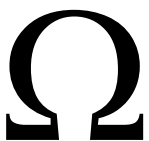


# Redundancy Policy



## Version Control

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Purpose	To provide a clear, consistent framework for managing redundancy situations.		

This policy links to:

- Our Council Plan
- Walsall Proud
- Redeployment Policy
- Organisational Change Management Policy
- Recruitment & Selection Policy
- Organisational Development Strategy
- Workforce Strategy
- Behaviour & Standards Framework
- Appeals Policy
- Redundancy Guidance
- Redeployment Guidance

This list is not exhaustive.

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## 1.0 Introduction

- 1.1 Walsall Council is PROUD. We are proud of our past, our present and for our future. The council is committed to reducing inequalities and ensuring all potential is maximised and its employment policies, procedures and guidelines are designed to support this vision and deliver the council's priorities.
- 1.2 The council is committed to creating an environment that provides opportunities for all individuals and communities to fulfil their potential. This policy provides a framework in which employees will be supported to deliver the council's priorities in line with the council's expected behaviours and values; professionalism; leadership; accountability; transparency and ethical working.
- 1.3 The council's values and behaviours are at the core of everything the council deliver and through a culture of continuous improvement the council will increase performance, efficiency and champion the design of services to meet the needs of customers. As a digital by design council, employees will be empowered to deliver new ways of thinking and new ways of working, encouraging innovation and creativity in a learning environment. The council is committed to technological investment to deliver transformation in order to improve the efficiency and effectiveness of its services, both internally and externally.
- 1.4 This policy framework promotes the council's strategic priority of internal focus ensuring all council services are customer focused effective, efficient and equitable, and helps embed the behaviours and values expected of all employees as part of the Behaviour and Standards Framework.
- 1.5 Council employees have a duty to demonstrate principles of equality, diversity and inclusion across all interactions ensuring compliance with council policies, procedures and relevant legislation. The council adopts a zero tolerance approach to discrimination and will not accept any form of unlawful or unfair discrimination on the grounds of age, disability, gender, gender identity, marital or civil partnership status, race, ethnic origin, colour, nationality, pregnancy or maternity, religion or belief (or no religion or belief), sexual orientation, class or social background, political belief or Trade Union affiliation. We are committed to equal opportunities and aspire to have a diverse workforce, and an inclusive workplace culture, all of which enable better outcomes for our employees and the local residents we serve. Employees should refer to the equality and diversity protocol for further information.
- 1.6 The purpose of this policy is to provide a clear, consistent framework for managing redundancy situations. Walsall Council is committed to maintaining job security for its employees wherever practicable and will seek to avoid or reduce any negative impact of redundancy on its employees.

## 2.0 Scope

- 2.1 This policy applies to all Council employees;
- 2.2 With the exception of;
- 2.2.1 Directors, Executive Directors and the Chief Executive.
- 2.2.2 School-based employees/workers where the governing body has delegated authority and for whom separate arrangements apply.
- 2.3 This policy does not apply to casual workers or agency workers or those on fixed term contracts where the initial contract is expiring at its predefined and known end date and is not due to a redundancy situation.
- 2.4 This policy does not apply to contractors, consultants or any self-employed individuals working for the council.

## 3.0 Principles

- 3.1 This policy should be used to manage all redundancy situations from individual cases to those arising from large scale organisational change. A genuine redundancy arises when employees are dismissed due to;
- The employer stopping or intending to stop the continuation of the business/service;
  - The employer stopping or intending to stop the continuation of the business/service at the employees place of work or site;
  - The employer reducing or stopping or intending to reduce or stop work of a particular kind conducted by the employee or conducted at the employee's place of work or site.
- 3.2 The above may result in;
- The identification of a specific post(s) being identified for deletion (e.g. an individual post being deleted resulting in the individual being made redundant, or for example, a team of 3 posts all being deleted resulting in 3 redundancies)
  - The need to reduce the number of employees fulfilling a specific post (e.g. a team of 6 being reduced to a team of 3 resulting in 3 redundancies)
  - The need to reorganise the structure / positions of a whole team or service or part of a team or service effecting some or all of the posts within the team or service and resulting in redundancies.
- 3.3 This policy should be used to address each of the above situations.
- 3.4 The council will seek to minimise or avoid redundancies where possible and should consider the following measures prior to making redundancy dismissals;

- natural wastage
- restrictions on recruitment
- retraining and seeking alternative work
- reduction of overtime/honoraria payments
- seeking volunteers for redundancy/early retirement in accordance with council policies and procedures
- restricting the use of temporary staff/agency staff

This is not an exhaustive list.

