorganisation except where there are:

- Creation of new posts only
- Changes to line management only
- Variations are proposed to an employee's or to a number of employees' job descriptions which the manager does not consider significant

Note: establishment control protocols must be followed from 1 January 2010

The contracting out of part of the Council's operations is referred to in this policy as part of the reorganisation process, but does not come within the scope of this Policy. Outsourcing is dealt with in the Council's Blue Book provisions.

The following staff are covered by this policy:

All employees who are permanent employees of the Council (exceptions are listed below) or temporary employees who have 12 months' continuous employment with the Council by the date of the implementation of the organisational change or change to terms and conditions of employment.

References to NJC and APT&C Terms and Conditions clearly do not apply to centrally employed teachers who are employed under separate terms and conditions. This policy in all other ways applies to all employees of the Council (exceptions below).

The following Council employees are not covered by this policy:

Employees based in schools maintained by the Council where the school's delegated budget has not been suspended and where the school's Governing Body has not elected to adopt this procedure.

Nothing in this policy, or the other policies and procedures referred to in this policy is intended to be contractually binding upon the Council, and the provisions may be unilaterally varied by the Council after such consultation with the trade unions recognised by the Council for collective bargaining purposes ("recognised trade unions") as the Council considers to be reasonable and appropriate.

3. Principles

The key principles are:

- Organisational change will become business as usual
- Staff should expect that all jobs will need to change
- Redundancies will be minimised and avoided where practicable
- Job security and employability will be promoted where practicable
- Transferable skills will be identified and developed where practicable
- Redeployment to alternative roles will be promoted where practicable
- Redundancy will be the exception not the rule
- Fair treatment and support for staff face redundancy

The policy will assume that planned, strategic and coordinated change is the norm and that ad hoc change is the exception. The purpose of this is to allow the Council to respond to unprecedented service and transformational change. Over the coming years this policy will need to be flexible enough to deal with fundamental changes to the structure and functions of the organisation. Therefore, we need to be more flexible in our approach to changing job requirements.

In order to do this we need to build the understanding/expectation that most jobs will change. This will require leadership and cultural change in mindsets of all staff. This policy will enable managers and staff to assume transferability of skills and competencies in old and new roles. This will require adequate learning and development interventions and assessments based on skills and competencies rather than job descriptions. By moving to skills and competency based assessments we will be able to match a greater number of people to posts than we have been able to in the past.

The policy aims to prevent and /or minimise redundancy where practicable . This means that where possible redundancies will only be based on reductions in the number of posts available, whereas current practice is that redundancies also occur largely because of changing job roles.

The reason for focussing on preventing and minimising redundancy where practicable is to ensure job security in the current climate, which is a positive message for staff. The other factor is the financial costs of making staff redundant. In addition, there is often a loss of productivity during the notice period, potential for the redundancy to be challenged and additional resources required to manage the redundancy process (redeployment, consultation, potential sickness). In order to preserve the council's current severance arrangement, we need to manage the number of posts which are made redundant in a strategic way.

There will be occasions where the job has fundamentally changed (e.g. different skill set and/or different functionality); in these instances the council will attempt to redeploy staff into new roles. Again, this will be based on transferable skills rather than job categories.

The policy will be careful to ensure that staff are not forced into unsuitable roles but rather that a flexible and reasonable approach is taken with the emphasis on broadening the definition of 'suitable alternative' posts.

By taking the approach described above, Brent will be able to up skill staff to successfully carry out new roles, prepare for more generic roles as we transition to the Civic Centre, enable the organisation to continue to change and to continually embed change principles during the transformation programme.

4. Staff Consultation and Engagement

Formal and informal consultation is an essential stage in managing organisational change affecting groups of staff. Managers should actively prepare for and embrace their responsibilities to consult with staff and trade union representatives. There are statutory processes that need to be incorporated in consultation exercises. However, outside of these statutory requirements, effective consultation is a key management and leadership tool to enable change to be implemented successfully.

There is overwhelming evidence that actively engaging staff during change is highly correlated to successful change initiatives. Conversely, failure to consult and engage staff appropriately and effectively is more likely to lead to delay or failed change initiatives.

The council will consult with recognised trade unions and staff on issues which:

- Involve change to contracts of employment, other than where all individuals affected by the changes are in agreement
- Relate to discretionary aspects of implementation of national agreements
- Potentially lead to redundancy
- Involve major changes in working practices, location of employees, etc. irrespective of whether these changes are provided for in the employment contract
- Involve introduction of or changes to local procedural agreements.

5. Equality Impact Assessment of Change Proposals

An Equality Impact Assessment (EIA) considers whether the proposed change is likely to have a negative impact on one or more groups of employees i.e. places them at a disadvantage. The EIA begins at the proposal development stage and evaluates the impact on affected staff.

Equality Impact Assessments are required by law, and pre-empt the possibility that a proposed change could affect some racial groups/ men/women/people with disabilities unfavourably. Unfavourable treatment could mean that the Council is failing to meet its statutory duties under the Race Relations Act, Disability Discrimination Act and Sex Discrimination Act to eliminate unlawful discrimination and promote equality of opportunity. If EIAs are not carried out, the Equality & Human Rights Commission can commence enforcement proceedings against the Council.

Line managers should use the Council's Equality Impact Assessment toolkit to evaluate the impact of the business reorganisation/change to terms and conditions [[Link](#)].

The Equality Impact Assessment will form part of the collective consultation process as set out in stage 2 of the procedure.

6. Keeping records

It is important that written records are kept of all stages of the process, including minutes of meetings and all communications with unions, employee representatives and individual employees.

Where there is a dismissal, records must include:

- why the manager contemplated dismissing the individual;
- any views put forward by the employee;
- the reason/s for deciding to dismiss;
- whether an appeal was lodged;

- the outcome of the appeal;
- any grievances raised during the process.

In addition, copies of meeting records should be given to the employee if requested.

7. Appeal against Dismissal

If an employee does wish to appeal he or she must submit their appeal in writing to a manager (in the service area managing the change) within 5 working days of receiving the decision letter. This manager should, as far as is reasonably practicable, be more senior than the manager who made the decision appealed against and must be on the same level of seniority as the manager who made the decision appealed against. In exceptional circumstances it might be appropriate for the manager hearing the appeal to extend the deadline and cases should be judged on their individual merits. The appeal must be in writing and must be clear and specific about the grounds of appeal. At the discretion of the Assistant Director (Human Resources and Diversity) or his/her delegated representative the right of appeal may be disallowed where the letter of appeal does not meet these requirements. Appeals will be addressed and dealt with only in writing. Normally a decision will be issued within 20 working days.

Grounds of Appeal

An employee has the right of appeal against dismissal taken under this procedure on the following grounds:

- The decision – maker came to a conclusion on a material point of fact which no reasonable person could have come to
- Failure to follow this procedure which had a material effect on the decision
- The decision to delete the post/select the employee for redundancy was one which would not have been reached by any reasonable person
- There is information which the employee wishes to introduce for the first time at the appeal which the employee could not reasonably have provided to the decision maker by the time the decision was made and the absence of which had a material effect on the decision.

Appeals will not be allowed on any other grounds.

It will only be permissible to overturn the decision to delete/ the decision to select for redundancy if the manager hearing the appeal is satisfied that it would be reasonably practicable to implement such an appeal decision, having regard in particular to the impact on service delivery and other staff.

The decision of the appeal is final.

8. Re-engagement of staff

Re-employment will be in line with the policy in place at the time.

An employee who has left employment due to redundancy, either under or over aged 55, can be considered for re-employment, however there should be a minimum period of 4 weeks and one day before an individual is re-employed and usually will not be reemployed within 3 months. To disallow re-employment completely on grounds that a redundancy payment has been previously paid would in effect be unlawful. However if re-employment occurs and certain criteria are satisfied the redundancy payment may be reclaimed; in these cases Human Resources advice must be sought.

An employee made redundant may not be re-engaged within three months of their termination of employment except under the redeployment procedure and where no redundancy pay is payable. After 3 months the employee may be re-engaged via the normal procedure but only to carry out a different job from that from which they were made redundant.

An employee may only be re-engaged to carry out the same work as previously engaged upon after 1 year from termination for redundancy and only after the matter has been reported to the Director of Finance and Corporate Services.

The re-engagement arrangements are necessary to ensure that the council has a fair and consistent approach to re-engaging employees whose services are terminated with the council on grounds of redundancy. The criteria set out below provide clear boundaries for re-engagement. It is not appropriate under any circumstances to re-engage an employee made redundant to undertake some or all of the duties of the redundant post occupied by the employee. To avoid this situation arising it is important that the right decision is made when declaring a post redundant at the redundancy stage. There may be other unique circumstances arise that fall outside of the council's criteria for re-engagement in which case managers should see HR advice before taking any action to re-engage an employee made redundant.

It is recognised that circumstances may of course arise where a reduction in a number of generic posts occurs and then, due to genuine natural wastage, vacancies result and a previously redundant employee was appointed on merit through the normal recruitment process.

Guidance on the circumstances under which re-employment can occur is shown in the table below. If there is any query on the circumstances or whether the role is different and so on, guidance should be sought from Human Resources.

Circumstance	Applicable / Non-applicable
<p>An employee made redundant may not be re-employed on any basis as a consultant/agency worker/ temporary worker or directly on a temporary or permanent basis.</p>	<p><u>Applicable</u></p> <ul style="list-style-type: none"> • up to three months from the last day of service and • where there was entitlement to a redundancy payment <p><u>Not applicable</u></p> <ul style="list-style-type: none"> • where there was no entitlement to a redundancy payment there is no waiting period
<p>Any employee made redundant may be re-engaged on any basis i.e. as a consultant/agency worker, or directly on a temporary or permanent basis provided:-</p> <p>it is to a different unique job from the one from which they were made redundant</p> <p>If it is to the same work it is where there is a group of generic posts and where one of these has become vacant after the redundancy situation through normal labour turnover and provided the appointment is made on merit through the appropriate procedure and/or in line with standing orders.</p>	<p><u>Applicable</u></p> <ul style="list-style-type: none"> • three months after the last day of service and • where the reason for termination of employment was redundancy and where there was an entitlement to a redundancy payment <p><u>Not applicable</u></p> <ul style="list-style-type: none"> • where there was no entitlement to a redundancy payment there is no waiting period

<p>Re-engagement or appointment on any basis to carry out the work or part of the work of a unique post that had been abolished and from which the member of staff had been made redundant</p>	<p><u>Applicable</u></p> <ul style="list-style-type: none"> • No re-engagement on any basis (i.e. as a consultant/agency worker, or directly on a temporary or permanent basis) for up to one year from the last day of service. • After one year re-engagement in any form only after a business case has been made and approval obtained from the Director of Finance and Corporate Services <p><u>Not applicable</u></p> <ul style="list-style-type: none"> • where there was no entitlement to a redundancy payment there is no waiting period
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9. Monitoring the Managing Change Policy

The Council will regularly monitor the Managing Change Policy to ensure that the purpose of the Policy is being achieved, those using the Policy abide by the operating principles and procedures and that the standards expected of managers in its application are being achieved.

10. Link Policies

- Recruitment and Selection Policy
- Redeployment Policy (Appendix 10)
- Redundancy and Severance Pay (Appendix 5 & 6)
- Pay Protection (Appendix 3)



Managing Change

Procedure

May 2011

The Procedure

1. Stage 1: Define the extent and nature of the change / reorganisation

In approaching a service or business reorganisation, managers must:

- **Define the purpose or business objective(s) for the change**, for example a need to reduce service costs by £x by a specific date or period or introduction of new service performance indicators / new service delivery methods e.g.. joint provision.
- **Develop clear proposal for change including revised organisation** and workforce structure, new ways of working, skills and workforce development requirements.
- **Review and compare the current versus the proposed organisation structure and workforce requirements** and identify any requirements for change in relation to staffing establishment, working arrangements, skills or knowledge.
- **Take account of the existing establishment** and the extent to which this would need to be changed to achieve the new business or service objectives as below:
- **Review current job descriptions and person specifications**, up-dating where necessary.
- **Write new job descriptions and prepare new structure**
- **forward new job descriptions and person specifications** for evaluation (jobevaluation@brent.gov.uk)

Type of Change Required	Impact on existing workforce	Outcomes
Function or service no longer required	Existing jobs are no longer required	Redeployment Redundancy
Function or service remains, but will be delivered differently e.g. new systems or terms and conditions	Some job functions remain without any reduction or change in purpose	Assimilation (Job-matching)
	Same or similar number of staff required but the job functions, roles and or working arrangements change	Assimilation/ Competitive Assimilation
	Existing jobs functions remain but some change in the role or working arrangements	Assimilation
	Existing jobs functions remain but reduction in staff required to perform the jobs	Competitive Assimilation Redeployment Redundancy
Function or service to be delivered in partnership	As above + contractual change e.g. change in terms and conditions linked to new employer / management arrangements	Contractual (9 & 10)
Function / Service to be contracted out	Business transfer of existing job functions to new external employer	TUPE Regs apply – {link}

The following are examples of where a job may have ceased or changed to a significant extent:

- (i) The duties of the 'new' post are so different that the nature of the job has fundamentally changed and/or a fundamentally different set of skills are required
- (ii) A key component of the job is significantly different and or the way the job will be delivered requires a different skill set e.g. involves the use of significantly different systems and/or technology.
- (iii) The 'new' job requires qualifications that the 'old' job did not e.g. a license to practice; CQSW.
- (iv) Terms and conditions have changed resulting in a significantly different working pattern.

In the above scenarios the manager needs to identify the appropriate options e.g. additional training/development, assimilation, competitive assimilation, ring-fencing and/or redeployment. Where agreement to new terms or working conditions is required contractual changes may be involved – **see Appendix 6 & 7.**

- Where an existing job remains, with no, or hardly any, change at all, then managers will be required to inform the affected employees and consult with them and receive any views they wish to put forward.
- Employees' contracts should allow the Council to require them to work in any of the Council's offices and in this procedure a change in work location refers to a major relocation of the business e.g. a change that would require the employee to move their home or result in an unreasonable journey to and from work, eg a location outside the borough.

Change by contractual authority

A contract of employment can be changed provided a flexibility clause clearly allowing the change is contained within the contract. Reasonable notice of the change must be given to the employee following consultation on the reasons for the change and consideration of the employee's views. The procedure to be followed is set out in Appendix 6.

Change by mutual consent – dismissal/reengagement where no agreement is reached

It is advisable to get the employee's written agreement to any contractual changes. Any such agreement must be made voluntarily and the written agreement should say it has been made voluntarily.

Where the employee does not agree to the changes, the contract of employment should be terminated with notice and an offer of re-engagement should be made on the new terms and conditions. A dismissal in this instance can lead to an unfair dismissal claim even if the employee accepts the new job.

When assessing whether the 'dismissal' is reasonable, the following should be considered:

- i) was there a sound business case?;
- ii) was a reasonable procedure followed, including consulting with the employee?;
- iii) where reasonable objections to change were put forward, did the employer attempt to reach some form of compromise?
- iv) were the changes free from discrimination?
- v) was a new contract offered at the end of the notice period on the revised terms?
- vi) were attempts made to look for alternative employment?

