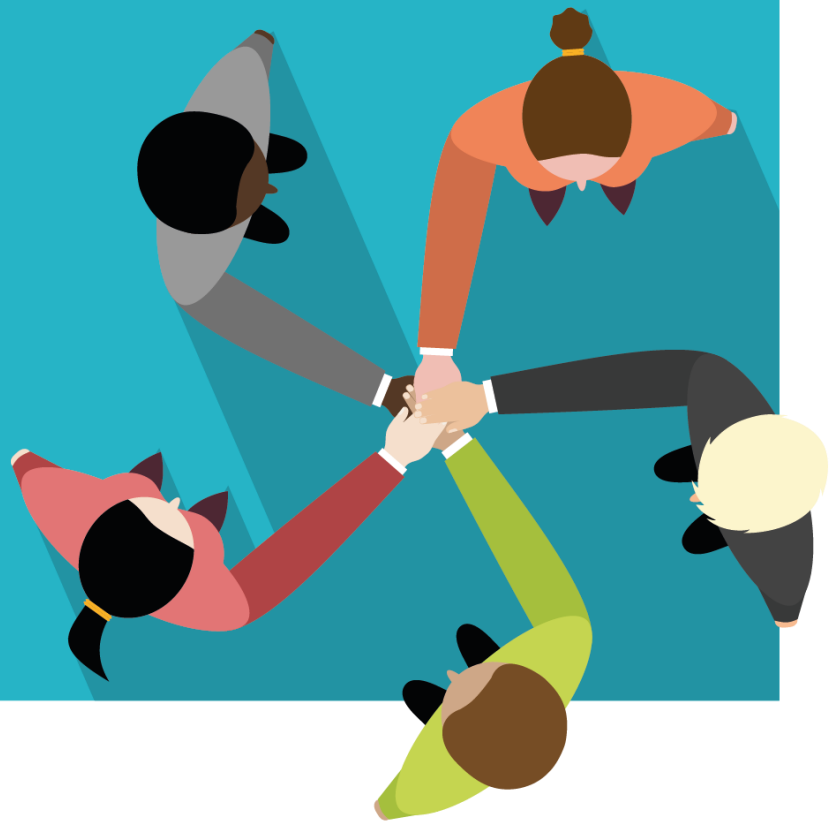

Redundancy Policy

South Oxfordshire and Vale of White Horse District Councils





Change Record

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1 Vision and Values

Our Vision

We are customer focused and approachable. We are honest and open and are committed to providing high quality cost-effective public services.

Our Values



Working Together

We are a committed professional team, who embrace change and help one another improve



People and Planet

We care about each other and the environment we share



Respect

We act with integrity, and champion diversity and inclusivity



Accountability

We take ownership, do what we say, strive for clarity and welcome feedback



Approachability

We are open, honest and accessible



2 Introduction

2.1 Purpose

This document details the councils' Redundancy Policy & Procedure

2.2 Scope

This Policy and Procedure applies to any permanent or temporary employee of the councils excluding Contractors/Agency Workers who are the employees of third parties.

This is with the exception of the head of paid service (the Chief Executive), deputy chief executives, the section 151 officer and the monitoring officer, because these posts are covered by separate statutory requirements as set out in each council's constitution, although the principles and procedures in this policy should still be incorporated into any associated redundancy process.

This document supersedes any previously existing or alternative policies, agreements or arrangements relating to redundancy and Redundancy Procedures at the councils.

2.3 Contractual Status

The councils are entitled to introduce minor and non-fundamental changes to this policy by notifying you of these changes in writing. The councils will consult with UNISON (on behalf of all employees as part of the collective agreement) on any major changes to the policy.