- 3.5 The council will begin collective consultation with appropriate trade union representatives prior to any dismissal taking effect, in line with legislation, which is currently:

Number of proposed redundancies	Consultation timescale (days) before first dismissal take effect
20-99	30
100+	45

- 3.6 In cases where less than 20 employees are proposed to be made redundant the council will aim to begin consultation at least 30 days prior to any dismissal taking effect, unless circumstances prevent this from being possible.
- 3.7 Collective consultation will take place with recognised trade unions normally through the Joint Negotiating Consultative Committees (JNCC's) and/or Employee Relations Forum (ERF). Collective consultation should commence prior to the start of any formal individual consultation with employees, they can however run alongside each other.
- 3.8 A business case explaining the reason for the proposed redundancies should be provided in writing to the recognised trade unions at the start of the consultation process.
- 3.9 The length of consultation is likely to vary depending upon the number of people involved and the complexity of the proposals. The consultation must be meaningful and in order to allow for and demonstrate this, consultation periods may vary in length.
- 3.10 An Equality Impact Assessment (EqIA) should be completed for all redundancy proposals/business case proposals. The EqIA needs to be started at the beginning of the proposal and updated throughout as necessary.
- 3.11 Employees should be given 5 working days written notice of formal consultation and redundancy notice meetings as detailed within, and are entitled to be accompanied at these meetings by their recognised trade union representative or a Walsall Council work colleague.
- 3.12 Any alterations to the minimum timescales referred to within this procedure may be amended by agreement with individual employees; confirmation of any such agreements must be in writing.

3.13 Special redundancy protection applies where an employee is at risk of redundancy during:

- pregnancy (from the date they notify their manager of their pregnancy);
- maternity leave, adoption leave or shared parental leave (where shared parental leave is for 6 weeks or more);
- the six months following their return to work from maternity, adoption or shared parental leave.

These employees have a legal entitlement to be offered any suitable alternative vacancy (if one is available). Where managers are considering a redundancy process where there are employees with this redundancy protection early advice must be sought from HR.

3.14 This policy and accompanying procedure is underpinned by and should be read in conjunction with the redundancy guidance which offers further advice and support to employees and managers in the implementation of this policy and the organisational change management policy for guidance on re-organisations.

## 4.0 Accountabilities

4.1 Managers are accountable for the following;

- Applying this policy and procedure consistently, fairly and objectively in accordance with the council's aim and priorities and clearly demonstrate the council's management behaviours and values, seeking further advice and guidance from HR where necessary;
- Supporting all employees (reasonably and practicably) affected by a redundancy process;
- Providing meaningful consultation and engage with employees and their representatives through the process ensuring timely and relevant feedback is provided;

4.2 Employees are accountable for the following;

- All employees should support the delivery of the council's aim and priorities clearly demonstrating the council's behaviours and values;
- Actively engage in employment practices and processes in which they are involved and should ensure they understand this procedure, seeking further advice and guidance from managers where necessary;
- Actively and positively engage in the consultation process;
- Actively engage with support mechanisms available, utilising the redeployment process to proactively search for alternative employment;
- Comply with the requirements of this policy and procedure and accompanying appeals policy where relevant.

## 5.0 Procedure

## 5.1 Step 1 – Redundancy business case

5.1.1 Managers will complete a business case that details the following specific information;

- the reason for the proposed redundancy dismissals (the rationale);
- the number(s) of proposed redundancies and details of the post(s);
- the total number of employees potentially affected by the proposals;
- the proposed method of selecting those who may be made redundant;
- a proposed timeline for the consultation and redundancy process to take effect;
- information about how employees can contribute and feedback their views;
- the redundancy procedure including the method of calculating any redundancy payments due;
- the number of agency workers, where they are working and the type of work they are doing;
- In the case of reorganisations a current and proposed structure chart should be provided to identify the changes being proposed and the effects this will have.