Dismissal should be the last resort and may only happen after a reasonable process has been followed.

Establishing a sound business case is a two stage process:

- (i) there must be a real business need built on sound economic, operational, organisational or administrative grounds;
- (ii) the method chosen to achieve that business need is a rational way of achieving the results required;

The procedure to be followed is set out in Appendix 7.

2. Stage 2: Authority to progress change proposals

Once managers have established the business case for change and developed proposals as above, the following authority / approvals must also be in place:

Establishment Control

Establishment control protocols must be followed e.g. authorisation to create or change establishment.

Standing orders

Check Standing Orders and delegated powers under the Constitution to see if Committee or Executive approval is required for any proposed changes. Currently the Executive must make the decision concerning the restructure if it would or would be likely to result in the redundancies of more than 20 people.

The Constitution states that Members must make a decision concerning a restructure if it would or is likely to result in redundancies of more than 20 people.

Finance Approval

You must notify the Director of Finance of any proposed redundancy situation as soon as it becomes apparent.

Equality Impact Assessment

You must carry out an Equality impact Assessment. Please refer to the Equality Impact Assessment procedures – [Link](#) for full details.

Job Evaluation

All posts within the new organisation structure need to be evaluated by HR in accordance with the Council's job evaluation procedure.

3. Avoiding compulsory redundancy

Before consultation, management should consider the following ways of avoiding redundancy:

- The process of natural wastage, where possible within the Council's financial constraints
- Deletion of vacant posts
- Recruitment restrictions
- Retraining staff
- Reduction or cessation of overtime working other than contractual or emergency overtime.
[n.b. To avoid overtime working, some changes in normal working hours may be necessary.]

- Retirement of those employees already beyond normal retirement age (nb a statutory procedure under which the employee can request to work beyond normal retirement age must be followed – see the guidance “ Request To Work Beyond Retirement”).
- Termination of casual/ agency workers and non renewal of temporary or fixed term contracts (nb for the purposes of unfair dismissal claims non-renewal of a fixed term contract counts as a dismissal)
- Freezing the filling of posts which may offer the prospect of redeployment and give “at risk” staff first consideration for such vacancies
- Voluntary reduction in hours
- Any other means the Council may consider necessary in consultation with employee representatives. e.g. short-term deferment of redundancy date if a suitable vacancy is anticipated within a reasonable time scale (say three months)
- [n.b. The foregoing factors will need to be balanced by consideration of the needs of the service.]

4. Stage 3: Consultation on change proposals

Once proposals are developed and approved managers must ensure that individuals and groups of staff and trade unions are properly informed and consulted. The purpose of the consultation stage is to communicate with and involve affected staff in the development and implementation of the change proposal.

The aim of the managing change policy is where practicable to minimise redundancy due to changing job requirements. The statutory requirements are focused on consultation regarding potential dismissals or changes in terms and conditions. Where new ways of working rather than redundancy is the objective of the change proposal the consultation process and documentation should clarify the purpose and outcome for staff. For example, the introduction of flexible and or new ways of working including systems, skills or training development.

Varying Employment Contracts

If employment contracts need to be changed for efficiency or service reasons, management will attempt to reach agreement through consultation with staff and trade unions at the earliest opportunity, in accordance with the formal consultation procedure.

If it is not possible to reach agreement with either the trade unions on a collective basis or individual employees it may be necessary to inform staff and their representatives that the change will be introduced from a stated future date. Employees will then be given the appropriate notice of termination of their existing contracts and offered immediate re-engagement on a new contract under the new or revised terms. Employees should also be told that given the need to recruit to their posts in the event they do not accept the new contract that the offer of reengagement on a new contract will only remain open for acceptance up to a specified date prior to the expiry of the notice of termination.

If a member of staff reasonably refuses to accept a new contract of employment or the new contract does not constitute suitable alternative employment, the redeployment procedures will be used to assist the employee in finding alternative work within the council.

Informal Consultation

Managers should ensure meaningful consultation by engaging staff early in the consultation process. Effective consultation can only occur where employees and their representatives are given detailed, clear and good-quality information with enough time to allow them to respond to management proposals before decisions are made.

Informal consultation and communication should also take place where managers are considering changes to working practices which fall outside of formal consultation processes.

Considering whether there is a redundancy

It will be necessary to assess if the proposals could mean making someone redundant. A redundancy will arise if an employee is dismissed wholly or mainly due to the fact that:

the employer has ceased or intends to cease to carry on the business for the purposes for which the employee was employed or to carry on the business in the place where the employee was so employed; or

the requirements of the business for employees

- to carry on work of a particular kind or
- to carry on work of a particular kind in a place where they were so employed, have ceased or diminished or are expected to cease or diminish

Formal collective consultation

See Appendix 1– Framework for Staff Consultation.

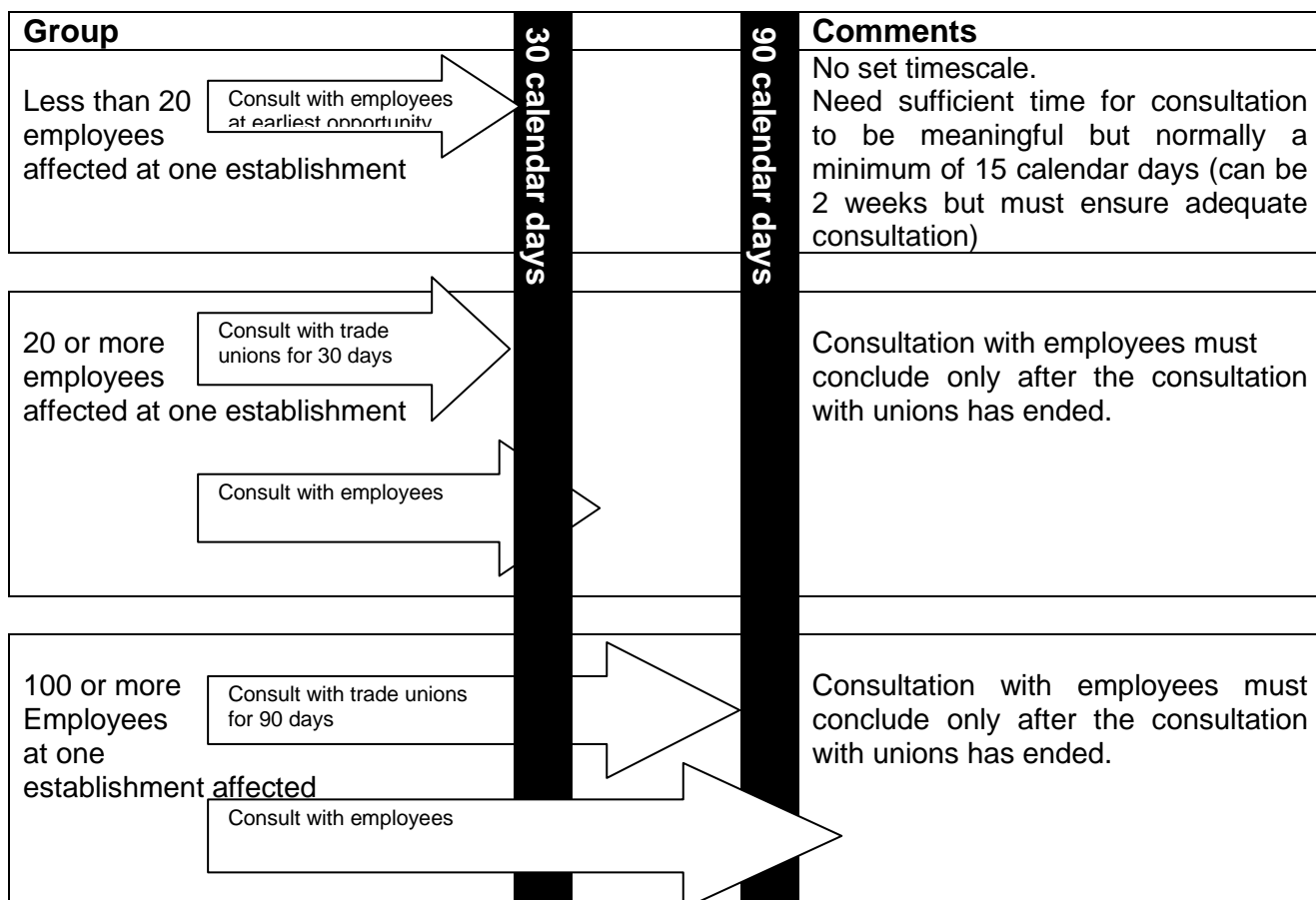
There is a statutory duty on the Council to consult recognised trade union representatives of affected employees where a manager is considering dismissing :

- 20 or more employees as a result of a business reorganisation or change in terms and conditions
- at one “establishment”
- Within a period of 90 days or less

Case law indicates that an “establishment” is the unit to which the affected workers are assigned to carry out their duties – it is not necessary that the management of the unit have the power to make redundancies nor that the unit has its own dedicated management nor that the unit has any legal, economic, financial, administrative or technological autonomy. Given this, the “establishment” that needs to be considered in deciding whether the statutory duty arises will be at the most the Service Unit in which the affected workers work and may in certain circumstances be a smaller part of the Council’s operation. If in a particular case what precisely is the “establishment” is unclear and the identity of the establishment will be relevant to whether the statutory duty arises, then managers should seek advice from one of the Council’s Employment Lawyers.

Affected employees are employees who may be affected by the proposed dismissals or who may be affected by the measures taken in connection with the proposed dismissals i.e. a reorganisation in one area may cause a re-organisation of work, in another area, in which case the recognised trade union representatives of the employees in the second area also need to be consulted.

Formal Consultation at a Glance



The statutory time limits require that the consultation process must begin in good time before any dismissals are likely to happen but in any event no later than:

Number of employees involved:	Timescales:
Involving 100 or more employees	90 days before the proposed date of the first dismissal
Involving 20 – 99 employees	30 days before the proposed date of the first dismissal

The 'number of employees involved' is based on an estimate of the number of positions where dismissal may be the outcome. The fact that the Council may be confident that employees will accept their change of role or accept redeployment or voluntary redundancy does not alter the starting total.

Managers should assume that consultation is required to start at the point that dismissals might be possible, rather than waiting until there is a firm proposal.

"Recognised trade union representatives" will be representatives of the trade unions recognised by the Council for collective bargaining purposes for the employees affected, whether or not they actually have any members in the area affected by the dismissals.

Timescales

Formal consultation is a minimum of 15 working days. Longer or shorter periods can be agreed with the recognised trade union representatives. When the consultation has finished (which may be before the end of the consultation period), where no Committee decision is required, the proposals as amended by the consultation process will be implemented.

Establishment of a selection pool

In carrying out a redundancy exercise management should begin by identifying the group of employees from whom those who are to be made redundant will be drawn. This is the “pool for selection” and it is to these employees that management will apply the chosen selection criteria and determine who will be made redundant.

In the event of an establishment closing down or a complete function ceasing to operate, then consideration will need to be given by management concerning whether the employees directly affected will be the selection pool or whether these employees and other employees should make up the selection pool. Provided the management decision concerning the scope of the pool is one which a reasonable person could have made then this decision will withstand legal challenge. Factors to be taken into account in determining the pool include whether there are other groups of employees doing similar work to the directly affected employees, whether the jobs of the directly affected employees and the other employees are interchangeable (ie. whether the directly affected employees could do the other employees’ jobs) , whether t an employee’s inclusion in the pool is consistent with his or her previous position and whether the selection pool chosen was agreed with the relevant trade unions. .

Similarly, where it is evident that the redundancy applies to one or more specific posts, consideration will need to be given by management concerning whether the holders of the specific posts will be the selection pool or whether these employees and other employees should make up the selection pool.

It is advisable to obtain details of redundancy entitlements of the employees in the pool.

There should be consultation with trade unions on the pool for selection in order to avoid potential dispute at a later stage of the process.

Notice to Secretary of State

The Council is required to notify the Secretary of State for the Department of Business, Innovation and Skills on form HR1 of proposed dismissals as a result of a business reorganisation or changes in terms and conditions involving 20 or more employees at one establishment within a period of 90 days or less. Notice must be given before any of the employees are given notice of dismissal. Where the Council proposes to dismiss 100 or more employees at one establishment within a period of 90 days or less the HR1 form must be given at least 90 days before the first dismissal is proposed to take effect. Where the Council proposed to dismiss 20 to 99 employees at one establishment within a period of 90 days or less the HR1 form must be given at least 30 days before the first dismissal is proposed to take effect. The HR1 can be obtained from <http://bis.ecgroup.net/Publications/Insolvency/RedundancyProcedures.aspx>. It must be completed by the Directorate HR Manager and forwarded to the Department of Business Innovation and Skills, Redundancy Payments Office, 83-85 Hagley Road, Birmingham B168QG.

A copy of the HR1 form should be sent to the Branch Secretary of each of the recognised trade unions/employee representatives).

Commencing Consultation

Formal consultation begins with information being provided to each of the trade union representatives. This will be in writing to the Branch Secretaries of those unions.

The information must include the:

- reasons for the contemplated dismissals;
- numbers and types of jobs of those who may be dismissed;
- total number of people employed in those jobs at the establishment in question
- proposed method of selecting those who may be dismissed;
- the proposed method of carrying out the dismissals and the period over which they will take place

The consultation will normally be carried out by the Head of the Service Unit in which the dismissals/contractual changes are proposed. Exceptionally, the initial notice to representatives and first consultation meeting may be handled corporately by Human Resources where dismissals are proposed across the Council.

The consultation process will include:

- seeking views about the ways of avoiding dismissals; and
- reducing the numbers of employees who may be dismissed
- mitigating the consequences of the dismissals

Consultation must aim to reach agreement with the representatives, through a genuine exchange of ideas and opinions. If alternative proposals are put forward by the representatives, they must be considered and if rejected, written reasons provided.

Union representatives must be given the facilities to report back to, and seek the views of, the employees they represent. Where possible, joint communiqués should be used to summarise the issues discussed, the points agreed and matters for further consideration.

Failure to comply with any of the statutory collective consultation duties may result in compensation payments being awarded in favour of the affected employees against the Council. In addition, a procedural failure could render the dismissals unfair.

Individual staff consultation

An individual consultation meeting enables each employee to consider the implications for them personally and put forward their views. This exchange of views should be made in a formal meeting at which the employee has the right to be accompanied by a trade union representative or work colleague. Their views should be listened to and given careful consideration.

Individual consultation can commence before the collective consultation stage has been completed. However, meaningful consultation with Trade Unions means that proposals can change significantly during the consultation period. If changes impact significantly on employees, then it is important that they are told about these changes. In all cases, the meeting that confirms the outcome of the individual consultation (the determination meeting), cannot take place until after collective consultation has concluded.

A checklist showing how to undertake individual consultation is set out in the Key Stages of the Process – Appendix 2, Step 3.