2.4 Relevant Legislation

- The Trade Union and Labour Relations (Consolidation) Act 1992
- The Employment Rights Act 1996
- The Collective Redundancies and the Transfer of Undertakings (Protection of Employment) (Amendment) Regulations 1999 (SI 1999/1925)
- The Information and Consultation of Employees Regulations 2004 (SI 2004/3426)
- The Collective Redundancies (Amendment) Regulations 2006 (SI 2006/2387)
- Transfer of Undertakings (Protection of Employment) Regulations 2006
- The Agency Workers Regulations 2010 (SI 2010/93)
- Equality Act 2010
- Employment Equality (Repeal of Retirement Age Provisions) Regulations 2011



- The Unfair Dismissal and Statement of Reasons for Dismissal (Variation of Qualifying Period) Order 2012 (SI 2012/989)
- The Trade Union and Labour Relations (Consolidation) Act 1992 (Amendment) Order 2013.
- Collective Redundancies and Transfer of Undertakings (Protection of Employment) (Amendment) Regulations 2014

2.5 Alternative formats

Alternative formats of this publication can be made available on request. These include large print, braille, audio, email, easy read, and other languages. Please contact the Equalities team on equalities@southandvale.gov.uk



3 Policy

Organisations change over time, and on occasion these changes can impact upon the organisational structure. This policy aims to enable the councils to respond flexibly to changing service or legislative requirements, whilst taking account individual needs of staff. For this reason, all reasonable steps will be taken to minimise job losses. As far as possible, the councils will work with staff who are facing redundancy to identify a suitable alternative position.

3.1 Overview

The aims of the policy are:

- To treat all employees sensitively, fairly, and equally in applying the procedure and in selecting posts for redundancy
- To comply with current employment legislation and best practice in managing staff reorganisation
- To implement communication strategies to ensure that everyone in the organisation has the correct information about the reasons for redundancy and clearly understands them.
- To consult with UNISON, as soon as possible, where changes are proposed.
- To consult, as soon as possible, with staff affected by any proposed changes, both on an individual basis and collectively as appropriate
- To handle redundancies in a sensitive and dignified manner, respecting the value and service of employees

The councils will seek to minimise the extent of redundancy by considering redeployment opportunities or continued employment to displaced staff, the councils may:

- Place a restriction on recruitment to permanent and temporary posts.
- Consider whether to recruit to vacancies when people resign from their roles.
- Reduce or cease overtime working.
- Reduce the use of external contractors.
- Offer voluntary redundancy (with consideration for the need to maintain a balanced and skilled workforce and ensuring that no discrimination occurs)
- Review employment of temporary employees and terminate as appropriate.



- Consider retraining and redeployment issues at an early stage.
- Consider any requests from staff who may wish to apply for career break opportunities and / or secondments.

Please note, staff transferred under TUPE may still retain certain contractual redundancy terms from their previous employment and these will be considered as part of the process.

3.2 Responsibilities

Any proposals for organisational change need to be carefully planned and approval sought from SMT prior to consultation commencing especially where the proposed changes could lead to redundancies.

The Strategic HR Business Partner Team will work in collaboration with the line manager who will be responsible for producing a communication strategy and consultation planning, including the provision of information to any employee consultative body as applicable.

The Chief Executive, respective Head of Service, members of the Strategic HR Business Partner Team and in consultation with UNISON, will discuss and agree the selection criteria for redundancy.

The relevant line manager will consult individually with affected employees on their job options and on the end date of employment if they are declared redundant. This will include the identification of outplacement support needs. Outplacement may include support from a member of the Strategic HR Business Partner Team and include help with reviewing CVs, preparing for interviews, networking, navigating job boards. It may also include advice and support from the Organisational Development Advisor, Learning & Development Advisors and/or Equalities and Wellbeing Advisors

Heads of Service and managers will be responsible for maintaining the motivation and morale of remaining employees during any periods of change (e.g. providing drop-in sessions for discussion/support). Support will be provided to the managers by People & Culture Team as necessary.

The Strategic HR Business Partner Team will act as an advisory resource to managers and employees on employment law, pensions, and redundancy, and will make any arrangements for outplacement support to be provided as appropriate.



The Strategic HR Business Partner Team will work closely with management and UNISON in implementing this procedure, the planned outcome being an agreed course of action which achieves the necessary changes but aims to minimise the number of potential redundancies.

