

## **STAFFORDSHIRE PROBATION BOARD**

### **REDUNDANCY POLICY**

#### **1. INTRODUCTION**

- 1.1 This policy describes how the Staffordshire Probation Board will manage the effects of organisational change and budget constraints with specific reference to the ways in which redundancy will be implemented if required for all employees of the Service.
- 1.2 In drawing up this policy it is recognised that from time to time re-organisation and changes to the means of delivering services, budgetary restrictions and other unforeseen circumstances will occur which may have staffing implications. In some instances this Service may be compelled to redeploy or reduce the numbers of employees involved in a particular service function, unit or activity. In such cases, the avoidance of compulsory redundancy may not always be possible, but will be considered as the last option.

#### **2. PRINCIPLES**

- 2.1 Changes proposed by management which might ultimately involve reductions in the workforce will always be the subject of consultation with staff, Trade Unions (in accordance with local recognition agreements) and other relevant staff representative groups.
- 2.2 Staff and Trade Union representatives and individual staff affected should be fully involved in the process at each stage. Consultation should provide for effective communication of information and for seeking agreement over appropriate methods for achieving the required changes.
- 2.3 Redundancy will be effected in such a way as to ensure that individuals are not unfairly discriminated against or disadvantaged due to race, colour, gender, gender reassignment, marital status, age, religion or belief, disability or sexual orientation.
- 2.4 Last in first out, based on continuous service with any employer under the Redundancy Payments (Continuity of Employment in Local Government, etc) (modification) Order 1999, will not be considered as an acceptable stand alone criteria, but where all other avenues have been explored and all things are equal this will need to apply.
- 2.5 The Service will comply with the legal definitions of redundancy and with the relevant law relating to redundancy.

### 3. PROCEDURES

#### 3.1 Consultation with a View to Avoiding Compulsory Redundancy and Mitigating the Effect

3.1.1 As soon as it becomes apparent that changes in organisational structure, working practices or funding may bring about a reduction in the number of staff required by the Service the Chief officer or his/her designated representative must notify the recognised Trade Unions.

3.1.2 Where a review is the proposed means of effecting organisational change, staff and Trade Unions will be informed of the reasons for the review and the possible effects on staffing levels. Management should identify who will be involved in the review and the proposed timetable for implementation.

3.1.3 A full explanation will be provided of the reasons for the change together with information including details of changed service requirements, financial commitments and forecasts and the level of reduction required.

3.1.4 Through the mechanisms of the local consultative machinery and/or specially convened meetings between management and Trade Unions, ways of avoiding compulsory and mitigating the effect of redundancies will be examined; for example;

- a) Savings and cost cutting
- b) Freezing vacancies
- c) Redeployment
- d) Voluntary early retirement
- e) Voluntary redundancy or reduced working hours
- f) Flexible voluntary retirement

#### 3.2 Formal Procedure for Compulsory Redundancy

3.2.1 Should none of the alternative options prove to be feasible or sufficient the Chief Officer (or his/her representative) will formally advise staff and Trade Unions in accordance with statutory regulations and time limits, giving notice of an intention to proceed with redundancy and providing details of the following;

- a) Reasons for the proposals.
- b) Numbers and description of employees it is proposed to dismiss on redundancy grounds.
- c) total number of the target group employed at a particular unit/site or within the particular category.
- d) Process for measuring the selection criteria for redundancy.
- e) Process for effecting redundancies including the time period over which the dismissals will occur.
- f) The formula for calculating the severance payments.
- g) Support and counselling facilities.

3.2.2 The Chief Officer (or his/her representative) will maintain frequent dialogue with staff and Trade Unions in respect of how the process is managed.

### 3.3 Redundancy Selection Criteria

3.3.1 These criteria will only be applied after all other measures detailed in paragraph 3.1.4 have been examined. If compulsory redundancies have to be declared, the selection criteria will ensure that staff members are not unfairly discriminated against or disadvantaged on the grounds of gender, gender reassignment, race, colour, marital status, religion, age, disability or sexual orientation, Trade Union duties and activities.

3.3.2 The selection criteria for redundancy will be based upon a points assessment of the following.

- a) Sickness Absence
- b) Disciplinary Record
- c) Standard of Work Performance

See Appendix A for Criteria and points Assessment and Guidance on DDA.