Absent Staff

Staff who are absent from work must also be consulted, for example, employees on long-term sickness, maternity leave, adoption leave, parental leave, paternity leave, emergency family leave and secondment should not be overlooked. It is also important to adapt to the circumstances, e.g. by visiting an employee at home. Particular care must be taken when dealing with long-term ill health situations and the employee's condition must be assessed before deciding upon the most appropriate course of action.

Closing the consultation phase

At the end of the consultation phase the final outcome and decisions regarding the final proposals should be clearly communicated to individuals and trade unions including the timetable for implementation, if revised from original timescale including in consultation documents.

Group and/or individual meetings should be held with staff affected to confirm the outcome of the consultation. Staff and trade unions should be consulted on the proposed implementation plan.

5. Stage 4 Implementing reorganisation and change proposals

Implementing change is a management responsibility and must be completed with HR assistance to ensure a consistent and objective process. HR advice will be required prior to implementing job-matching, ring-fencing or redundancy selection procedures. In order to avoid compulsory redundancies managers should first identify the potential for:

- Assimilation
- Early retirement
- Voluntary and transferred (bumped) redundancies

Job Evaluation and Matching

Managers will need to:

- Review the evaluation results
- Carry out matching to assimilate and ringfence jobs based on a comparison of old and new person specifications (within grade range of up to 2 up and 1 down)

Job matching and Selection Criteria

Job-matching and selection will always be based on matching the employee's skills, knowledge and experience with the skills, knowledge and experience required by the person specifications for the new roles. Comparison between old and new jobs will be based on the new role's person specification to allow greater flexibility to place individuals into alternative jobs. The employee's performance in their current post can be taken into account, where relevant, in assessing whether s/he meets the new post's person specification.

See Appendix 8 for managers implementation guide

Assimilation (job matching without selection)

Assimilation applies where an employee is matched to a post without the need for an interview and the:

- new or existing post is available in the same service unit or Council wide if looking at functional groups (e.g. Accountants across the council) and the post is substantially similar to the post which is being deleted or changed
- new or existing post's grade is no more than two above or one below that of the post being deleted or changed ; and
- there is the same number or fewer potential redeployees than available matching posts

A match will need to be undertaken between the updated person specification and the new post's person specification. The job matching process is carried out by the manager responsible for the new post. HR will support managers to undertake the skills matching process. See Appendix 9 for the assimilation/competitive assimilation/ringfencing procedure.

Employees must be consulted on provisional job matches. Where there is no match, displaced employees will need to complete a skills profile form at the start of the consultation process. Throughout the consultation period, the manager will seek to identify any suitable job matches based on the additional information provided in the skills profile form. Any necessary changes will need to be made after receiving feedback.

Competitive Assimilation (job-matching with selection process)

- Competitive assimilation will apply where substantially similar roles are available within the same service unit or Council wide if looking at functional groups but there are more potential redeployees than available matching posts
- Competitive assimilation will also occur where the new post is substantially different to the role the employee is currently undertaking
- A match will need to be undertaken between the employee's updated person specification and the new post's person specification. The job-matching process is carried out by the manager responsible for the new post. HR will support managers to undertake job matching if required. The employees will need to be interviewed to decide which of them gets the job(s), and other forms of assessment may also be used.

As with assimilation, staff must be considered for roles that are at most 1 or 2 grades up or at most 1 grade down from the grade of their existing post to enable greater flexibility for managing change.

Ring fenced interviews

These will take place when:-

- Following a comparison of the employee's skills profile with the new/existing post's person specification the employee appears to be potentially suitable for the new existing post.
- There is a new or existing post available in the same service unit
- The new or existing post's grade is no more than two above or one below that of the post being deleted or changed

(If posts meeting these criteria exist the employee should be provided details and invited to complete a skills profile)

- The employee is willing to attend a ringfenced interview and has provided a completed skills profile

In deciding whether at a competitive assimilation or ring-fenced interview to appoint an employee to a post the manager must decide whether and to what extent the employee meets the post's person specification. The employee's performance in their current post can be taken into account, where relevant, in assessing whether s/he meets the post's person specification. In addition to the criteria set out in the person specification the employee's attendance and conduct record over the previous two years or since they started employment (whichever period is the shorter) and their timekeeping record over the previous six months or since they started employment (whichever period is the shorter) should also be taken into account in deciding whether to select him/her for the post.

As a general rule the process should be as informal as possible in order to reduce stress for the employees involved.

If successful, the terms and conditions of the new role will be confirmed in writing by way of the offer of a new contract of employment and upon acceptance the employee will be deemed to have accepted the alternative job.

Employees may express an interest in particular posts at the individual consultation stage. If so they should be provided with details of the posts and invited to complete a skills profile.

There is no right of appeal against the outcome of the job-matching process. An employee can write to ask for the outcome of the job-matching process in their case to be reviewed if they feel the outcome involved breach of this procedure. The review will only be carried out if the employee gives clear and specific reasons for why this procedure was breached. The manager who made the queried decision will normally carry out the review in consultation with their HR Adviser. The employee should be informed in writing of the outcome of the review and the reasons for the outcome.

Where an employee fails to participate in the job-matching process selection of the employee for a new role may take place by management assessment without the employee's participation (for example by using documents and other information about the employee).

Where staff are successfully matched to new posts in the structure changes must be confirmed to the successful candidates in writing within one month of taking up the post.

Skills Profile Form

Where employees are not matched to new posts they should express an interest for unmatched posts within the grade range (up to 2 up and 1 down) based on information in the completed skills profile form.

Employees unsuccessful at competitive assimilation stage should complete a skills profile form. The skills profile form will be used to seek alternative employment initially within the service/unit/function affected by the change.

Skills profile forms completed by any unsuccessful or displaced employees will be used for redeployment.

Accepting an alternative post

If an employee is offered a post as a result of the job-matching process there will be no entitlement to redundancy if the offer of new employment is made before the end of the employee's current contract and the new employment starts within 4 weeks of the end of the notice period. However, the new employment will be subject to a trial period provided this commences before the end of the notice period.

6. Stage 5 Redundancy

It is important that the Council retains the best people - those most capable of delivering the services required. The selection criteria for redundancy will be based on the skills, experience, qualifications and performance levels required to undertake the new duties i.e. the selection criteria are based on who the Council needs to keep and not who it might most appropriately lose. It is important for organisational effectiveness that this principle is maintained throughout the process.

The selection criteria for redundancy may include:

- Competence (Skills and experience)
- Standard of work performance or aptitude for work
- Attendance and disciplinary record

Recognised trade unions should be consulted over which selection criteria for redundancy are used. The Council will make every reasonable effort to give existing staff an opportunity to obtain a post in the new structure and avoid redundancy. However, when an organisation is changing, redundancies are sometimes inevitable.

There will be circumstances where a redundancy payment will not be applicable, eg where the dismissal is not a genuine redundancy or where an offer of suitable alternative employment is refused by the employee. A severance payment is also dependent on certain criteria, see Appendix 4 or 5. Where an offer of alternative employment is made, the manager will need to make an assessment of the training that needs to be done to bring the employee up to the required skill level and make a business case for the finance involved.

Entitlement to redundancy pay will be limited to the maximum of the statutory ceiling where an offer of alternative employment with a period of development is refused by the employee.

Voluntary redundancy

Volunteers for redundancy should normally be invited from the group of employees who are vulnerable to redundancy. However, the decision whether to accept a request by an employee to take voluntary redundancy is at the discretion of the Council, who will retain the employees best suited to the 'new' jobs. This should be made clear to staff who volunteer for redundancy.

Bumped redundancy

Bumped redundancy may also be appropriate. HR advice should be sought prior to finalising a redundancy decision.

A bumped redundancy is where an employee (who is not in the original redundancy selection pool) volunteers to be made redundant and their job is given to the potentially redundant employee. Bumped redundancies can only take place where a redundancy situation has arisen and the manager is satisfied that a bumped redundancy is in the interests of the Council. Full account should be taken of the costs of such a proposal. In all cases of bumped redundancy arrangements for the redeployment must be finalised before agreeing to the release of the volunteer.

Determination Meeting

Where individuals are selected for redundancy a determination meeting should be held to confirm the outcome of the consultation stage to those employees who are to be dismissed.

Managers should write to the employee setting out the response to any views expressed and invite them to a meeting (accompanied by a work colleague or Trades Union Representative if they wish). The meeting should be held at a reasonable time and place and the employee must take all reasonable steps to attend.

If the decision is to dismiss the employee, the manager should confirm the decision, the reasons, the date employment will end and any entitlements (such as redundancy payments) and appeal rights.

The meeting should be as supportive as possible. It is important the employee properly understands the position and what will happen now. The manager should explain to the employee that they are now a redeployee and follow the redeployment policy.

The procedure for managers to follow when handling redundancies can be found in Appendix 2 and 3 at the end of this Policy. The procedure must be followed carefully.

After the meeting, the manager should provide the employee if requested with a copy of the notes of the consultation and determination meetings; and confirm their appeal rights.

Authority to Dismiss

Any decisions resulting in dismissal must be approved by a manager authorised to dismiss the employee

Notice of Dismissal

Where it is necessary to issue a notice of dismissal for reasons of redundancy, the letter should either be handed to the employee or hand delivered to their home address or posted to their home address by recorded delivery. The letter should:

- give contractual or statutory notice, whichever is the longer
- give the date of termination
- give the reasons for dismissal
- provide details of payments due, including any redundancy/severance pay
- offer support and assistance (see Redeployment Procedure).
- confirm the employee's appeal rights

7. Stage 6 Redeployment and suitable alternative employment.

Where it is not possible to match staff to new roles in their Service Unit they will be given notice of dismissal and immediately be placed on a redeployment register and the council's redeployment policy will apply.

If the employees' role has changed due to council wide reorganisation, then vacancies across the Council will be considered for that particular type of role (e.g. a council-wide change to the way the council manages Finance, will result in vacancies in all relevant Finance functions being considered).

Where staff are successfully matched to an available vacancy – a four week trial period will apply. The trial period may be extended by agreement at the outset to take account of any agreed training (e.g. if the employee needs to acquire new skills as a result of new ways of working or technology). The agreement must:

- Be in writing and be made before the employee starts work under the new contract
- Specify the date on which the period of retraining will end
- Specify the terms and conditions of employment that will apply to the employee after the end of the retraining period

In normal circumstances the trial period should be for a maximum of 8 weeks.

Protection of pay upon being placed in an alternative job

Where the alternative post accepted by the employee is one/two grades below the employees' current grade, the Pay Protection Policy applies (see Appendix 3)

Appendix 1 - FRAMEWORK FOR STAFF CONSULTATION



Staff Consultation Paper on proposals to [*state purpose or known name of the review/change programme*]

CONTENTS

1. BACKGROUND AND CONTEXT
2. TIMESCALES FOR COMMENTS
3. CURRENT STRUCTURES AND/OR WORKING ARRANGEMENTS
4. BUDGETS/SAVINGS
5. PROPOSAL FOR NEW STRUCTURE/SERVICE/WORKING ARRANGEMENTS
6. PROPOSED STAFFING
7. ACCOMMODATION
8. ASSIMILATION AND RING FENCING
9. SELECTION CRITERIA
10. TIMETABLE FOR ACHIEVING RESTRUCTURE

Background and Context

NOTE:

Identify if a new Strategy has already been agreed which is one of the key triggers for the change.

If a Committee recommendation is linked to this change give the details.

Explain any background to how this proposal was arrived at – include any stakeholder consultation or changes to legislation etc.

Identify other key drivers ie; government proposal, other best practice etc.

Where it is proposed to dismiss 20 or more employees as a result of a business reorganisation or change in terms and conditions at one establishment within a period of 90 days or less there are specific statutory time limits. Refer to Stage 3 of the Managing Organisational Change Policy if this is likely to apply. A statutory notice also has to be sent to the Department of Business Innovation and Skills and only the Strategic HR Manager or HR Manager should do this.

1. Timescales for Comments

CONTENT TO INCLUDE

Appendix [*insert number*] attached outlines the timetable for achieving the restructure.

The official/formal consultation period with staff starts on [*insert date*] and ends on [*insert date*].

Comments are invited therefore from all affected staff within this period. Written comments can be sent to [*insert name*] who is the Lead Manager directly via e-mail.

As part of the consultation staff and trade unions are invited to put forward alternative proposals to meet the savings target [*if appropriate*].

During this period, however, there will be a consultation meeting for all affected members of staff. This meeting will take place on [*insert date*] at [*insert time*] at [*insert location*].

In addition to this meeting, individual staff members are invited to have 'one to one' meetings/discussions with [*insert name*] who is the Lead Manager or the HR advisor (dependant on the circumstances and size of the reorganisation).

NOTE:

Ensure that those who are temporarily out of the section i.e.; on secondment; maternity leave; long term sickness are communicated with and have copies of the documents sent to them. Seek their input into how they wish to be consulted. Keep a file note of their decision and confirm this back to them in writing.

Where the proposals would mean that someone's job is to be deleted and they are likely to be redundant they should be invited to a meeting – they are entitled to the reasons for the proposed dismissal and a copy of this consultation document should be sufficient for this purpose.

Where the process involves the selection from a pool staff are entitled to see their assessment in writing and to contest it. It is good practice to arrange a meeting with the manager to discuss the matter. The purpose of the meeting is to allow employees to respond to the proposals/assessment before a final decision is made. Staff are entitled to receive the written details of the assessment in advance of the meeting with sufficient time to allow them to consider the information and be able to respond.

Indicate who will be making decisions on the feedback received at the end of the consultation period and where the final decision making will be made i.e.; Lead Manager; DMT; CMT; Executive etc.

2. Current Structures and/or Working Arrangements

NOTE:

It may be necessary, especially if the proposal is consolidating or merging services from two different areas, to include something about the current service delivery. This can help the staff & trade unions appreciate why the change is to take place.

3. Budgets/Savings

NOTE:

Comment on the savings that this change hopes to realise and ask for alternative ways of achieving savings to the proposals.

Include any alternatives that may have been considered and discounted and the reasons why these were not considered viable.

If this proposal includes the loss of posts then you will need to comment on other measures that you are taking to reduce the need to make redundancies i.e.; reducing agency staff usage; reduction in overtime; termination of temporary staff etc or why such measures were not considered viable

4. Proposal for new structure/service/working arrangements

NOTE:

Include either in the document or as appendices proposed new structure charts.

Include as Appendices the Job descriptions & Person Specifications of the proposed new posts which should include the evaluated grades. As these are subject to consultation if they change substantially after/during consultation they may need to go back for re-evaluation and the document should tell staff this too.

Tell staff what will the new arrangements deliver that is different/better than the current arrangements?

Invite comment on all documentation and the proposals – use the model timetable & the section later in this framework to indicate when and to whom comments should be sent

Ensure that the managing change policy is sent to staff with this document or that they are provided with the link to it on the intranet if you are sure that all staff have access to the intranet

5. Proposed Staffing

CONTENT TO INCLUDE

The tables below show the proposed changes to existing posts and the posts proposed within the new structure. Indicate whether employees are assimilated, competitively assimilated, ring-fenced or unmatched. The posts are then reflected in the new proposed structure chart in Appendix ?.