3.3 Consultation and Communication

Individual consultation is necessary for all redundancy situations, and will include details of

- Why and how a position has been selected for potential redundancy.
- Possible ways of avoiding redundancy situations
- Discussion about possible alternative work/redeployment opportunities

- Where multiple roles have been identified for potential redundancy, the councils will ensure that relevant legislation and adherence to section 188 of The Trade Union and Labour Relations (Consolidation) Act 1992 is followed.

3.4 Individual Consultation Process

In the event that a position has been identified as “at risk” of redundancy the councils will ensure all staff affected are offered Individual consultation meetings with their manager and a member of the Strategic HR Business Partner Team. Staff are entitled to be accompanied at meetings by a trade union representative where they are a member of UNISON. Consultation meetings will be for a 6-week period as per the councils’ organisational change policy. Discussions will include:

- Why they have been selected for redundancy- this will include the selection criteria and their score.
- Possible redeployment opportunities and other vacancies
- The process for redeployment (further information on redeployment and salary protection can be found in the Organisational Change Policy)
- The ‘estimated’ redundancy payment due to them if no alternative employment is found.
- Any outplacement support that may be available.



There will normally be three meetings during the individual consultation phase. The first will be where the initial information is outlined. The second meeting is an opportunity for both parties to discuss the issues in more detail once the individual has had an opportunity to digest the information provided, and for the employee to present any suggestions as to how the redundancy situation can be avoided. This may also include information about selection processes. The third, and normally final meeting, takes place after the selection processes and is there to communicate the final outcome of the process.

It may be appropriate to vary this process depending on the circumstances e.g., there may be more than three meetings if for example someone suggests an alternative proposal for consideration and time is required to explore this. The emphasis is on ensuring genuine consultation rather than sticking rigidly to a process.

Managers should give special consideration to employees who may be absent for reasons such as long-term sickness absence, maternity/parental leave, etc. or who are on secondment. Such employees will have equal rights to consultation and special provision may need to be made to keep them informed and agree how they would like to be consulted where they are not currently at work, those who are on secondment will be consulted with as if they were in their substantive posts.

Step 1	Initial announcement of proposal	Day 1
Step 2	Provide information	Within 24 hours of proposal being shared
Step 3	Individual Consultation Meeting. With Line Manager and a HR Representative	Within 1 st week of consultation process
Step 4	2 nd consultation meeting with line manager and HR representative	By the end of 4 th week of consultation process
Step 5	Final consultation meeting with line manager and HR representative to discuss outcome	6 th week of consultation process

3.5 Collective consultation process

Where a group of employees is likely to be affected by redundancy, the councils will consult UNISON in advance of making any announcements in accordance with s.188(4) of the Trade Union and Labour Relations (Consolidation) Act 1992 and provide details of:



- the reason for the redundancy proposals
- the number and descriptions of proposed redundancies
- the total number of employees affected.
- the proposed method and criteria for selection
- the procedure to be followed in dealing with the redundancies; and
- the method of calculating redundancy payments.

A group meeting will normally take place initially, to communicate the reasons, the proposals, and the process to be followed. Where possible, employees who have been identified as being affected by a **major** change will be invited to a meeting prior to the group meeting. The purpose of this meeting is to give them an overview of the proposals and the potential impact on their roles, in advance of communicating the proposals to the wider team and those not affected by major change. This will be followed by individual one-to-one meetings with the relevant line manager (a representative from the Strategic HR Business Partner team may also be present as applicable).

Where only a small number of employees are likely to be affected, the group meeting may not be necessary and individual meetings will take place with the line manager. Employees can choose to be accompanied by a trade union representative or a work colleague.

Step 1	Discuss proposal with UNISON	Pre-consultation process
Step 2	Initial announcement of proposal	Day 1
Step 3	Provide information	Within 24 hours of proposal being shared
Step 4	Individual Consultation Meeting. With Line Manager and a HR Representative	Within 1 st week of consultation process
Step 5	2 nd consultation meeting with line manager and HR representative	By the end of 4 th week of consultation process
Step 6	Final consultation meeting with line manager and HR representative to discuss outcome	6 th week of consultation process



Please note that there are additional statutory requirements where there are more than 20 proposed redundancies. In this event, please speak to a member of the Strategic HR Business Partner Team in advance of organising consultation meetings.