5.1.2 The completed business case should then be shared with trade unions and employees as set out below.

## 5.2 Step 2 – Collective consultation and employee consultation (placing employees ‘at risk’ of redundancy)

5.2.1 The redundancy business case should be shared in writing with recognised trade union officials (normally through ERF / JNCC’s) prior to individual consultation commencing with employees. The sharing of the business case with trade unions commences the collective consultation period.

5.2.2 In addition to collective consultation with trade unions, managers are required to consult on an individual basis with affected employees. This includes all employees who are potentially affected by the redundancy proposal, including those who are absent from work for any reason (e.g. employees who are on maternity/paternity/adoption leave, sickness absence, etc.).

5.2.3 Depending on the number of employees affected and the impact of the proposal, the choice of the initial consultation (1 to 1 or group meeting) will be decided by the manager. Either way, each individual employee must be invited in writing to the meeting and provided with a minimum of 5 working days advance notice reminding them of their right to representation. During this initial consultation meeting the proposals will be shared with the employee and they will be given a letter confirming that they are ‘at risk’ of redundancy.

5.2.4 At this meeting, managers should;



- Explain the reason for the redundancy proposal;
- Issue each employee with the business case and their 'at risk' letter;
- Confirm the reason why the employee is at risk of redundancy;
- Explain the consultation process and the proposed timeline for consultation;
- Explain to the employee what support is available.

5.2.5 During the individual consultation period managers must hold at least one further individual consultation meeting with potentially affected employees. Consultation meetings must be recorded to evidence the discussions that took place. Employees can request additional consultation meetings and these should not reasonably be refused. Employees should be given at least 5 working days advance notice of their consultation meeting in writing and reminded of their right to representation. Employees who do not want to attend individual consultation meetings should confirm this in writing to their manager.

5.2.6 Where there are large groups of employees the individual consultation meetings can be held as a group meeting where this is mutually agreeable.

5.2.7 The purpose of consultation is to provide an opportunity to discuss and explore all available options with employees and their representatives. Consultation discussions should focus on the following;

- the proposed changes and why they are needed;
- the process to be followed and associated timescales;
- employees feeding back their views, suggestions and comments on proposals;
- any alternative proposal options the employee want to put forward;
- considering alternative options that will help to mitigate potential redundancies;
- mitigating the effects of redundancy dismissals (e.g. voluntary redundancy).

### **5.3 Step 3 – Confirm redundancy proposal(s)**

5.3.1 Once consultation has closed and following due consideration of all comments or suggestions received, including consideration of any voluntary redundancies, managers will finalise the redundancy proposal(s). The final business case for redundancy will then be shared with Trade Union officials and relevant employees and will confirm which post(s) are to be made redundant.

5.3.2 In some cases the redundancy situation may result in the need to select those employees who are to be made redundant in accordance with the process set out in the final business case.

5.3.3 Following the final business case employees who are no longer at risk or who need to go through a selection exercise will be informed in writing.

5.3.4 Prior to managers issuing formal notice of redundancy to any employee they must complete the required approval form (i.e. 'Authorisation to make post redundant' form).

#### 5.4 Step 4 – Issue formal notice of redundancy

5.4.1 Employees should be invited to this meeting in writing with a minimum of 5 working days advance notice and a reminder of their right to representation. The formal notice meeting should only be held once the approval form (i.e. 'Authorisation to make post redundant' form) has been completed and authorised. The manager must also formally register the employee with the redeployment team so that the employee can access redeployment opportunities as soon as they are issued with their formal notice, refer to the redeployment policy.

5.4.2 At this meeting, managers will issue the employee with their formal notice of redundancy in writing and will discuss the following;

- confirm that the employee has been issued with their formal notice and what the last working day will be (notice periods will be issued in line with the employees terms and conditions);
- confirm the reason for the redundancy situation and explain to the employee what support is available during their notice period;
- confirm that the employee can access redeployment opportunities with immediate effect and this will continue for the duration of their notice period;
- managers will make themselves reasonably available to meet with employees during their notice period as requested to provide any additional support or advice as required, and arrange any support meetings as necessary to review progress / support the employee to find suitable alternative employment;
- inform the employee of their estimated redundancy payment (if applicable) once this has been confirmed by the Payroll and Pensions team;
- the manager should inform the employee that they have the right to appeal against their redundancy and details of this should be included within the notice letter.