Existing Post/Structure	Grade	Change (specify whether)
		Unchanged
		Deleted
		New Post
		Changed by ...
TOTAL POSTS		

New Post/Structure	Grade	Comment (specify whether)
		New Post
TOTAL POSTS		

6. Accommodation

NOTE:

Comment on impact on physical location if any. Include any moves of location expected and any protection of employees' income through payment of additional fares, additional petrol costs (if applicable).

7. Assimilation and ring fencing

NOTE:

Include how assimilation and ring fencing will be dealt with. It is helpful to identify and specific proposals and invite comment on these proposals.

For example:

It is proposed that:-

- *[insert post names] are assimilated in to [insert post titles] as they are considered to be substantially similar and as such the postholders will be offered the posts without the need for interviews*
- *the new posts of [insert post titles] are initially ring fenced for [insert names] as [] may be suitable for these posts. It is proposed that [] are invited to complete a skills profile for whichever of the new posts they are interested in and they will be interviewed for whichever of the posts they appear to be potentially suitable.*

8. Selection Criteria

NOTE:

If the process is to reduce the number of posts then it may be necessary to select employees from a pool. Establish if there is to be a selection pool – i.e.; establishment closing; function ceasing; specific posts to be deleted. You will also need to consider if there are those who do similar work who ought to also be included in the pool that may not be directly managed by you.

The selection criteria will be the extent to which the employee meets the person specification for the posts which will remain in the Council together with conduct and attendance.

The employee must be informed in writing prior to the selection decision what records will be relied upon in assessing job performance, attendance, conduct, and timekeeping ie; appraisal, supervision notes, timesheets, disciplinary records.

Selection can take place with an interview, or in exceptional circumstances, by management assessment. Where an employee fails to participate in an interview or other selection process the employee can be selected by management assessment – ie using documents and other information alone. The manager leading the change programme will determine the method of assessment.

9. Timetable for Achieving Restructure

To Whom	Via What	When/by	Documents
Formal Member/CMT/DMT approval [whatever is appropriate]	Appropriate meeting		Proposal document
	Draft Job Descriptions and Person Specifications and have provisional Job Evaluations completed. Identify which posts have not been matched and invite relevant staff to complete skills profile.		JD's, PS's, JE's
	Prepare consultation document including arrangements for assimilation and competitive assimilation.		Consultation document/s
Trade Unions & Staff	Share Consultation Document with staff & Trade Unions inviting feedback in writing by the deadline stated in the document	Start consultation period (minimum 15 days)	Letter and consultation documents
	Hold internal meeting with Trade Union		
	Hold staff group meeting		
	Hold individual meetings with staff affected		
	Consider the feedback from the consultation process and amend proposals as considered necessary (including final ringfencing decisions)		
	Respond in writing to Trade Unions & staff to confirm final structure etc.		
	Assimilation process/interviews to take place		
	New structure in place Where consultation concluded before end of consultation period, where no committee decision is required, proposals amended by the consultation can be implemented.		

Step 1 - Preparing for consultation

- Identify the employees affected;
- Examine the employees' personal records;
- Assess the impact on each individual;
- Identify potential issues that individuals may raise;
- Managers should include in the selection pool employees who are doing the same or similar work unless there are valid reasons for not including particular employees in the pool
- If 20 or more employees at one establishment are involved, a statutory consultation process of 30 days will be required and the Secretary of State for Trade and Industry needs to be notified (on Form HR1);
- If less than 20 employees involved Brent's custom and practice arrangement is to allow a minimum of 15 calendar days consultation, but this can be reduced to 2 weeks where necessary provided adequate consultation is possible
- Decide method of consulting with employees individually – e.g. about roles/hours/place of work
- Where it is evident that the post(s) of specific individuals are being deleted, managers must speak to the employee(s) first
- Prepare 'script' for collective communication - overview, process and timescales;
- Prepare for individual consultation – full explanation/details of change(s)/implications/benefits/timescales/termination arrangements.

Step 2 – Collective consultation

Provide the Corporate Trades Unions Representatives with the following information:

- The reasons for the contemplated dismissals;
- The number and types of jobs of those who may be dismissed;
- The total number of people employed in those jobs at the establishment in question;
- The proposed method of selecting who will be dismissed;
- The proposed method of carrying out those dismissals and across what period of time;
- A copy of Form HR1 (to the Branch Secretaries)

The consultation process must include:

- Seeking views about ways of avoiding dismissals
- Reducing the number of employees who may be dismissed;
- Mitigating the consequences of the dismissals;
- Facilities to consult with the affected employees;
- Consideration of all views put forward;
- A formal response to all matters raised. Provide written confirmation where suggestions were accepted and reasons where suggestions were rejected.

Step 3 - Individual consultation

- Arrange a meeting with each employee affected;
- Explain their right to be accompanied by a Trades Union Representative or work colleague;
- The time and location of the meeting must be reasonable and the employee must take all reasonable steps to attend the meeting;
- Explain the reason/s why change is required;
- Explain the scope of the change(s) required and the commercial benefits to the business;
- Explain how the change/s required will impact on the employee;
- Ask the employee for his or her reaction and listen carefully to the response;
- If the employee raises concerns, discuss each of the issues in turn;
- Show understanding, but stress the business need;
- Consider any form of acceptable alternative or compromise the employee puts forward;

- In particular, you must consider any reasonable adjustment to accommodate disability;
- Take a full note of the meeting
- Adjourn the meeting to consider any views put forward.

Note: Step 3 (individual consultation) can commence before step 2 (collective consultation) has been completed, however, no decisions can be taken until the collective consultation stage has been completed i.e. employees may not be issued with notice of redundancy until collective consultation has been completed.

Step 4– Assimilation

- Assess the candidates by comparing their updated person specification with the new person specification
- Slot employees into relevant posts
- Offer the positions to relevant candidates
- Confirm any changes in writing

Step 5 - Competitive Assimilation

- Carry out a comparison between updated person specification/s of employee(s) in the assimilation pool and the post(s)' person specification(s).
- Arrange interview(s) for employees who are potentially suitable for the post(s)
- Assess the candidate(s) against the selection criteria in the person specification
- Keep a record of the assessment(s)
- Offer the position(s) to the successful candidate(s).
- Confirm any changes in writing

Step 6 – Ringfenced interviews

- Identify vacant posts in the service unit for which displaced employees are eligible (see section 4 of the procedure)
- Invite displaced employees to complete a skills profile form at the start of consultation
- Carry out a comparison between the skills profiles of displaced employees who are willing to attend a ringfenced interview for the alternative post and the person specification
- Arrange ringfenced interviews for all employees who are potentially suitable for the post(s)
- Where the employee is successful issue new employment contracts and inform payroll administration

Step 7- Determination meeting

- Write to the employee setting out the response to any views expressed and invite them to a meeting (accompanied if they wish).
- Remind the employee that they must take all reasonable steps to attend.

If the decision is to dismiss the employee hold a meeting at a reasonable place and time and confirm:

- The decision with the reason
- Entitlements at termination
- The date of the termination
- The details of any ringfenced interviews that the employee will be considered for
- Appeal rights
- That the employee is now a redeployee and will be contacted by HR to explain the redeployment process

After the meeting:

- If requested provide the employee with a copy of the notes of the consultation meeting and determination meeting
- Provide employee with dismissal letter (see stage 5)
- Refer the employee to the Council's Redeployment team.

Step 8- Redeployment

- Go to the redeployment process.

Employees who unreasonably refuse suitable alternative job offers

- Employee advised of the consequences of the refusal (ie. no redundancy pay)
- No redundancy or severance pay entitlement
- Any entitlement to a pension payment would remain

Step 9 – Appeal

- Employee submits appeal in writing to another manager in the service area, who should as far as is reasonably practicable be more senior than the manager who made the decision appealed against
- The written appeal must state grounds for appeal – see section 7 of the policy
- Assistant Director of Human Resources (or nominated officer) considers the grounds for appeal
- The employee is given a written response to the points raised

Appendix 3 - Pay Protection Policy

1. Where an employee suffers a financial loss by accepting a post on a lower grade than their current post, pay protection will apply, provided the drop in grade is no more than 2 grades. Pay protection is for a period of one year. This does not apply to reduction in the number of hours worked. During the one year period only, the employee will receive their former salary; however there will be no entitlement to the annual pay award or any incremental progression. The London Weighting applicable will be in accordance with the 1999 local agreement or any subsequent agreement made by the Council. The 1999 agreement would mean that where Inner London Weighting is paid this would be frozen where any new employment contract is entered into until this reaches the equivalent of the Outer London Weighting.
2. Pay Protection applies to all staff who have been given notice of redundancy and have found redeployment or for those who have been offered suitable alternative employment due to organisational change.
3. When the protected period has ended, the salary will be revised immediately and paid in accordance with the salary grade on appointment and which protection was given. No other allowances or payments, which are not relevant to the new appointment, will continue to be paid beyond the pay protection period.
4. Protection of salary will cease when:
 - the protection period has ended
 - the salary of the new post reaches or overtakes the protected salary
 - If an employee applies voluntarily for, and is appointed to, another position within the authority, where the salary is lower than that protected

Appendix 4 - Employees who are employed on APT&C Terms and Conditions and/or members of the Local Government Pension Scheme - Redundancy, Severance and Pension Payment

1. Redundancy Payments

Employees who have at least 2 years continuous local government or related service will be eligible for a redundancy payment based on age and length of qualifying service. In order to qualify for a redundancy payment the dismissal must satisfy the statutory test of redundancy set out in this procedure. Where a genuine redundancy does not exist it will not be possible to make a redundancy payment even if the employee is leaving the employment of the Council as a result of the restructure.

Employees who receive an offer of alternative employment made before their old contract ends, where the new contract will start within 4 weeks of their old contract ending, will not be entitled to a redundancy payment (subject to their statutory right to a trial period (see paragraph 8 of attached guidance)). Where the employee refuses such an offer s/he will also lose the right to a redundancy payment if the offer is of suitable alternative employment and the refusal was unreasonable. These provisions apply where the offer is made by the Council or by any other body covered by the Redundancy Payments (Continuity of Employment in Local Government etc) (Modification) Order 1999 (as amended).

It should be noted that the LGPS regulations would still require the early payment of the employee's pension benefits even where the employee has lost the right to a redundancy or severance payment as detailed in this paragraph. A pension would also be payable if the employee is dismissed due to the termination of a fixed term contract of two or more years unless the grounds for the termination can be demonstrated as not being redundancy.

Service does not have to be continuous provided that the break does not exceed 7 consecutive days, running from Sunday to Saturday (except where there is a redundancy and a new job is taken up as a result of an offer made by the employer before the old job ends, in which case the break can be up to 4 weeks). Previous service will not count, for the purpose of a redundancy payment, if the employee has already received a redundancy payment for that period.

The Council's policy is to exercise its discretion to use actual average weekly pay (rather than the statutory ceiling on the amount of a week's pay) for the calculation of redundancy payments where there are no offers of alternative employment available. However, where an employee refuses an offer of employment that goes beyond their current role but with a period of development the offer redundancy pay will be subject to the statutory ceiling of a week's pay. In this case there will also be no entitlement to a severance payment as set out below.

Where it has been identified that there is no entitlement to a redundancy and severance payment the manager will complete the relevant section of the leaver form in order that the People Centre are aware that no redundancy or severance payments shall be made

2. Severance Payment

The Council has the discretion to pay an additional amount in excess of the statutory redundancy payment. At the time of writing this policy the council will award an amount equivalent to half the statutory redundancy payment. This award is made to all employees who are entitled to receive a redundancy payment. There is no legal requirement for the council to make such an award and does not form part of employees' terms and conditions. The severance arrangement is subject to review and may be amended or suspended in the future.

The current criterion is that severance will be payable only where the redundant employee meets the following 3 criteria:

1. Performance has been satisfactory – the current appraisal will be used to assess this.

2. Attendance has been satisfactory – the following exclusions will be made from records (where clearly notified with supporting medical evidence):

1. Maternity/paternity related absence
2. Industrial injuries
3. Work related stress
4. Disability related absence
5. Special leave (including jury service)

One off longer term absences e.g. broken leg should be considered favourably if the underlying attendance record is satisfactory (an average of 8 days per person in a rolling 12 month period).

3. There are no live disciplinary warnings

These criteria may not be required if the employee has applied for voluntary redundancy.

3. Pension Payments

All LGPS members shall receive the immediate payment of their pension benefits only if they are 55 or over. Please note that the scheme member must also have at least three months membership or have transferred membership from another pension scheme.

Pension benefits are based on the membership accrued up to the last day of service and are not subject to a reduction.

If benefits are paid before the employees 65th birthday there may be an additional strain on the pension fund. The unit would be required to make good that loss over a three year period following the termination of employment.

There is no entitlement to redundancy and severance payment where an employee unreasonably refuses a suitable job offer. Employees will need to be warned of this possibility to take this into consideration when coming to a decision on the job offer.

4. COSTS

All costs associated with redundancy payments; severance payments; early payment of pension benefits; will have to be met by the relevant service area or unit of the council - unless otherwise advised by the Director of Finance and Corporate Services.

Appendix 5 - Staff who are on Teachers Terms and Conditions and/or are members of the Teachers Pension Scheme

The redundancy arrangements for teachers are the same as those for staff on APT&C terms and conditions and may differ only where the teacher is entitled to the immediate payment of pension benefits.

1. REDUNDANCY PAYMENT

All teachers who have at least 2 years continuous local government or related service will be eligible for a redundancy payment based on age and length of qualifying service. In order to qualify for a redundancy payment the dismissal must satisfy the statutory test of redundancy set out in paragraph 3 of this procedure. Where a genuine redundancy does not exist it will not be possible to make a redundancy payment even if the employee is leaving the employment of the Council as a result of the restructure.

Teachers who receive an offer of alternative employment made before their old contract ends, where the new contract will start within 4 weeks of their old contract ending, will not be entitled to a redundancy payment (subject to their statutory right to a trial period (see paragraph 8 of attached guidance)). Where the teacher refuses such an offer s/he will also lose the right to a redundancy payment if the offer is of suitable alternative employment and the refusal was unreasonable. These provisions apply where the offer is made by the Council or by any other body covered by the Redundancy Payments (Continuity of Employment in Local Government etc) (Modification) Order 1999 (as amended).

Service does not have to be continuous provided that the break does not exceed 7 consecutive days, running from Sunday to Saturday (except where there is a redundancy and a new job is taken up as a result of an offer made by the employer before the old job ends, in which case the break can be up to 4 weeks). Previous service will not count, for the purpose of a redundancy payment, if the employee has already received a redundancy payment for that period.

The Council's policy is to exercise its discretion to use actual average weekly pay (rather than the statutory ceiling on the amount of a week's pay) for the calculation of redundancy payments where there are no offers of alternative employment available. However, where an employee refuses an offer of employment that goes beyond their current role but with a period of development the offer redundancy pay will be subject to the statutory ceiling of a week's pay. In this case there will also be no entitlement to a severance payment as set out below.