3.6 Selection Criteria for Voluntary Redundancy

Once the need for redundancies has been identified, and careful planning has taken place, offering voluntary redundancy to seek volunteers **may** occur to avoid any compulsory redundancies to those who have been identified as “at risk of redundancy.”

Where an employee applies for voluntary redundancy, the councils will consider the application. Please note that the councils retain the right to make the final selection as to whether redundancy is granted.

Where an employee applies for voluntary redundancy, and this is accepted by the councils, the employee will receive redundancy payment as set out in point [3.13](#)

The relevant manager within the process and Strategic HR Business Partner will consider requests for voluntary redundancy considering the skills of the individual and the requirements of the service. The manager and HR will then discuss the request with the appropriate Head of Service who will determine if the request for voluntary redundancy is approved.

The councils reserve the right not to accept a volunteer where there is real need for their services, skills, and expertise or where there are more volunteers than redundant posts.

3.7 Selection Criteria for Redundancy

Where there is a choice between employees, selection will be based on objective criteria. All decisions must be fair and reasonable. Each decision will be reached using the same criteria, for the particular pool of employees at risk of redundancy. The councils will not apply a blanket measure, such as ‘last in/first out,’ to decide on redundancy, and will discuss selection methods with employees, and UNISON, in accordance with the circumstances being faced as required.



The criteria that will be used may vary according to the situation. It will be drawn from the following list and will be agreed in advance. The proposed selection criteria will be shared with affected employees as part of the consultation process, for employees to comment on.

Any redundancy opportunities which fit in with the councils' objectives, will include:

- A competency appraisal, i.e., capability to undertake the work remaining, taking account of skills, qualifications, and experience.
- The employee's performance records.
- The employee's absence record (absences directly relating to disability or pregnancy will be discounted when considering absence records)
- The employee's disciplinary records, i.e., any live warnings in place

Other criteria outside of the above list may be applied, provided that it is applied consistently and objectively.

Once agreed, should there be one or more individuals at risk of redundancy, the selection process will be based on a points system to allow for transparency and fairness. A points system will not be necessary where an 'individual post' is under consideration for redundancy. Care must be taken in the choice and application of the criteria to ensure that it is not discriminatory in any way.

The relevant manager within the process and Strategic HR Business Partner Team will work together when applying the redundancy criteria to ensure a consistent approach is applied.

3.8 Alternative posts and redeployment

It may be the case that organisational changes result in relatively minor changes to a role e.g., job title changes or less substantial changes to roles and responsibilities. Where this is the case, roles will not be placed at risk of redundancy as a substantial majority of the role remains intact. It is difficult to give a numerical definition, but this would be the case where the role is effectively 70% or more unchanged. The Strategic HR Business Partner team will work with the relevant line manager to identify such roles early in the process. In this instance, existing employees will be 'assimilated' into the 'new' roles provided that there are sufficient roles available. See the Organisational Change Policy for more information relating to the assimilation process.



In such cases the salary and benefits will usually be the same as the existing role. However, there may be occasions when previous salary protection or similar exists. In this instance the councils will protect salaries for a maximum of 18 months (see section 5.7 of the Organisational Change Policy).

In contrast there may be situations where an alternative role at a higher grade is identified. In this situation, if the salary is higher the employee will receive the actual salary for the role and pay protection would not be applied (it is likely they will start at the bottom of the grade).

Any vacant posts which fulfil the criteria of 'suitable alternative employment' for employees identified at risk of redundancy will be ring fenced to that group of employees in the 'at risk' pool. The Head of Service and the Strategic HR Business Partner team will work in consultation with UNISON when making the decision on whether a post meets the above criteria.

Suitable alternative employment is defined as a job which:

- Provides similar earnings.
- Is of similar status
- Is within the employee's capability.
- Would not involve unreasonable additional inconvenience.

Where there are enough 'suitable alternative' posts for all those in the relevant pool there will be no requirement for a selection process. Posts will be offered to all those eligible people at risk. However, where there are fewer posts than people at risk, a selection process will be necessary.

Please refer to the organisational change policy for further information regarding suitable alternative roles.