## 6.0 Redeployment

6.1 Please refer to the council's redeployment policy.

## 7.0 Redundancy payments

- 7.1 Where employees are entitled to redundancy payments, the estimated figure should be provided to the employee in writing and can be obtained at the managers' request from the Payroll and Pensions team.
- 7.2 Employees are entitled to the following redundancy payments after they have completed two years continuous local government (LG) service;

Employees age (years)	Redundancy entitlement (up to a maximum of 30 weeks' pay)
21 (or below)	half a weeks' pay per completed year of continuous LG service up to and including age 21
22 - 40	one weeks' pay per completed year of continuous LG service between the ages of 22 – 40
41 (or above)	one and a half weeks' pay per completed year of continuous LG service age 41 and above

- 7.3 Depending on the circumstances, the Council may waive its right to insist on employees working their notice and instead give a payment in lieu of notice.
- 7.4 Any offer of employment made by any local authority (or other specified body covered by the Modification Order) accepted whilst under notice of redundancy and commencing within four weeks of the date of redundancy would disqualify an employee from receiving a redundancy payment.

## 8.0 Pension benefits

- 8.1 The pension regulations provide for the immediate payment of accrued benefits to pensionable employees who are aged 55 or over with the minimum period of two years (or in line with any amended regulations) pension scheme membership when employment is terminated:
- (i) by reason of redundancy, or
  - (ii) in the interests of the efficient discharge of the employer's functions.

Contact the Payroll and Pensions team for further information.

## 9.0 Re-engagement following redundancy

- 9.1 Where an employee has requested voluntary redundancy and this has been accepted (irrelevant of whether they have accessed their pension or not) the employee cannot normally be re-employed directly by Walsall Council or through an agency arrangement, for a minimum period of 12 months after the termination date, unless in exceptional circumstances a waiver has been authorised.
- 9.2 Where an employee has been dismissed by the Council through compulsory redundancy (irrelevant of whether they have accessed their pension or not) the employee cannot normally be directly re-employed by Walsall Council or through

an agency arrangement for a minimum period of 12 months after the termination date, unless in exceptional circumstances a waiver has been authorised.

- 9.3 In exceptional circumstances, and where a business case is authorised by the Chief Executive or the Executive Director - Resources and Transformation a waiver to reduce the 12 month period can be approved. Any waiver cannot reduce the minimum time period below 1 month and 1 day following the termination date.
- 9.4 The above does not affect an employee's right to access and secure employment without forfeiting redundancy pay, after a period of 1 month 1 day, with other public sector employers covered by the modifications order (including none Walsall schools – Academies, Trust/Foundation or Voluntary Aided schools).

## 10.0 Appeal process

- 10.1 Employees have the right to appeal against their dismissal and if they wish to exercise this right, they should submit their appeal in writing to the Director of Human Resources within 10 working days of the date of their formal notice letter. The appeal should clearly state the grounds of the appeal which would normally be for one of the following reasons;
- against the selection for redundancy
  - against the implementation of the redundancy process followed
  - against the termination of employment on the grounds of redundancy
- 10.2 All appeals will be held in accordance with the council's appeals policy. Employees have the right to representation at appeal hearings.

## 11.0 Employee support

- 11.1 The prospect of being made redundant can cause considerable anxiety. The handling of redundancies requires managers to not only comply with employment law and good practice but to be able to demonstrate tact, diplomacy and empathy when dealing with employees who are facing such situations.
- 11.2 HR will be able to support managers and employees through the redundancy process and are able to arrange other specific support mechanisms to optimise the chance of employees finding alternative employment.
- 11.3 Employees will be allowed a reasonable amount of time off work to look for alternative employment including time to attend interviews and they will also be supported to access appropriate training (where reasonable / relevant) to help them to find alternative work.
- 11.4 In addition, the council's Employee Assistance Programme (EAP) offers free independent confidential advice / counselling to employees, details are available on the HR intranet pages.