Where it has been identified that there is no entitlement to a redundancy and severance payment the manager will complete the relevant section of the leaver form in order that the People Centre are aware that no redundancy or severance payments shall be made.

2. Severance Payment

The Council has the discretion to pay an additional amount in excess of the statutory redundancy payment. At the time of writing this policy the council will award an amount equivalent to half the statutory redundancy payment. This award is made to teachers provided that:

- they are entitled to receive a redundancy payment
- the council has decided not award mandatory or discretionary compensation in respect of the teachers immediate retirement benefits. [see pension payments section below]

There is no legal requirement for the council to make such an award and does not form part of the teachers terms and conditions. The severance arrangement is subject to review and may be amended or suspended in the future.

The current criterion is that severance will only be payable where the redundant employee meets the following 3 criteria:

1. Performance has been satisfactory – the current appraisal will be used to assess this.

2. Attendance has been satisfactory – the following exclusions will be made from records (where clearly notified with supporting medical evidence):

1. Maternity/paternity related absence
2. Industrial injuries
3. Work related stress
4. Disability related absence
5. Special leave (including jury service)

One off longer term absences e.g. broken leg should be considered favourably if the underlying attendance record is satisfactory (an average of 8 days per person in a rolling 12 month period).

3. There are no live disciplinary warnings

These criteria may not be required where the teacher has applied for voluntary redundancy.

3. PENSION PAYMENTS

Option A - Pension Payments [actuarial reduction] and severance payment

The Teachers Pension Scheme does not provide the automatic payment of benefits on redundancy grounds. If the Teacher is a member of the Teachers Pension Scheme and 55 or over and has been a member of the scheme for two or more years they may request the early payment of their pension benefits. If the benefits are being paid before the normal pension age of the scheme they will be reduced. The normal pension age of the scheme is 60 if the teachers membership has been continuous since 31 December 2006, or 65 years of age if the teacher joined the TPS after that date. This type of pension is known as an Actuarially Reduced Benefit (ARB).

The teacher may decide not to apply for an ARB. If this is the case their benefits will be frozen until they reach the normal pension age of the scheme. At that age the benefits will not be reduced.

If the teacher has reached or is above the normal pension age of the scheme their benefits will not be reduced.

Where a teacher is made redundant and receives an ARB or a pension because they have reached the normal retirement age of the Teachers Pension Scheme they will be entitled to a severance payment that is equivalent to half their statutory redundancy payment (based on their contractual gross pay).

In this scenario the Council will meet the costs of the Statutory Redundancy Payment; Severance Payment; but not the costs of making any pension payments. This, as far as possible, matches the APT&C severance arrangement.

Option B - Pension Payments [mandatory compensation] with no severance payment

The regulations allow the early payment of pension benefits unreduced. In order to do this the council must agree to meet the cost of paying the higher pension i.e. the difference between the reduced pension and the unreduced pension. This cost is known as Mandatory Compensation. This may represent a significant cost to the council and as such the payment of Mandatory Compensation will be sanctioned only if a business case is agreed by the Director of Children and Families and the Director of Finance and Corporate Resources. It is for reasons of cost that Option A above will be the default position in the majority of cases.

Should the directors agree to the payment of Mandatory Compensation the teachers pensions regulations will not allow the Council to also make a severance payment.

In this scenario the Council will meet the costs of the Statutory Redundancy Payment, paying the unreduced pension early i.e. the Mandatory Compensation and any other related costs.

4. COSTS

All costs associated with redundancy payments; severance payments; early payment of pension benefits; any additional payments required by Teachers Pensions due to a teacher's pay increasing more than 10% in the final year before retirement; additional administration required to pay the unreduced pension shall be met by the relevant Service area or unit of the council - unless otherwise advised by the Director of Finance and Corporate Services.

Statutory redundancy pay table

Age	Service (Years)																			
	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	
17	1																			
18	1	1½																		
19	1	1½	2																	
20	1	1½	2	2½	-															
21	1	1½	2	2½	3	-														
22	1	1½	2	2½	3	3½	-													
23	1½	2	2½	3	3½	4	4½	-												
24	2	2½	3	3½	4	4½	5	5½	-											
25	2	3	3½	4	4½	5	5½	6	6½	-										
26	2	3	4	4½	5	5½	6	6½	7	7½	-									
27	2	3	4	5	5½	6	6½	7	7½	8	8½	-								
28	2	3	4	5	6	6½	7	7½	8	8½	9	9½	-							
29	2	3	4	5	6	7	7½	8	8½	9	9½	10	10½	-						
30	2	3	4	5	6	7	8	8½	9	9½	10	10½	11	11½	-					
31	2	3	4	5	6	7	8	9	9½	10	10½	11	11½	12	12½	-				
32	2	3	4	5	6	7	8	9	10	10½	11	11½	12	12½	13	13½	-			
33	2	3	4	5	6	7	8	9	10	11	11½	12	12½	13	13½	14	14½	-		
34	2	3	4	5	6	7	8	9	10	11	12	12½	13	13½	14	14½	15	15½	-	
35	2	3	4	5	6	7	8	9	10	11	12	13	13½	14	14½	15	15½	16	16½	
36	2	3	4	5	6	7	8	9	10	11	12	13	14	14½	15	15½	16	16½	17	
37	2	3	4	5	6	7	8	9	10	11	12	13	14	15	15½	16	16½	17	17½	
38	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	16½	17	17½	18	
39	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	17½	18	18½	
40	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	18½	19	
41	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	19½	
42	2½	3½	4½	5½	6½	7½	8½	9½	10½	11½	12½	13½	14½	15½	16½	17½	18½	19½	20½	
43	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	
44	3	4½	5½	6½	7½	8½	9½	10½	11½	12½	13½	14½	15½	16½	17½	18½	19½	20½	21½	
45	3	4½	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	
46	3	4½	6	7½	8½	9½	10½	11½	12½	13½	14½	15½	16½	17½	18½	19½	20½	21½	22½	
47	3	4½	6	7½	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	
48	3	4½	6	7½	9	10½	11½	12½	13½	14½	15½	16½	17½	18½	19½	20½	21½	22½	23½	
49	3	4½	6	7½	9	10½	12	13	14	15	16	17	18	19	20	21	22	23	24	
50	3	4½	6	7½	9	10½	12	13½	14½	15½	16½	17½	18½	19½	20½	21½	22½	23½	24½	
51	3	4½	6	7½	9	10½	12	13½	15	16	17	18	19	20	21	22	23	24	25	
52	3	4½	6	7½	9	10½	12	13½	15	16½	17½	18½	19½	20½	21½	22½	23½	24½	25½	
53	3	4½	6	7½	9	10½	12	13½	15	16½	18	19	20	21	22	23	24	25	26	
54	3	4½	6	7½	9	10½	12	13½	15	16½	18	19½	20½	21½	22½	23½	24½	25½	26½	
55	3	4½	6	7½	9	10½	12	13½	15	16½	18	19½	21	22	23	24	25	26	27	
56	3	4½	6	7½	9	10½	12	13½	15	16½	18	19½	21	22½	23½	24½	25½	26½	27½	
57	3	4½	6	7½	9	10½	12	13½	15	16½	18	19½	21	22½	24	25	26	27	28	
58	3	4½	6	7½	9	10½	12	13½	15	16½	18	19½	21	22½	24	25½	26½	27½	28½	
59	3	4½	6	7½	9	10½	12	13½	15	16½	18	19½	21	22½	24	25½	27	28	29	
60	3	4½	6	7½	9	10½	12	13½	15	16½	18	19½	21	22½	24	25½	27	28½	29½	
61+	3	4½	6	7½	9	10½	12	13½	15	16½	18	19½	21	22½	24	25½	27	28½	30	

Appendix 6 - Handling Change by 'Contractual Authority'(Using a flexibility clause)

Step 1 - The case for change

- Define the business need
- Define impact on service, clients and internal operation
- Define the revised working arrangements including equality impact
- Define the benefits to the business
- Establish whether there is flexibility in the employment contract that allows for the change.
- Establish the correct process, taking advice if necessary
- Decide the timescales for communication and implementation

Step 2 - Preparing for communication and individual briefing

- Identify the employees affected
- Examine the employees' contracts
- Assess the likely impact on each individual affected
- Assess the legal implications on an individual basis, e.g. potential discrimination if a female employee is being required to work unsocial hours
- Decide method of informing employees individually – roles/time/place
- Prepare 'script' for individual briefings – explanation/change(s) required /benefits/timescales

Step 3 - Individual briefing

- Arrange a meeting with each employee affected
- Explain the reason/s why change is required
- Explain the scope of the change/s required and the commercial benefits to the business
- Explain the term/s of the contract which give the right to introduce change
- Ensure the individual fully understands the Council's right to change terms
- Explain how the change/s required will impact on the employee
- Ask the employee for any comments and listen carefully to the response
- Where no issues are raised, confirm the changes will be recorded in writing - go to Step 4
- If the employee has some concerns, discuss each of the issues in turn
- Show understanding, but stress the contractual right/business need
- Consider any form of acceptable alternative or compromise the employee puts forward
- In particular, you must consider any reasonable adjustment to accommodate disability
- Where the matter is resolved, confirm the changes will be recorded in writing - go to Step 4
- If the employee indicates continued non-acceptance, stress the contractual right to change
- Explain that a refusal to accept change will amount to breach of contract
- Confirm that change/s will go ahead in any event
- Explain the individual's right to use the Fairness at Work procedure if dissatisfied
- If the matter remains unresolved, take advice from HR and/or Legal.

Step 4 – Confirming and monitoring change/s

- Confirm change/s in writing liaising with HR
- Sign and date the original letter, and a copy, in readiness for a meeting with the employee
- Meet with the employee and explain the letter's contents to ensure complete understanding
- Get the employee to sign and date the original letter and the copy as evidence of receipt
- Give the signed original letter to the employee, confirming it is the official notification of change
- Place the signed copy in the employee's personal file
- Place notes taken at meeting/s and a copy of this marked off checklist in the employee's personal file
- Follow up to ensure the change(s) take place at the time stated
- Monitor the situation post-change

Appendix 7 - Changes brought about by mutual consent / dismissal and re-engagement

Step 1 - The case for change

- Define the business need
- Define the revised working arrangements
- Define the benefits to the business
-
- Confirm the approach – (1) seek voluntary agreement (2) if no agreement, dismiss and offer re-engagement
- Conduct an equality impact assessment
- Assess the potential legal implications, taking advice if necessary
- Decide the proposed timescales for communication and implementation

Step 2 - Preparing for consultation

- Identify the employees affected
- Examine the employees' contracts
- Assess the likely impact on each individual affected
- Re-assess the legal implications on an individual basis, e.g. potential discrimination if a female employee is being required to work unsocial hours
- Identify any potential objections to change which individuals may raise
- Prepare positive responses to any anticipated negative reaction
- Decide method of communicating collectively - union reps/employees' - roles/time/place
- If it is likely that notice of dismissal will have to be given to 20 or more employees at one establishment within a period of 90 days or less then , a statutory consultation process will be required
- Decide method of consulting with employees individually – roles/time/place
- Produce a 'sellable product' to avoid the need to consider dismissal
- Prepare 'script' for collective communication - overview, process and timescales
- Prepare for individual consultation – full explanation/details of change(s) / benefits/timescales
- Communicate arrangements for collective communication
- Conduct collective consultation where it is likely that notice of dismissal will have to be given to 20 or more employees at one establishment within a period of 90 days or less
- Conduct collective communication

Step 3 - Individual consultation

- Arrange a meeting with each employee affected
- Offer representation, but stress it is not a disciplinary situation
- Explain the reason/s why change is required
- Explain the scope of the change(s) required and the commercial benefits to the business
- Stress that the initial aim is to reach voluntary agreement
- Explain how the change/s required will impact on the employee
- Ask the employee for his or her reaction and listen carefully to the response
- Where agreement is reached immediately, confirm changes will be recorded - go to Step 7
- If the employee raises concerns, discuss each of the issues in turn
- Show understanding, but stress the business need
- Consider any form of acceptable alternative or compromise the employee puts forward

- In particular, you must consider any reasonable adjustment to accommodate disability
- Where agreement is reached, confirm the changes will be recorded in writing - go to Step 7
- If agreement cannot be reached, go to Step 4

Step 4 – Extended consultation

- If agreement cannot be reached, explain there may be a possibility that employment will be terminated, but at this stage no final decision has been reached.
- Explain that if employment is terminated, the employee will be offered a new contract on the new terms to commence immediately after the notice period ends, that the new contract will need to be accepted by a specified date during the notice period and that if it is not accepted by that date there is no guarantee it will be available for acceptance thereafter
- Explain that there will be a further 2 weeks' consultation for the individual to reconsider
- If, at this stage, the employee then agrees to change, go to Step 6
- However, if there is still no agreement, start the 2 week consultation period
- Confirm the discussions so far and the arrangements for consultation in writing
- Keep in touch with the individual and discuss any alternatives or compromises put forward
- Consider any reasonable objections as to why she or he cannot meet the new arrangements
- Consider any reasonable adjustments which would remove the potential for discrimination

If the employee agrees to change during or at the end of the 2 weeks, go to step 7.