Where there are a number of different roles identified as being suitable alternatives, individuals will normally be given the opportunity to identify their preference. Where there is more interest than vacancies for a particular role, a selection process will be conducted, and interviews will be held. Should the expressions of interest process result in no over subscription to any roles then employee will be invited to attend an informal chat about the role, no selection process will be necessary. Wherever practicable a 'cascade approach' will be taken to any such selection process based on



those roles with the most interest being undertaken first. This is intended to help reduce the need for people to do selection for roles which they have placed lower down their preference list.

The salary and benefits of the new post will apply. If the salary offered is less than the employee's existing salary, the agreed salary protection arrangements will apply. Individuals redeployed into a suitable alternative role are entitled to a trial period, see section 3.12.

3.9 Redundancy protection

Before making employees, who are pregnant, on maternity leave, shared parental leave or adoption leave redundant, employers are legally obliged to offer them suitable alternative employment, where it exists, in priority to anyone else who is provisionally selected for redundancy.

3.9.1 Protection during Pregnancy

Redundancy protection applies where the employee notifies their employer of their pregnancy. If the employee is entitled to statutory maternity leave, the protected period of pregnancy will end on the day the statutory maternity leave starts.

If the employee suffers a miscarriage before the end of 24 weeks of pregnancy, the protected period ends two weeks after the miscarriage. After 24 weeks of pregnancy, if the employee suffers a stillbirth, then the employee is entitled to full statutory maternity leave.

3.9.2 Protection during maternity leave

From 6 April 2024 redundancy protection was extended and applies to an employee on maternity leave for a period of 18 months after the expected week of childbirth. It applies to employees whose maternity leave ends on or after 6 April 2024. This means that, if an employee takes their full 12 months of statutory maternity leave, they will receive an extra six months of protection following their return to work.

3.9.3 Adoption leave

From 6 April 2024 redundancy protection was extended and applies to an employee on adoption leave for a period of 18 months after the child's placement for adoption or the date they enter Great Britain (in the case of overseas adoptions). It applies to employees whose adoption leave ends on or after 6 April 2024.



3.9.4 Shared parental leave

From 6 April 2024 redundancy protection was extended and applies if the employee has taken at least six consecutive weeks of shared parental leave. However, if employees have taken maternity or adoption leave prior to taking shared parental leave they are entitled to the protected period for that original maternity or adoption leave, not a further extended period for subsequent shared parental leave. It applies to employees whose shared parental leave ends on or after 6 April 2024.

Failure to offer suitable alternative employment (where vacancies exist) to protected employees risks claims for automatically unfair dismissal and possible unlawful discrimination claims.



3.10 Confirmation of Redundancy

If a suitable redeployment opportunity has not been identified the respective manager will advise the employee of the situation at a meeting. The final redundancy terms will be provided to the employee in writing, and the Strategic HR Business Partner Team will notify the pension administrators, where relevant. At this point employees will have priority status when applying for vacancies within the councils and support to retrain/upskill will be offered where this is practical – the cost and time to retrain must be reasonable. (see section [3.11](#) below)

3.11 Priority Status when applying for vacancies

Priority status for vacant posts applies at the point an employee has been formally served notice of redundancy- this is once the consultation has taken the employees post is confirmed as redundant. Employees who have redundancy protection, see section [3.9](#), will have priority status for vacant posts. Priority status and when this will apply will be discussed with employees during their consultation meetings.

Where applicable, between the date of this written notice of redundancy and their last day of employment the councils will continue to consider suitable alternative employment, and the employee will be notified of vacancies in advance of these being advertised to other employees.

As part of the process, the employee will be asked if they are interested in the vacancy and will need to confirm their interest by submitting an expression of interest within 3 working days. If an employee has a genuine reason for requesting an extension this will be considered.

The employee will be entitled to take time within working hours to complete their expression of interest, to enable them to apply for any vacancies in advance of these being advertised to other employees not at risk of redundancy or being advertised externally.

Between the date of this written notice and their last day of employment the employee will be able to apply for any vacancies and be given priority status alongside anyone else who is also at risk of redundancy. Once notice has been served, the notice period will not be amended pending outcome of an internal interview process.