## 4. **IMPLEMENTATION OF ORGANISATIONAL REVIEW**

4.1 Throughout the consultation and implementation process all actual and known imminent vacancies either normally occurring or created by organisational change will be retained on an unfilled basis pending the conclusion of any redeployment timetable until/unless it can be established that:

- a) the vacancy is not of the type, nor similar in duties, to those of the affected group of employees;
- b) that none of the likely affected employees is suitable skilled or able to meet the requirements of the vacant post.

4.2 A timetable and deadline will be set for consideration of the appointment of affected staff to the new structure based on the criteria shown at paragraph 3.3.

4.3 Where reductions apply to a particular function or type of work of the Service, eg Management, Community Payback, Probation Services Officer, or geographical area, an early decision will be taken as to whether the selection for certain vacancies will be ring-fenced to the staff affected within that group.

4.4 Any employees who are unsuccessful in being appointed to a post in a revised structure will be given notice of termination of employment on the grounds of redundancy. During the notice period every effort will be made to find them suitable alternative employment.

## 5. REDEPLOYMENT

- 5.1 Where any vacancy in the Service would be a suitable alternative for the affected member(s) of staff they will be given prior consideration and redeployed accordingly if able to meet the minimum criteria required or are capable of meeting it with reasonable additional training, supervision and coaching. Suitability will be set through comparing the job description and person specification for the post against the employee's redundancy post and skills whilst also taking into account the following factors: pay, status, location, working environment and hours of work. The affected member of staff will be assessed by interview and/or assessment centre and any supporting documented evidence. Any selection process will be subject to Trade Union consultation.
- 5.2 Redeployed staff will be subject to an agreed trial period in the new post. The trial period will be for a period of up to 4 weeks starting on the day the employee starts the new job and ending 4 calendar weeks later. If at the end of the period they are deemed to be unsuitable or reasonably feel the new post is unsuitable they will be entitled to seek redeployment for any remaining period of notice. If the Service is unsuccessful in procuring a suitable alternative post their employment will be terminated on the grounds of redundancy.
- 5.3 During any trial period in a post which carries a lower salary grade, employees will have their current salary protected, on a personal basis, for the duration of the trial period.
- 5.4 When an employee is formally appointed to the post following a trial period, and their basic salary is above the maximum of the pay band applicable to the post, 'mark time' arrangements are applicable. 'Mark time' is defined as protecting the individual's basic salary in cash terms and not protecting the salary spinal point.
- 5.5 Such individuals will not qualify for a consolidated pay increase until such time as their basic salary becomes lower than the maximum of the pay band applicable to the post. When an individual's salary covered by the 'mark-time' arrangements subsequently falls below an improved/revalorised pay band maximum, their basic salary should be aligned to the nearest higher pay point on the NNC salary spine.
- 5.6 Salary protection ceases after 3 years at which point the salary will be reduced to the maximum of the appropriate pay band for the post. Before this date every reasonable effort should be made to redeploy such an individual into a suitable alternative post commensurate with their salary.
- 5.7 If it is felt that a redeployee would be unsuitable the matter must be referred to the HR Business Partner. The interviewing officer must provide a written report detailing their reasons for the unsuitability. A decision not to appoint will rest with the HR Business Partner. Unsuccessful candidates will receive written and verbal feedback about their performance and the reasons for the unsuccessful candidacy.

- 5.8 Where appropriate, the Chief Officer will examine the feasibility of collaboration with neighbouring probation services and other public service employers, to try to provide opportunities to enable staff to maintain continuity of service by selection for or transfer to posts with these employers.
- 5.9 If the employee unreasonably refused an offer of suitable alternative employment he/she may still be dismissed by virtue of redundancy and may lose entitlement to a redundancy payment. It is the Service's responsibility to demonstrate that an offer of suitable alternative employment has been made. The offer letter will provide enough detail to give a clear idea of what is being offered and how the new role differs from the old role. Employees will be provided with details of all vacant posts for consideration as they may wish to accept a lower graded post than become redundant. The employee will need to demonstrate why the job offer is not suitable. However, location, skills, hours of work remuneration and level of responsibility and status will be taken into account.
- 6. COMPULSORY REDUNDANCY – COMMUNICATION AND SUPPORT FOR STAFF**
- 6.1 The Chief Officer will ensure that staff who are likely to be considered for compulsory redundancy are provided with a written statement of the reasons why redundancy is being used and the reasons why they are being identified for compulsory redundancy.
- 6.2 The statement will include details of the timetable being adopted by management to achieve the required redundancies. The Chief Officer will ensure that staff identified are provided with an opportunity to discuss the implications of the statement with a Director or a member of the HR Team.
- 6.3 All potentially redundant employees will be allowed reasonable time off to attend interviews, job search or attend training within the timetable set down.
- 6.4 The HR Manager or other suitable competent officer will ensure that all reasonable assistance is given, including acting as a referral and contact point for liaison with other potential employers and advice on job seeking skills.
- 6.5 Recruitment sections of newspapers and journals will be made available to assist in job seeking.
- 6.6 Staff facing a redundancy situation will be offered the opportunity for independent counselling, through the Employee Assistance Programme, to assist with the practical and psychological repercussions of these circumstances.