Step 5 - Collective consultation

If there are 20 or more employees at one establishment who have not agreed in writing to the proposed change then it will be necessary to start collective consultation with recognised trade union representatives of these employees (see Stage 3 of the procedure for the steps that will need to be followed)

Step 6 – Dismissal and re-engagement

If it is decided on completion of collective consultation (if applicable) to proceed with dismissal then the existing contracts will need to be terminated

- Terminate the existing contract with full notice for “some other substantial reason”, confirming this in writing, explaining the right of appeal and enclosing a copy of the new contract on offer with the new terms
- Explain that up to a specified date during the notice period the new contract will be available for acceptance by the employee returning a copy of it signed and dated and that after that date due to the need to ensure continuity of service delivery no guarantee can be given that the new contract will remain available for acceptance..
- Explain it is still open to the employee to agree to the new terms up to a specified date during the notice period by way of written acceptance of the new terms and agreed withdrawal of the dismissal notice, and that after that date due to the need to ensure continuity of service delivery no guarantee can be given that the new terms will be on offer.
- If the employee agrees to change during the notice period by way of agreement to the new terms (other than by returning signed and dated a copy of the new contract) go to Step 7

- If the employee appeals against the issue of notice of dismissal , go to Step 8
- I

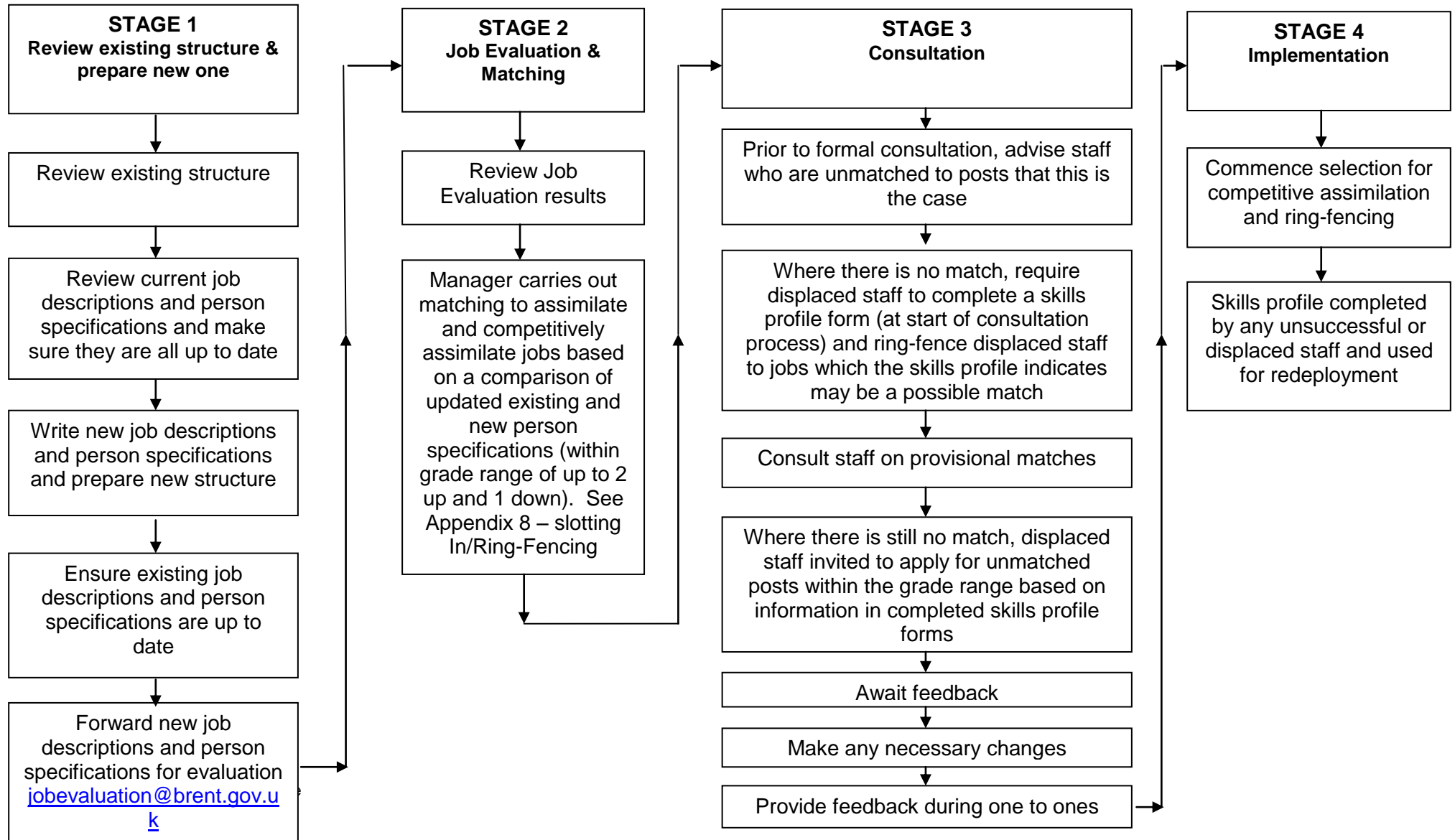
Step 7 – Confirming and monitoring agreed change(s)

- Confirm change(s) agreed in writing liaising with HR
- Sign and date the original letter, and a copy, in readiness for a meeting with the employee
- Meet with the employee and explain the letter's contents to ensure complete understanding
- Get the employee to sign and date the original letter and the copy as evidence of the agreed change.
- Give the signed original letter to the employee, confirming it is the official notification of change
- Place the signed copy in the employee's personal file
- Place notes taken at meeting/s and a copy of this marked off checklist in the employee's personal file
- Follow up to ensure the change(s) take place at the time agreed
- Monitor the situation post-change from the business and the employee's perspective

Step 8 - Appeal

The procedure set out in section 7 of the policy is to be followed

Appendix 8 - Managers' Job Matching Implementation Guide



APPENDIX 9 - Assimilation/ Competitive Assimilation / Ring-Fencing Procedure



HUMAN RESOURCES

Assimilation/ Competitive Assimilation / Ring-Fencing Procedure July 2010

Assimilation/ Competitive Assimilation / Ring-fencing

Procedure

The matching process is based primarily on agreed and up to date person specifications. Job matching should be carried out by management and the person specifications should be compared using the rating scale below.

Step by step

- Identify possible matches
- Make sure existing person specifications are up to date (review if out of date and agree with postholder)
- Before conducting the proposed matches the new post must be evaluated and the grade has to be confirmed.
- Read the person specifications and any other relevant information
- Compare the person specifications using the rating scale below on a factor by factor basis.
- Complete the matching table and provide evidence to back decisions.

Rating Scale

2	1	0
No Change	Minor Change	Significant Change

Definition of Minor Change

A minor change is defined as a change an employee could reasonably learn during a trial period.

Definition of a Significant Change

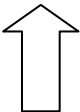
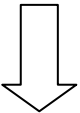
A significant change is a change that would require an employee to develop new skills/knowledge beyond the trial period. The employee would need to demonstrate the required competencies during the trial period.

Exclusions

Where the new post requires criteria that cannot be met within the trial period, or extended trial period, the post will automatically be unsuitable and this process cannot be used. For example, where a post requires a qualification that would take 2 years to gain and the affected employee does not have the qualification, the post will be deemed unsuitable.

Slotting-in / Ring-fencing Criteria¹

Grade differences:

One or two grades up  or one grade down 

Assimilation occurs when:

- The old and new posts are substantially similar (one or two grades up or one below).
- There are the same number or fewer potential employees than available matching posts

Competitive Assimilation occurs when:

- There are more potential redeployees than roles available and the roles are substantially similar, or the role(s) has substantially changed.
- A maximum of two grades up or one down exists and the role is deemed as a suitable alternative by management.

Ringfencing occurs when:

- Displaced (unmatched) employees are potentially matched to posts using the skills profile information
- A maximum of two grades up or one down exists and the role is deemed as an alternative by management.

Example Matching Table

Person Spec Criteria	New (Provide details)	Old (Provide details)	Rating Scale
Qualifications	Social work	No Match	0
Knowledge	High level knowledge of LG policies/	No Match	0
Skills & Abilities	Ability to effectively interpret a range of different legislations	Ability to review policies making sure they are in line with legislation.	1
Experience	Experience of dealing effectively with complex and detailed enquiries across arrange of services	Experience of dealing with a range of enquiries not limited to one area.	1
Other (Attendance/Disciplinary record)	N/A	N/A	N/A

Matching Results

Where significant change is shown in 2 or more areas the post is no longer deemed to be a suitable match

Exceptions where a person will not be assimilated/competitively assimilated or ringfenced

Failure to produce satisfactory CRB

Not having a driving licence for a driving job

Not possessing an essential qualification for the job



APPENDIX 10 – Redeployment Policy & Procedure

HUMAN RESOURCES

Redeployment Policy April 2010

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Redeployment Policy

1.0 Purpose

- 1.1 As an employer the council has a responsibility to minimise the number of job losses by finding and offering suitable alternative employment within the council to any employee who faces dismissal as a result of one of the specified criteria defined below.

Redeployment Reason	Criteria
Redundancy	Under notice (or imminent notice) of dismissal by reason of redundancy. Redundancy arises in any one of four situations: <ol style="list-style-type: none"> i. job redundancy, the business closes down; ii. place of work redundancy, the employee's place of work closes down; iii. employee redundancy, the employer's requirements for employees to carry out work of a particular kind have ceased or diminished this includes the termination of fixed term contracts of 2 year's duration; and iv. bumped redundancy, an employee whose job is redundant is allocated another employee's job, and that employee consequently becomes redundant.
Capability *The ill-health category excludes employees on fixed term or temporary contracts with less than one year's continuous service (with the exception of DDA reasonable adjustments)	Where ill-health or disability affects the continuation of employment in their substantive post, although meaning that they are capable of carrying out other work, further to Occupational Health assessment. Where there is poor performance in the substantive post but there is potential to carry out other work, for example a demotion to a post of a lower grade.
Conduct	Where redeployment has been recommended as the outcome of a disciplinary process.
The termination of a fixed term contract *Excludes fixed term contracts of less than two years' duration, with the exception of Section 7.0 of the Redeployment Procedure	Where the fixed-term employee's post is to be deleted as a result of a reorganisation the employee will not be eligible to apply for new posts arising in that reorganisation in competition with permanent employees if by the date of implementation of the reorganisation the employee will not have two years' continuous employment with the council For fixed-term contracts not impacted by a Managing Change process and not being renewed, where the last date of the contract means they will have at least two years' continuous service.
A statutory requirement which could prevent the employment continuing	For example, a driver losing their licence.
Some other substantial reason	For example, where an employee has to be withdrawn from their substantive post because of a fundamental breakdown in working relationships that is not due to conduct and/or performance, however the working relationship is untenable in that it is harmful to service delivery and having a negative impact on colleagues.

- 1.2 An employee falling within the remit of this Policy will be included in the council's Redeployment Pool and the council's Redeployment Procedure will apply.

2.0 Scope and exceptions

- 2.1 With the exception of schools based staff, this policy applies to all employees who meet any of the reasons for redeployment set out in Section 1.0 above.
- 2.2 Since the objective of the Redeployment Policy is primarily to avoid termination of employment in specific situations, positions which are 1 or 2 grades up or 1 grade down from their existing grade will be considered to enable greater flexibility for managing change. For all other posts, applications must be made in the normal way.
- 2.3 Changes driven by reorganisation which result in the possibility of part of the council's operations being contracted-out do not come within the scope of this Procedure. These matters are dealt with in the council's Blue Book provisions.
- 2.4 Nothing in this procedure is intended to be contractually binding upon the council, and the provisions may be unilaterally varied by the council after reasonable and appropriate consultation with unions.
- 2.5 This procedure does not apply to employees being dealt with as a result of poor performance during their probationary period.
- 2.6 The redeployment process is not for people who want a new job or change of career.
- 2.7 Eligibility for redeployment for those on a fixed-term contract (applicable to a fixed term contract of at least 2 years' duration or longer, and which is not renewed). In these circumstances individual employees should therefore put themselves forward for consideration for any suitable vacancies prior to expiry of their notice period and should continue to do so on the occasions where an extended job search is granted. For permanent staff accepting a temporary/fixed term post or secondment position please refer to specific guidance in Section 7.0 of the Redeployment Procedure.
- 2.8 Agency and other workers not employed by the Council, generally have no rights or entitlements under this procedure. However, where a worker is claiming employment rights, individual cases should be judged on their merits, in consultation with Human Resources.

3.0 Principles

- 3.1 The key principles of redeployment are:
 - That attempts will be made to redeploy an employee who faces termination of their employment as a result of one of the specified criteria defined in section 1.0, wherever possible.
 - Redeployment to alternative roles will be promoted.
 - Employability will be promoted.
 - Transferable skills will be identified and developed.
 - Redundancy will be the exception not the rule.
 - Fair treatment and support for the redeployee.

4.0 Legal context

- 4.1 The Redeployment Policy takes into consideration the provisions of the Rehabilitation of Offenders Act 1974, the Sex Discrimination Act 1975, the Disability Discrimination Act 1995, the Employment Rights Act 1996, CRB checking provisions as established under Part V of the Police Act 1997, the Employment Relations Act 1999, the Race Relations (Amendment Act) 2000, the Part-time Workers (Prevention of Less Favourable Treatment) Regulations 2000, the Employment Equality (Age) Regulations

2006, the Equality Act 2006, the Work and Families Act 2006, the Fixed Term Employees (Prevention of Less Favourable Treatment) (Amendment) Regulations 2008, the Employment Act 2008 and the ACAS Code of Practice on Disciplinary and Grievance Procedures 2009.

5.0 Considering any adverse impact

5.1 The Council wishes to ensure that its policies and procedures do not impact unfairly on employees with reference to race, sex, age, religion or belief, sexual orientation or disability. Managers are therefore required to ensure that their application of this policy does not have adverse impact that is not reasonably justifiable.

6.0 Evaluation review and change

6.1 The Council will regularly monitor the Redeployment Policy to ensure that those using the Policy abide by the operating principles and procedures, and that the standards expected of managers in its application are being achieved.

7.0 Complaints

7.1 Any individual who feels they have not been treated fairly under the redeployment procedure should initially seek to resolve this informally. If this proves unsuccessful complaints will be dealt with under the terms of the relevant appeal procedure as relates to the reason for their redeployment such as Capability Procedure, Attendance Management Procedure, Managing Change Procedure, Disciplinary Procedure, Temporary or Fixed-term Contracts Guidelines and the Fairness at Work Procedure for redeployment decisions arising from a grievance e.g. following the fundamental breakdown in a working relationship.

8.0 Keeping records

8.1 It is important that written records are kept of all stages of the process, including interviews for posts, any communications with the trade unions, employee representatives and individual employees.

9.0 Links to other relevant policies and procedures

- Redeployment Procedure
- Capability Procedure
- Managing Change Policy and Procedure
- Disciplinary Procedure
- Temporary and Fixed Term Contract Guidelines
- Managing Alcohol, Drugs and Substance Misuse at Work Policy and Procedure
- Fairness at Work Policy and Procedure



HUMAN RESOURCES

Redeployment Procedure May 2011

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1.0 Purpose

- 1.1 The purpose of this procedure is to ensure that the redeployment process to be followed is fair and consistent in approach by ensuring that:
- i. the roles and responsibilities of all parties involved are clearly understood;
 - ii. staff remain valued and recognised; and
 - iii. support is available to staff in a redeployment situation to enable their development moving forward.
- 1.2 As an employer the council has a responsibility to minimise the number of job losses by finding and offering suitable alternative employment within the council to any employee who faces dismissal as a result of one of specified criteria as defined below.

Redeployment Reason	Criteria
Redundancy	Under notice (or imminent notice) of dismissal by reason of redundancy. Redundancy arises in any one of four situations: <ol style="list-style-type: none"> v. job redundancy, the business closes down; vi. place of work redundancy, the employee's place of work closes down; vii. employee redundancy, the employer's requirements for employees to carry out work of a particular kind have ceased or diminished this includes the termination of fixed term contracts of 2 year's duration; and viii. bumped redundancy, an employee whose job is redundant is allocated another employee's job, and that employee consequently becomes redundant.
Capability *The ill-health category excludes employees on fixed term or temporary contracts with less than one year's continuous service (with the exception of DDA reasonable adjustments)	Where ill-health or disability affects the continuation of employment in their substantive post, although meaning that they are capable of carrying out other work, further to Occupational Health assessment. Where there is poor performance in the substantive post but there is potential to carry out other work, for example a demotion to a post of a lower grade.
Conduct	Where redeployment has been recommended as the outcome of a disciplinary process.
The termination of a fixed term contract *Excludes fixed term contracts of less than two years' duration, with the exception of Section 7.0 of the Redeployment Procedure	Where the fixed-term employee's post is to be deleted as a result of a reorganisation the employee will not be eligible to apply for new posts arising in that reorganisation in competition with permanent employees if by the date of implementation of the reorganisation the employee will not have two years' continuous employment with the council For fixed-term contracts not impacted by a Managing Change process and not being renewed, where the last date of the contract means they will have at least two years' continuous service.
A statutory requirement which could prevent the	For example, a driver losing their licence.

employment continuing	
Some other substantial reason	For example, where an employee has to be withdrawn from their substantive post because of a fundamental breakdown in working relationships that is not due to conduct and/or performance, however the working relationship is untenable in that it is harmful to service delivery and having a negative impact on colleagues.