The employee may apply for a vacancy by completing and submitting an expression of interest in order to be considered for the role. The hiring manager will be informed of any applications from staff who are at risk of redundancy and must:

- Interview any priority status candidates who meet the essential criteria which will be determined by the hiring manager in consultation with HR prior to candidate selection. Consideration will also be given to candidates who may meet the majority of the criteria and could with minimal support perform the role. Staff applying for roles will need to ensure any application is completed fully and they identify their skills and experience and any transferable skills to enable the recruiting manager to effectively assess their application.
- Appoint the priority status staff member if they meet the essential criteria during the interview process.
- A member of the Strategic HR team will participate in all short-listing arrangements and interview processes where an application has been made from a member of staff who has priority status.

If the member of staff with priority status is not deemed suitable for the position this must be agreed between the hiring manager and the Strategic HR Business Partner and be clearly documented. Thorough feedback will be shared with the employee detailing the reasons as to why they were not deemed suitable for the role. This should be done within a reasonable time period usually within 3 working days.

The date an employee transfers posts between teams will be subject to negotiation between the respective managers and may result in a temporary appointment being made in either service area to cover the vacant position.

Salary protection would apply in the role, in line with section 5.7 of the Organisational Change Policy.

If an 'at risk' employee applies for a role in another service prior to being issued with formal notice of redundancy whilst the consultation process is still underway, then they will not have priority 'at risk' status over the vacancy. They would follow the standard internal recruitment process.



3.12 Trial Periods

Trial periods will be applied where an employee is redeployed but do not apply where the new role is deemed as reasonable alternative employment (via assimilation), unless agreed by exception by the Head of Service in consultation with Strategic HR Business Partner Team.

The trial period will be used to give the manager time to train the employee in obtaining the skills and knowledge to develop into the post.

Trial periods will normally be for a minimum of 4 weeks, as per statutory requirements, and up to a maximum of 12 weeks. The trial period will be confirmed by the line manager in consultation with the HR representative involved in the consultation and will be designed to allow time to retrain the employee for the new work and to assess their suitability. Trial periods will be communicated in writing and will specify the date that the trial period ends and the terms and conditions of employment that will apply after that date.

Employees will be fully supported by their new line manager in their new roles during the trial period. This will include the development of goals and identification of training needs within the first week. Managers will conduct regular reviews during the trial period (at least one per month).

At any point during the trial period, or upon its completion, either party may conclude that the trial has been unsuccessful which will result in a dismissal on the grounds of redundancy. Therefore, employees who withdraw from a trial period with good reason or who are dismissed during the trial period (for example because they are unable to carry out the duties of the new work or the training) retain their rights to redundancy pay. They will continue to be treated as being “at risk” and have priority status and can apply for other roles see [3.11](#) regarding what happens when notice has been served and the date of redundancy has been reached.

If, however, the employee ceases to work or continue their training without adequate reason or the councils dismiss them fairly for reasons unconnected with the changed terms of employment (such as gross misconduct) the employee will lose their right to redundancy compensation.



3.13 Redundancy payment

Employees are normally entitled to statutory redundancy pay if they are an employee and have been working for the councils for 2 years or have continuous service from previous employment.

In the event of a redundancy pay situation, the councils will pay an enhanced redundancy payment which will be based on a two-times multiplier. Redundancy payments will be calculated using the councils' redundancy calculator irrespective of age after 2 years' completed service.

- Length of service is capped at 20 years.
- Weekly pay is the average earned per week over the 12 weeks before the day redundancy notice is issued.
- Redundancy calculation: Amount of a week's pay (no cap) = annual salary / 261 multiplied by 5
 - For example, if I am paid £35,000 my week's pay is 35,000 divided by 261 then times five which is 35000 divided by 261= £134.10 per day so a week's pay is £670.50

The maximum statutory week's pay that an employee is entitled to can be found here <https://www.gov.uk/redundancy-your-rights/redundancy-pay>. The limit changes every April. An employer may pay above this limit in line with their organisation's policy on redundancy pay. The councils' redundancy policy is based on actual weekly pay not on the statutory minimum.