## 7. REDUNDANCY PAYMENTS

7.1 Redundancy payments will be calculated in accordance with the Employment Rights Act 1996 and any other discretionary payments which may be legislated for. Under Regulation 5 of the 2006 Discretionary Compensation Regulations, the Board has the discretion to calculate the redundancy payment on a figure up to and including the employee's actual week's pay. The Board has decided to exercise its discretion and awarded additional pension benefits as detailed within Appendix B. Each member of staff who has been identified as likely to be made redundant will be provided with a statement of the amount of redundancy payments to which she or he is entitled. Only staff with a minimum of two years continuous service qualify for redundancy payments.

7.2 Pay in Lieu of Notice: The Service may waive its right to the employee working their notice period and instead give a payment in lieu of notice. The sum will be paid along with the employee's final salary payment.

<b>Continuous Service</b>	<b>Period of Notice</b>
One month or more, but less than 2 years	1 week
Two years or more, but less than 12 years	1 week for each year of continuous service
12 years or more	Not less than 12 weeks
The Service will provide a minimum of one calendar month notice.	

## 8. APPEALS MECHANISM

8.1 Where the staff representatives believe that matters or processes on a collective basis have not been carried out in a satisfactory manner they should raise their concerns with the senior manager responsible for managing the redundancy programme and, if still dissatisfied, through the formal agreed consultative processes and collective dispute agreement.

8.2 Appeals against a decision to dismiss due to redundancy should be made to the Chief Officer. There will be no further internal appeal.

## 9. REVIEW OF POLICY

9.1 Implementation or by agreement through the collective consultative machinery for a review prior to the deadline.

RTS  
Oct 2009

**CRITERIA AND POINTS ASSESSMENT FOR REDUNDANCY SELECTION**

**METHOD**

All members of staff will start with 0 points. Once the assessment process has been completed, it is the individual(s) within each grade/unit who achieve(s) the lowest number of points who will be selected for redundancy.

**CRITERIA**

1. Standard of Work Performance

Points will be awarded on the basis of the last (two) years appraisal as follows

<b><i>Performance Level</i></b>	<b><i>Definition</i></b>
0	Not Achieved
15	Almost Achieved
30	Achieved
45	Exceeded

**NB:** Whilst making the assessment on standard of work performance, it is the expectation that reasonable adjustments relating to working conditions, duties or equipment would have been put in place to remove any obstacles or barriers for the achievement of a disabled member of staff's performance objectives.

2. Sickness Absence

Points will be **added** to the total on the following basis:

***Total duration of sickness over the previous two years;***

0-9 days	15 points
10-14 days	10 points
15-19 days	5 points
20 days and over	0 points

**NB:** Pregnancy related absences and those recorded as absences under the Disability Discrimination Act will be excluded. Also, absence which has arisen as a result of an accident or incident at work where the employee is not at fault, will be excluded.

3. Disciplinary Record

Points will be **added** to the total on the following basis:

No live disciplinary record	30 points
A formal oral warning or a written warning live on file	10 points
Final written warning live on file or action taken as an alternative to dismissal, eg demotion, transfer extension or reaffirmation of a final written warning	0 points

4. Capability Record

Points will be **added** to the total on the following basis:

No live capability proceedings	30 points
Stage 1 formal capability warning live on file	10 points
Stage 2 capability warning live on file	0 points

In the event of a tie-break situation following on from one to one consultation, then a selection interview should be arranged. The following principles should be adhered to:

- A panel of three to include a HR representative
- Advance notification of method of selection
- Interview questions to be competency based.