- 1.3 An employee falling within the remit of this Policy will be included in the council's Redeployment Pool and the council's Redeployment Procedure will apply.

2.0 Redeployment priorities

- 2.1 Redeployment opportunities will be offered in the following category priority order, with category 1 representing the highest priority:-

Priority Category	Criteria
Category 1	Employees issued with notice of redundancy while on maternity or adoption leave or upon returning from maternity or adoption leave.
Category 2	If there is no-one in redeployment category one or they have been discounted in the process, then any disabled employee who needs to be considered for an alternative role (whether by reason of redundancy or not), which includes placing that disabled employee in a suitable post without the need for any competitive interview as a reasonable adjustment. *For further guidance on the DDA see paragraph 12 of this procedure.
Category 3	All other redundant redeployees.
Category 4	Employees suffering from ill health (not deemed to fall within the DDA criteria), who are capable of fulfilling another role.
Category 5	Employees whose incapability evidenced by poor performance requires the Council to consider alternative work.
Category 6	Employees under notice of dismissal for some other substantial reason.
Category 7	Employees under notice because continued employment in their current role would contravene a statutory enactment.

3.0 The redeployment process

- 3.1 Before notice of dismissal is issued a check of redeployment opportunities within the employees own unit and council wide must be made.
- 3.2 The redeployment period runs concurrently with the employee's contractual notice of dismissal, except where the employee has yet to be issued their notice but is at imminent risk of redundancy in which case the redeployment process by agreement with the employee can start earlier than the maximum notice period of 12 weeks.
- 3.3 As formal notice is issued or redeployment has been identified as the most appropriate course of action, the line manager in a meeting with the employee must explain the Redeployment Procedure in full including any potential outcomes and the employee's obligations the process. The line manager should confirm to the employee the start and end date of the redeployment search. The employee will need to complete the

Skills Profile form, which can be found on the Intranet or obtained from the People Centre, and email this to 'hr enquiries' or using an external computer email to hr.enquiries@brent.gov.uk. Where the employee does not have access to a computer they will need to send a paper copy to The People Centre

- 3.4 On completion of the Redeployment Skills Profile a job search process starts that considers a redeployee's skills and experience against all available council vacancies and gives priority consideration and preferential interviews to posts of 1 or 2 grades up or 1 grade down from their existing grade throughout the redeployment period; individuals should normally meet all of the essential criteria for the post however consideration should be given to the amount of additional training or re-training that would be required to enable the individual to meet the required competence.
- 3.5 Vacant posts within the council will not be advertised until a job search for suitable alternative posts has been carried out against redeployees in the redeployment pool.
- 3.6 Support for redeployees' is available through Human Resources on the completion of a skills profile plus advice on: job applications, supporting statements, CV writing and interview preparation.
- 3.7 A 24 hour telephone counselling facility, or face to face counselling, is available through Care First by contacting 0800 174319.
- 3.8 The council will provide reasonable time off to pursue job opportunities both inside and outside the Council.
- 3.9 When placed in the Redeployment Pool in certain cases the Unit Manager of the redeployee may determine the employee is not required to come into work i.e. where working relationships have irretrievably broken down or where there is no meaningful work to do i.e. when the post is redundant.
- 3.10 If at the end of the notice period suitable alternative employment has not been found, then the employee's contract will be terminated under the relevant HR procedure unless the job search period warrants an extended search period in the event of one or both of the following reasons:
 - i. where there has been a delay in the redeployment process which has meant that the job search has not been completed within the notice period.
 - ii. That a suitable position is / positions are known to be imminently arising.
- 3.11 Once the redeployment process has been completed all remaining vacancies will be subject to the normal recruitment and selection procedures.

4.0 Suitable alternative employment

- 4.1 On receipt of notification of vacancies for advertisement, the People Centre will assess the suitability of the skills and experience of the redeployee against the vacancies arising during the employee's redeployment period. This is with a view to assisting them in identifying potential suitable alternative council employment.
- 4.2 The following key criteria will be applied by the People Centre when conducting a match:
 - i. the vacant post will be 1 or 2 grades up or 1 grade down from their existing post;and
 - ii. the redeployee will have the appropriate experience, skills and / or qualifications required by the person specification.
- 4.3 Suitable alternative employment is intended to reflect the match between the employee's current or most recent role(s), their skills, knowledge, qualifications (where relevant), aptitude and capability compared with the requirements of the new post with or without further training. Key factors to be taken into account when considering

suitable alternative employment encompass is it reasonable to expect the employee to accept a new role based on the differences between their substantive post and potential post given:

- the nature of the job, including consideration of any additional duties assigned to their role over and above the job description;
- job status;
- the salary;
- knowledge, qualifications and skills;
- the required hours of work and work pattern;
- the accessibility of proposed new location;
- any personal circumstances e.g. outside work care responsibilities;
and
- personal career prospects.

- 4.4 If a redeployee's current role is part-time, or if the redeployee has flexible working arrangements in place in their substantive post, for any position they may be redeployed to a new request for part-time or flexible working will need to be made at the time of applying for the position.
- 4.5 A discussion with the redeployee should confirm whether they are prepared to accept an alternative job that would involve a demotion (less pay) rather than become unemployed.
- 4.6 If the post being applied for is exempt from the Rehabilitation of Offenders Act 1974, then the redeployee must declare all information about convictions, including those regarded as 'spent'. If the post is not exempt then the redeployee should only provide details of convictions, which are not 'spent'. If applying for a post which is covered by this Act any queries should be taken up the People Centre.
- 4.7 If the post being applied for requires substantial access to children or vulnerable adults as part of the normal duties of the post, a Criminal Records Bureau (CRB) check will be required and the redeployee will be sent a CRB form to complete. This process will be explained to the redeployee at interview and appointment will be made subject to satisfactory clearance.
- 4.8 If the post is deemed to be suitable alternative employment, the redeployee will be required to complete a Supporting Statement against the person specification for the vacant post within 48 hours, this together with the Redeployment Skills Profile form will be forwarded to the recruiting manager who will assess the redeployment candidate against the relevant person specification criteria for the post and the redeployee will be called for an interview.
- 4.9 If the redeployee does not wish to apply for a post that the People Centre identify as potentially suitable the People Centre notify the Substantive Manager and proceed to advertise the post in the normal way.
- 4.10 Where delays in the process mean that a reasonable job search was not completed within the notice period; or there is reason to believe that the job search may be successful imminently, for example the redeployee has an interview scheduled shortly after anticipated termination date; their employment may be extended to accommodate an extended job search. This must be in consultation with Human Resources.

5.0 The redeployment Interview

- 5.1 The key purpose of the interview will be to establish whether or not the position is suitable for the employee, meeting the essential criteria of the person specification, also taking into account the employee's background, current/recent level of: seniority, skills and type/level of experience, as well as the terms and conditions applicable to the post in question.
- 5.2 Appointment of redeployees' to posts within the council will be by interviews unless there is a specific need by which the person specification criteria of the post needs to be tested in some other way i.e. keyboard speed.
- 5.3 The number of people assigned to the recruiting panel will be kept to a minimum. The interviews should be as informal as possible but must ensure that suitability for the post is properly assessed.
- 5.4 The Recruiting Manager must keep a record of their scores to return to the People Centre.
- 5.5 Where the redeployee is successful at interview, refer to Section 11.0 regarding trial periods below.
- 5.6 Where the redeployee is unsuccessful at interview, the recruiting manager must offer the redeployee feedback and the job search for a suitable alternative post will continue for the remainder, if any of their notice period.
- 5.7 There is no right of appeal against the outcome of redeployment interview if the redeployee is unsuccessful. However, the Fairness at Work Procedure could be used by the redeployee to raise issues of discrimination regarding the process.

6.0 Accepting or rejecting suitable alternative employment

- 6.1 In all cases of redeployment there will be a 4 week trial period (noting specific additional criteria attached to redundancy situations below), an offer and acceptance of a post is to move on a confirmed date by management, to the new post's terms and conditions of employment. A reference should be taken up from the immediate line manager of the substantive post to confirm that the role is right for the individual and to help in the identification of any training needs. An appointment to certain posts may necessitate further pre-appointment checks e.g. CRB clearance. Failure to accept the post will result in the referral back to the relevant HR procedure the redeployee was within i.e. Managing Change Procedure, Attendance Management Procedure or Disciplinary Procedure and ultimately the termination of their employment. In such cases Human Resources must be consulted.
- 6.2 In a redundancy situation:
 - i. If an offer of suitable alternative employment is made, but the employee unreasonably refuses to accept it, an employee in a redundancy situation will lose his/her right to their redundancy payment.
 - ii. Where an employee refuses an offer of alternative employment (beyond the scope of their existing skills/knowledge) with a period of development, their entitlement to redundancy will be limited to the maximum statutory ceiling. In this circumstance there will be no entitlement to a severance payment.
 - iii. If management accept that the alternative employment offered is not entirely suitable for the employee and/or the employee's refusal of the offer is reasonable in the circumstances, he/she will be treated as having been dismissed by reason of redundancy on the date that his/her original job came to an end. In these circumstances, the employee will retain the right to their redundancy payment.

- iv. Where alternative employment is offered and accepted in a redundancy situation, a four week trial period will ensue.
- v. On confirmation of a trial period being offered and accepted one reference should be requested from the substantive post's line manager to confirm that the role is right for the individual and to help in the identification of any training needs. Appointment to certain posts may necessitate further pre-trial period checks e.g. CRB clearance.

7.0 Accepting a temporary / fixed term post or secondment

Redundant redeployees

- 7.1 A redundant redeployee is someone who is under notice (or imminent notice) of dismissal by reason of redundancy in any one of the four redundancy criteria categories stated in Section 1.2 of this procedure.
- 7.2 Where the redundant redeployee accepts redeployment to a temporary/fixed term or secondment post, the new post then becomes their substantive post; the terms of any such appointment then apply with the additional provision of time limited pay protection (as set out in Appendix 3 of the Managing Change Procedure). If during the time period of the temporary/fixed term or secondment post, the position is subject to a new re-organisation, the Managing Change Procedure is applied afresh.
- 7.3 Prior to the expiry of the temporary/fixed term post or secondment, the redeployment search will recommence again 12 weeks before the date the contract is due to end provided the total period of continuous employment with the Council is two years or more.
- 7.4 In the event that no further suitable redeployment opportunities are available prior to the end of the temporary/fixed –term or secondment post, where there is a further imminent genuine redundancy situation (criteria as stated under Redeployment Reason: Redundancy, Section 1.2 above are met) and the employee has at least 2 years continuous service, then eligibility to redundancy payment arrangements are detailed in the Managing Change Procedure at Appendix 3.
- 7.5 At the end of a limited contract, the redundancy payments will be met from the unit the employee was originally made redundant from for up to one year. For fixed-term contracts beyond one year after the original redundancy such costs are to be met by the fixed-term postholder's unit.

All other redeployees

- 7.6 For all non-redundant redeployees accepting a temporary/fixed term post or secondment, the new post then becomes their substantive post; the terms of any such appointment then apply.
- 7.7 A redeployment search will recommence again 12 weeks before the date the contract is due to end assuming the contract accepted is longer than 2 years.

8.0 Ill-health redeployee

- 8.1 Management in consultation with Occupational Health and any other relevant medical advice must ensure that any adjustments, limitations or restrictions that may apply are managed appropriately.

9.0 The trial period

- 9.1 A redeployee who is successful at interview will be entitled to a four week trial period in the new post. The trial period gives both employee and the appointing manager the opportunity to try out the new job before making the final decision on its suitability.

The trial period should be extended by a further 2 months, to a total of 3 months to allow for re-training. The decision to extend and the length of extension must be in consultation with Human Resources and must be set out to the redeployee in writing.

- 9.2 During the trial period, the line manager of the new post should meet with the employee on a weekly basis to discuss their performance.
- 9.3 Where possible the view on the suitability of a role following a trial period should be agreed jointly between the manager and the redeployee. Where agreement is not possible, management reserves the right to make the final decision on whether the trial period has been concluded successfully or not, although the views of the redeployee will be taken into account.
- 9.4 In the event that the council decides to terminate the employee's employment at the end of the trial period, a redundant employee will retain the right to their redundancy payment. The relevant date for the purposes of calculating redundancy pay in these circumstances will be the date on which the employee's original job ended (and not the date that marked the end of the trial period).
- 9.5 The trial period may cease early if it becomes evident that the role is not suitable by either management or the redeployee.
- 9.6 Eligibility to a redundancy payment may also be lost if an individual unreasonably refuses an offer of suitable alternative employment.
- 9.7 Where an employee unreasonably refuses an offer of alternative employment (beyond the scope of their existing skills/knowledge) with a period of development, the redundancy pay will be limited to the statutory ceiling.

10.0 Salary payment and protection

- 10.1 For employees who are being redeployed who would otherwise be redundant, the receiving unit pays the redeployee's salary during the trial period; if the job is at a higher grade than their substantive post then the higher grade applies, if the job is at a lower grade than their substantive post then for the trial period refer to the Pay Protection Appendix 3 contained within the Managing Change Procedure.
- 10.2 For employees who are being redeployed due to ill health/capability or any of the other non redundancy reasons, the receiving unit pays the redeployee's salary during the trial period; if the job is at a higher grade than their substantive post then the higher grade applies, if the job is at a lower grade than their substantive post then the lower grade applies, noting there is no pay protection facility.
- 10.3 In the event that the trial period is not successful then the terms of the original post are the terms of any termination payments.

11.0 Outcome of Trial Period

11.1 **Successful Trial Period.** If the trial period is successful, the manager will:-

- Write to the employee to confirm their continued employment in the post and the terms of the employment.
- Confirm for redundancy redeployees' any salary protection arrangements in accordance with the Salary Protection arrangement contained within the Council's Managing Change Procedure (Refer to Appendix 3).

- Confirm any training and support that may have been identified and agreed during the trial period.
- Inform payroll of the confirmed appointment.
- Ensure any further local induction needs to the new department are met.
- Arrange for Statement of Particulars of employment to be issued.
- Arrange for a reference from the previous line manager to ensure that the role is right for the individual, and to help in the identification of any training needs.

11.2 Where suitable alternative employment exists, if offered to the employee after he or she has been given notice of dismissal, the new job must begin before the original job comes to an end.