Having followed the organisational change policy and this policy, any employee who then unreasonably refuses an offer of 'suitable alternative' employment that has been identified, may lose their entitlement to redundancy pay.

Under HMRC regulations, statutory redundancy pay, together with any enhanced redundancy payments from the councils, and any notice paid above the contractual notice period, may generally be paid gross up to a limit, which is currently £30,000 (PENP). HMRC guidance is extensive, and each case is considered on an individual basis and the general rule may be subject to change depending on the circumstances.



3.14 Notice Period

The notice period to terminate the employee’s contract of employment will be in accordance with contractual or statutory entitlements, whichever is the greater.

Statutory notice is worked out below:

12 years-service or more	Maximum of 12 weeks-notice
2 years to 12 years-service	1 week for every completed year of service
One month up to 2 years	1 week only

Should an employee obtain a new position outside of the councils during their notice period, they may leave earlier than planned with their line manager’s consent and subject to having completed any agreed tasks. The employee will not lose their entitlement to redundancy pay if formal notice of redundancy has been given by the councils.

In certain circumstances, the councils may not require an employee to attend their place of work during the notice period, or they may agree an earlier employment termination date with payment in lieu of notice being provided. There is no right to pay in lieu of notice. The decision will rest with the councils and must be approved by the appropriate Head of Service.

3.15 Continuous service when transferring to another authority.

Continuous service may apply where a person is under notice of redundancy from a council, and they receive a job offer from another council before their last day of service and start work for the new council within 4 weeks of their last day of service. Further information may be found here: <https://www.seemp.co.uk/free-resources/modification-order-information>



3.16 Time off

During the redundancy consultation period and the employee's notice period, an employee has the right to take reasonable time off on a paid basis to attend interviews or to seek retraining. The employee's line manager must authorise the request for time off.

3.17 Other support

We recognise that giving news to employees of impending changes and potential job losses can create significant anxiety and uncertainty for the individuals concerned and their colleagues. Through ongoing leadership development, the councils will equip managers with the skills to deal with difficult employee issues. The councils will assist managers in developing the necessary personal skills and attitude to operate effectively during periods of major change and to support employees at such times, especially when their jobs may be at risk of redundancy.

In the event of job losses, those employees who leave the councils may need support to accept the reality of their situation and to conduct an effective job search. For this reason, the councils can support individuals in refreshing their interview skills, redrafting their CV's, and applying for alternative positions as required.

The Employee Assistance Programme (EAP) provides a 24-hour telephone helpline and personal counselling sessions to staff, as well as providing information on financial matters and other topics. The programme aims to support staff and alleviate their anxiety during periods of change. Information regarding our EAP service and further support available can be found on [Jarvis](#), or by emailing the wellbeing team at wellbeing@southandvale.gov.uk

3.18 Annual Leave

The employee will be entitled to annual leave that has been accrued but not taken. If the employee has taken leave in excess of their entitlement, the relevant amount will be deducted from their final salary payment. Similarly, if they have outstanding leave, this will need to be either taken prior to their date of leaving or will be paid in their final salary payment.



Should employees work on an annualised hours contract of employment, the entitlement for accrued untaken banked hours must be taken before the agreed leave date. The councils will not pay for annualised hours that are not taken.



3.19 Other payments and Deductions

Any other sums of money owed to the councils, will be deducted from the employee's final salary payment.

Under the Learning and Development policy, employees are required to repay professional / vocational training fees if they leave the councils within a specific timeframe. This requirement will not apply if an employee's contract is terminated on the grounds of compulsory redundancy.

3.20 Appeals

Employees dismissed by reason of redundancy have a right of appeal.

Appeals should be submitted to the Strategic HR Business Partner Team in writing, within 5 working days from receipt of the written notification of the outcome of the redundancy consultation procedure. If an employee has a genuine reason for requesting an extension this will be considered.

The written appeal must state the grounds for the appeal, including whether the appeal is against the findings such as, if an employee thinks they have been unfairly selected or there was a problem in the redundancy process.

Appeal Hearings will usually take place within ten working days of receipt of the written appeal. Should there be any delay beyond ten working days, for example if a critical attendee is on leave, HR will notify and update the employee in writing.