11.3 For a redundant redeployee where alternative employment is secured prior to the above (11.2) they will not be entitled to receive a redundancy payment statutory or otherwise, as there will have been no termination of employment, hence no redundancy.

11.4 If a decision is made to offer the employee the position, the offer will be made in writing and the employee will be given 3 working days to decide whether or not to accept it. This time period may be extended by agreement if the alternative position involves any major changes for the employee such as a move to a new location.

11.5 **Unsuccessful Trial Period:** Where either the employee or the manager feels that the post is not suitable or the trial period unsuccessful the manager should do the following:

- Meet with the employee to discuss the outcome of the trial period. Explore the possible suitability of the post with additional short term training and support.
- Discuss with the departmental HR team and the substantive line manager with a view to decide if the trial period should come to an end and if the job search should recommence for the remainder of the employee's notice period.
- If it is concluded that the employee has unreasonably refused a suitable alternative offer of employment, or that the employee has not engaged fully in the process redundancy payments will not be payable.
- If at the end of the trial period no other possible alternative employment is found; then the employee's contract of employment would be terminated under the relevant procedure.

12.0 Disabled redeployee (Disability Discrimination Act 1995)

12.1 A person is defined by the Disability Discrimination Act 1995 (DDA) as having a "disability" if he or she "has a physical or mental impairment which has a substantial and long-term adverse effect on his or her ability to carry out normal day-to-day activities." There are four key areas which must be satisfied:

- the person must have an impairment that is either physical or mental;
- the impairment must adversely affect "ability to carry out normal day-to-day activities";
- that adverse effect must be "substantial"; and

- that adverse effect must be "long-term".

12.2 Under the DDA there is a requirement to consider reasonable adjustments to the workplace or the way in which the work is done to resolve any issues that the disabled person may be faced with in undertaking an alternative job. The nature of the reasonable adjustments that have to be considered will depend on the facts and circumstances of each case. Consideration should be given to retraining and / or transfer to a lower graded post if no other options are available as with other redeployees. Consistent with this approach, in circumstances where more than one redeployee equally meets the person specification for a particular post, a job offer will be made to the redeployee who is considered disabled under the DDA; this must be in consultation with Human Resources. Brent Council is committed to:

- Considering what, if any, adjustments could reasonably be made to support a disabled job redeployee and discuss these with them directly.
- Seeking professional advice on internal or external as appropriate on disability adjustments.
- Assess a disabled redeployee's suitability for taking into account any reasonable adjustments that could be made, so as to allow the person to compete for the job on a level playing field.
- Ensure that no disabled applicant is refused a job for a reason related to his or her disability unless the refusal can be objectively justified on grounds that are material and substantial.

13.0 Complaints

13.1 Any individual who feels they have not been treated fairly under the redeployment procedure should initially seek to resolve this informally. If this proves unsuccessful complaints will be dealt with under the terms of the relevant appeal procedure as relates to the reason for their redeployment such as Capability Procedure, Attendance Management Procedure, Managing Change Procedure, Disciplinary Procedure, Temporary or Fixed-term Contracts Guidelines and the Fairness at Work Procedure for redeployment decisions arising from a grievance e.g. following the fundamental breakdown in a working relationship.

The substantive manager's responsibilities within the process:

- Check for redeployment opportunities within the employees own Unit before notice of dismissal is issued.
- Notify the People Centre of the redeployee's status, who will set up an account for the redeployee on the e-recruitment system.
- Provide support to individuals subject to redeployment by meeting to explain the redeployment process and provide guidance in completing the profile document and supporting statement.
- Advise the redeployee of their responsibility to be pro-active in seeking alternative work.
- Meet with their redeployee periodically to discuss how they are and their progress with the job search.
- Find the employee temporary duties (if applicable).
- Allow the employee reasonable time off to prepare for and attend interviews (what is reasonable).
- Consider learning and development needs that may assist the redeployee in respect of seeking alternative work, during their trial period and becoming established in the post.
- Keep records of any communications with the employee about their redeployment status, communications with the trade unions, or employee representatives.

The redeployee's responsibilities within the process:

- Actively engage in the redeployment process to seek alternative employment within the Council, i.e. by completing the Skills Profile form and checking the Council's Intranet on a regular basis for suitable employment opportunities this includes those staff who maybe absence from the workplace due to sickness absence, maternity or other types of leave.
- Complete supporting statement's promptly upon request from People Centre in regards to applying for internal suitable alternative employment.
- Consider reasonable changes in the work environment, pay and responsibilities.
- Make use of opportunities and facilities available for job search inside and outside the council.
- Prepare adequately for interviews i.e. make sure that they are familiar with the job description and requirements as outlined in the person specification of the potential suitable alternative post.
- Not to unreasonably turn down an offer of suitable alternative employment.
- Carry out any reasonable temporary duties assigned to them by their line manager when they are under trial for a post.

The recruiting manager's responsibilities within the process:

- Notify the People Centre of any post(s) to be advertised before taking any action to advertise a vacant post.

- Accept responsibility for employees by responding positively to requests from other departments to consider staff subject to redeployment.
- Set up the recruiting panel and will ensure the short list takes place quickly. The shortlist of the redeployment candidate will be against the essential criteria for the post as detailed in the job description and person specification.
- Confirm the interview arrangement and details to the People Centre and the shortlisted redeployee.
- Confirm the outcome of the interview to the People Centre and the employee.
- A record of the interview, the reasons for the selection of the successful applicant and the reasons for the rejection of the unsuccessful candidates should be documented by the recruiting manager. This record should be objective and should focus on factors such as the extent to which a candidate's qualifications, skills and experience matched up to the requirements defined in the person specification. These records should be retained for six months, after which they should be destroyed in the absence of any litigation. Noting that under the Data Protection Act 1998, the recruiting managers' interview notes held in a structured file (paper or computer based) can be subject to access requests from both successful and unsuccessful job applicants.
- Be available to provide feedback where the redeployment candidates do not meet the essential criteria or have been unsuccessful at the interview.
- Arrange the redeployee's local induction.
- Provide appropriate managerial support to the redeployee, assess and monitor their suitability for the post during the trial period.
- Provide weekly progress report to the substantive post's departmental Human Resources Team and copied the People Centre.
- Confirm the outcome of the trial period to the People Centre.
- Ensure that any on-going learning and development needs are identified and work objectives are set under the performance management appraisal scheme framework.

The People Centre's responsibilities within the process:

- Maintain a register (database) of staff subject to redeployment.
- Receive notification of all vacancies before they are advertised and identify suitable alternative posts against redeployees in the Redeployment Pool i.e. a vacant post of one grade above or below their substantive post and that they have the appropriate qualifications, where these are required in the Person Specification.
- Assist redeployees' with advice regarding a skills profile and supporting statement.
- Provide a copy of the Redeployee Staff Information Pack.
- Notify redeployee's of forthcoming vacancies by sending the list.
- Determine through the suitability of redeployee for specific posts.
- Liaise with appointing manager to ensure redeployees are given prior consideration for vacant posts in the priority order set out in Section 2.
- Confirm arrangement and interview details to the redeployee and the change manager (line manager).
- Confirm the outcome of the trial period to both the redeployee and change manager (line manager).

- Ensure that any job specific requirement checks i.e. CRB clearance are actioned.
- Take up a reference from the line manager of the redeployee's substantive post to ensure that the role identified as potentially suitable is right for the individual and to help in the identification of any training needs.
- Maintain good quality audit trail of the process for redeployment.
- Undertake redeployment data monitoring including equalities monitoring in respect of successful and unsuccessful redeployment searches, monitoring outcomes by race/ethnicity; age; disability; gender/transgender; religion/belief; sexual orientation.
- Provide reports as and when require to analyse the effectiveness of the process and any adverse equality impact.

Human Resources' responsibilities within the process:

- Ensures that manager checks for redeployment opportunities within the employee's own Unit before notice of dismissal is issued.
- Provide coaching in interviewing skills and mock interviews etc.
- Inform employees of facilities which are available inside and outside the Council to assist in obtaining employment.
- Support the change manager (line manager) and the recruiting manager with advice and guidance on the process.
- Determine the support required in completing a skills profile plus advice on: job applications, supporting statements, CV writing and interview preparation.
- Resolve any queries about final payment i.e. redundancy pay calculations and pay protection issues.

Steps / Task	Activity	Responsible Lead Officer
Starting the process (Referral)	<ul style="list-style-type: none"> • Check for redeployment opportunities within the employees own Unit before notice is issued. • Issue letter of referral to redeployment pool, confirm reasons and timescales • Explain the redeployment process to employee and advised them to be pro-active in applying for alternative posts. • Support the employee with completing a skills profile. • Allocate temporary duties and confirm working arrangements for the redeployment period. • Notify the People Centre. • Meet the employee on a weekly basis to discuss their general welfare ad job search. • Allow employee reasonable time off to prepare for and attend interviews. 	Change Manager (substantive post line manager)
Job Search & Suitability Assessment – (Council jobs will not be advertised until a matching exercise against redeployees in the redeployment pool has been carried out)	<ul style="list-style-type: none"> • Register employee as a redeployee • Check for receipt of the skills profile. If not received, notify change manager. • Explain process for obtaining suitable alternative job to redeployee. • Send Vacancy bulletin to redeployee on a weekly basis in advance of • Identify possible suitable posts against employees on the redeployment register with vacancies • Liaise between redeployee and recruiting manager. • Update employee on progress. • Determine the support required in completing a skills profile plus advice on: job applications, supporting statements, CV writing and interview preparation. 	People Centre
Interviews	<ul style="list-style-type: none"> • Assess the redeployee against the selection criteria for role (make interview compulsory). • Arrange interviews and confirm details to redeployee and the People Centre. • Inform People Centre of the outcome of the short list and /or the interview. • Provides feedback if requested • Offer post on a 4 weeks trial basis if successful at interview. 	Recruiting Mgr / Recruiting Panel
Redeployee	<ul style="list-style-type: none"> • Completes Redeployment Profile form • Completes Supporting Statement for the post considered potentially suitable • If shortlisted, attends interview • If successful is offered 4 week trial period (see During Trial Period below) • If unsuccessful, outcome confirmed in writing and remains in redeployment pool 	

During the Trial Period (4 weeks)*	<ul style="list-style-type: none"> • Meet weekly with employee and provide appropriate line managerial support, assess and monitor their suitability for the post using the criteria on person specification. • Discuss redeployee's refusal of offer with HR and line manager. • Seek advice and guidance on the process from HR and the People Centre as and when you require. 	Appt Line Mgr
Successful Trial Period	<ul style="list-style-type: none"> • On successful completion, offer post and confirm to People Centre. • Issue written confirmation of appointment to employee and issue new Statement of Particulars of Employment. • Confirm any salary protection arrangements in accordance with council's salary protection arrangement. • Confirm any training and support that may have been identified and agreed during the trial period. • Inform payroll as appropriate..... • Continue with employee's induction to the new department where applicable. • If employee refuses the offer, inform them that they will not be entitled to a redundancy payment at the end of the process. • Discuss redeployee's refusal of offer with HR and line manager. • Follow the advice provided. 	Appt Line Mgr
Unsuccessful Trial Period	<ul style="list-style-type: none"> • Identify skills gap (shortfalls) and assess if this can be addressed within an acceptable timeframe with additional training. • Discuss redeployee's suitability and the assessment with them. • Consult with HR and line manager on possible extension of the trial period. • Confirm the outcome of discussion to redeployee. • Notify People Centre and line manager of unsuccessful trial period and provide them with the records. 	Appt Line Mgr
Conclusion of the Job Search	<ul style="list-style-type: none"> • Assess whether a reasonable timely job search has been undertaken across the council during the redeployment period. • Assess whether a short extension to the redeployment period is likely to secure a suitable redeployment opportunity. • Refer the redeployee back to the originating department. • Termination of contract and exit interview. 	Appt Line Mgr / HR/Change Mgr /People Centre
Monitoring	<ul style="list-style-type: none"> • Monitor and keep records of the outcome for individual redeployee. • Monitor the outcome for all redeployees • Undertake Equalities monitoring in respect of successful and unsuccessful redeployment searches monitor outcome by race/ethnicity, age, disability, gender/transgender, religion/ belief and sexual orientation • Assess the effectiveness of the process. • Provide reports as and when required. 	People Centre

APPENDIX 11 - Sample s.188 letter

To Branch Secretaries
Unions representing NJC employees [or JNC employees]

Dear

I am writing to inform you ofproposed dismissals for redundancy and give below the information required under s.188 of the Trade Union & Labour Relations (Consolidation) Act, 1992 [as amended by the Trade Union Reform and Employment Rights Act, 1993 and the Transfer of Undertakings (Protection of Employment) (Amendment) Regulations].

The proposed dismissals for redundancy would affect the[section] in theUnit.

The reason for the proposed dismissals for redundancy is

[give the background to the changes (ie financial/organisational/external factors), the proposed changes themselves and objectives]

The proposals will mean that we expect that it will be necessary to make staff reductions. It is envisaged that we will need to dismiss as redundant [] employees at the above establishment within a period of [90 days or less]. As required by s.188 of the Trade Union and Labour Relations (consolidation) Act 1992 I set out below the written information which I am required to disclose to you. My proposals for redundancies are as follows:

[set out the number and categories of employees who may be made redundant]

There are currently[the number] of employees of this category employed in the service unit.

[give this information for each affected category of employee]

The proposed selection criteria to be used in choosing employees for any new/remaining [delete whichever is inapplicable] posts in the restructuring are:

This selection process is planned to be completed on [date].

It is proposed that any of the employees concerned who does not accept an offer of a new post in the restructuring with the Council (for example, as a result of a ringfenced interview)/ who is not selected for one of the remaining posts [delete whichever is inapplicable] would be given on or after [date] notice of termination of their employment with the Council based on contractual or statutory notice, whichever is the greater.

It is proposed that in normal circumstances staff with 2 years' continuous Local Government service will receive a redundancy payment in accordance with the statutory scheme but based on actual pay. **[For relevant staff i.e. Brent Council employees:** Under the current severance arrangement (provided staff meet the relevant criteria) they will also be entitled to a severance payment which is equivalent to half of the statutory redundancy payment. Such staff will lose the right to a redundancy [and severance] payment if, before leaving the Council's employment, they are offered alternative employment with the Council or with an organisation related to Local Government, the commencement date of the new job is within 4 weeks of their leaving date and they accept the offer. They would also lose their right to a

redundancy payment if they were to unreasonably refuse such an offer and the offer was of suitable alternative employment. Where staff unreasonably refuse an offer of alternative employment with appropriate training and development support, redundancy entitlement will be limited to the statutory ceiling of a week's pay.

In the case of an offer of employment with an organisation not related to Local Government, employees may at the Council's discretion choose to leave before the expiry of their notice period without losing their redundancy pay, though they will not be paid the unexpired balance of their notice pay if they do so.

Every reasonable effort will be made to offer the employees concerned suitable alternative employment with the Council. The employees have already been informed about this.

I will be contacting you shortly to arrange a meeting to discuss these proposals.