Employees will be invited to attend an Appeal Hearing, chaired by an officer at grade 11 (service manager) or above not previously involved in the redundancy proceedings. A member of HR will also be present. The HR representative will usually also take notes during the meeting but may choose to invite a dedicated note-taker from within the HR team.

At an Appeal Hearing, employees will be given the opportunity to state the case for their appeal. During such proceedings, all employee rights e.g., accompaniment by a council colleague or a trade union official, reasonable adjustments and procedures will apply.

Following the Appeal Hearing, the employee will be informed in writing of the appeal decision within 5 working days. If it is not possible to confirm the decision within the stated timescale, an explanation will be given to the employee regarding the delay plus an indication of when the decision will be expected.



The outcome of an Appeal Hearing is final.

3.21 Action following appeals against a dismissal decision.

Where an appeal is not upheld against a dismissal decision, for reasons of redundancy, the period of notice will commence on the date as stated in the written confirmation of the original redundancy outcome letter.

If the appeal chair upholds an appeal and the employee has not yet ended their redundancy notice period, the employment contract should continue as though the employee had not been selected for redundancy in the first place.

If the appeal chair upholds an appeal and the employee has already ended their redundancy notice period, the councils will put them back in a role ('reinstate' them). Their length of service ('period of continuous employment') will apply from when the councils first employed them. The councils will pay any arrears of wages between the end of the notice period and the time they were reinstated.

If the councils have made a redundancy payment to the employee and the appeal chair later upholds an appeal, it must be made it clear that upholding the appeal means the employee will need to return the redundancy payment in full.

3.22 Unfair Dismissal

Reasons which are automatically unfair for selecting employees for redundancy include:

- Trade Union/European Works Council membership (or non-membership)
- Being a Trade Union representative
- Jury Service
- Assertion of statutory rights
- Health and safety
- Making a protected disclosure sometimes known as 'Whistleblowing'
- Age



- Disability
- Gender reassignment
- Marriage and civil partnership
- Pregnancy and maternity
- Race
- Religion or belief
- Sex, and Sexual orientation.

3.23 Equality and Diversity

The councils are committed to ensuring that, as far as is reasonably practicable, the way we provide services to the public and the way we treat our staff reflects their individual needs and does not discriminate against individuals or groups on any grounds. Please see the councils' equalities policy.



3.24 Glossary of Terms

At risk- the period where employees are notified at the beginning of a consultation that their role may be “at risk” of redundancy (as required by legislation) but their role is not confirmed as redundant.

Priority status- once employees are given formal written notice of redundancy, they are entitled to view any potential vacancies within the organisation for three working days ahead of the vacancies being released more widely and can express an interest in the role. If they express an interest in the role during the priority period, the vacancy will be put on hold until a conversation has taken place between the at risk employee and the recruiting manager to assess whether the vacancy is suitable (the employee must meet essential criteria and be able to satisfy recruiting manager they are capable of performing the role with minimal training/induction during the trial period).

Trial Period- a trial period of at least 4 weeks will apply where an employee is redeployed into a new role as an alternative to redundancy. The trial period will be used to give the manager time to train the employee in obtaining the skills and knowledge to develop into the post. Trial periods only apply where an employee has received formal notice of redundancy not during any “at risk period”.

Salary protection- this applies where an employee is redeployed, or their role is downgraded following a consultation period. The employees pay is protected for a period of 18 months. At the end of the period the employee will move to the top of the scale of the redeployed role. Increments related to their previous role will not apply during the salary protection period, but cost of living increases will apply. Salary protection only applies where an employee has received notice of redundancy not during any “at risk period”.

Notice of redundancy- the point at which an employee is notified their role will be redundant (rather than potentially redundant/at risk)

Assimilation- this is when a role is being deleted from the structure and there is a suitable alternative (the same or substantially the same as their current role) in the new structure which is ringfenced to an individual as they are the **only** suitable person for the role. The employee automatically moves across without a need for an interview. Usually this would be a role that is no more than one grade higher or lower than their existing role. Salary protection would apply where the role is a lower grade.