

# WDC Redundancy & Redeployment Policy



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## Revision History

<b>Document</b>	Warwick District Council (WDC) Redundancy & Redeployment Policy
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<b>Version</b>	<b>Revision Date</b>	<b>Revised By</b>	<b>Revisions Made</b>
1.0			
1.1			
1.2			
1.3			
1.4			

## Approvals

This document requires the following approvals:

<b>Name</b>	<b>Date</b>
Unison	October 2022
JCF	15 November 2022
MTU	28 November 2022
Employment Committee	29 November 2022

## Distribution

This document has been distributed to:

<b>Name</b>	<b>Date</b>
Senior Leadership Team	20 October 2022
All Staff	
All Members	

## 1 Policy Statement

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This policy aims to ensure that employees are treated fairly and consistently if a situation arises regarding redundancy or redeployment into another role,

This policy should be used in conjunction with the Redundancy & Redeployment Guidelines for Managers and the Staff Consultation Programme Template which sets out the procedure to follow in the event of a restructure, redundancy and/or redeployment situation.

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This policy seeks to maximise the opportunities for alternative options for employees facing potential job loss through redundancy.

For situations where redeployment is appropriate where the employee has become disabled (as defined by the Equality Act 2010), or where there is a long-term health condition, please refer to the Long-Term Sickness & Ill Health Capability Policy for further information. Where the situation has arisen due to a capability situation, please refer to the Capability Policy.

The highest priority will be given to maintaining security of employment as it is Council policy to avoid job losses wherever possible.

The Council will provide reasonable support to employees seeking redeployment in the circumstances set out above or in the event of a redundancy situation, including consideration of suitable redeployment opportunities, tailored training, and reasonable time off to look for alternative roles.

Employees who are 'at risk' of redundancy will be given prior notification for vacant posts and may express an interest in vacancies as part of the redeployment arrangements and to avoid a redundancy situation.

In instances where a post is revised as a result of a reorganisation, but not deleted, the Council will seek to assimilate employees into the revised role. If a post is deleted the Council will seek to redeploy staff into suitable vacant posts to preserve security and continuity of employment and to avoid redundancies.

If an employee is redeployed into an alternative role and is already undertaking an agreed course of study, funded or otherwise supported by the Council, consideration will be given to them continuing the course provided they follow the requirements of the Learning & Development Policy. Please refer to the Council's Training Policy for further details. If employees are prevented from continuing existing training because of redeployment, they will not be required to repay any related expenses to the Council.

The Council greatly values the contribution made by employees and is committed to the principle of avoiding redundancies wherever possible. However, there may be occasions where it is necessary to make posts redundant.

The Legal definition of redundancy (as defined by the Employment Rights Act 1996) is that it occurs if an employee is dismissed due to one of the following reasons:

- The Council has ceased, or intends to cease, continuing that type of work, or
- the requirements for employees to perform work of a particular kind, or to conduct it at the location in which they are employed, has ceased or diminished.

For a redundancy to be genuine, it must be demonstrated that the employee's job will no longer exist.

Redundancy payments are only payable to employees with over two years' continuous local government service in line with the Redundancy Payments Modification Order (Local Government).

Employees working on fixed term contracts for more than two years will be eligible for statutory redundancy payments if the reason for non-renewal is redundancy e.g. the work / funding ceases. Please refer to the Fixed Term Workers Policy for further information.

When it is necessary to consider redundancies, the Council commits to:

- Minimising the number of posts being made redundant as far as reasonably practicable

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- Treating employees affected by redundancy in a fair, consistent, and sensitive manner
  - Consulting fairly and in a timely and reasonable manner with employees and Unison
  - Following a fair selection process using clear and objective matching criteria, supported by Equality Impact Assessments where appropriate.
  - Seeking to find suitable alternative work in line with this policy
  - Following a fair dismissal procedure including making agreed redundancy payments.
  - Comply with relevant legislation relating to redundancy and equality

Where a service transfers to another employer, the Council will consider the legal requirements regarding the transfer of those staff who are engaged in providing that service to the new employer under TUPE.

This policy supersedes any previous documents at the Council. This policy does not form part of any contract of employment and will be updated regularly.

## **2 Scope**

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This policy applies to all employees of the Council with the exception of those who are employed on JNC terms, where this policy should be read alongside those terms.

This policy does not apply to casual workers, agency workers or consultants or self-employed contractors. This policy will not apply to other third party or partner organisations where employees are not employed directly by the Council.

## **3 Roles and Responsibilities**

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### SLT

The Senior Leadership Team (SLT) is responsible for ensuring adoption of and adherence to this policy.

### Managers

Managers are responsible for:

- adhering to this policy
- applying it fairly and consistently
- supporting affected staff

And with HoS approval and in conjunction with Human Resources

- consulting on any restructure proposals
- identifying those employees potentially at risk of redundancy and who may need to be redeployed

### Employees

Employees are expected to co-operate in providing any information needed to find suitable alternative employment, respecting the timescales outlined in the policy.

### HR

Human Resources are responsible for providing advice, support and guidance on this policy to managers and employees and for liaising with Occupational Health where appropriate.

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Human Resources will provide a representative for any formal meeting convened under this policy.

#### Unison

A Unison trade union representative or a workplace colleague may accompany employees at all formal stages of this policy.

## **4 Main Principles**

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#### Consultation

Consultation with affected staff will usually start informally and will begin when any changes to the service are being considered.

Formal consultation will begin once the proposals and, if appropriate, job descriptions are ready to be shared in a formal setting and will be for a reasonable period (for less than 20 people in a 90-day period) to allow time for meaningful consultation or for a maximum of 45 days (for more than 20 people in a 90-day period) - it may be ended sooner with the agreement of all parties.

All affected staff will have at least one individual formal consultation meeting and be invited to provide feedback on the proposals.

For individual redundancies occurring because of the expiry of a fixed term contract, Unison will not generally be consulted although the employee may be accompanied to any formal meeting by a representative of Unison (or a work colleague) if they wish.

#### Approval

Following consultation ending, approval will be sought from one of the Chief Executive, the Deputy Chief Executive, or the Director for Climate Change (depending on the Head of Service's line manager) for approval.

Approval will either be at this stage (if there are no costs) or following Cabinet (in cases where there are costs) and the final approved report will be shared with staff and Unison.

#### At Risk

The Council is committed to trying to find redeployment opportunities wherever possible. Therefore a 6 week 'security of employment' (or "At Risk") period will be guaranteed once the Business Case has been approved. The notice period will also commence and run concurrently.

Employees who are to be redeployed within the Council will be placed on a redeployment ("At Risk") register for 6 weeks.

Employees who are At Risk will be asked to complete a skills matrix

Employees At Risk will have prior knowledge of any remaining vacancies before they are advertised internally/externally.

Employees At Risk have the right to reasonable paid time off to seek alternative employment or arrange training.

#### Payment in Lieu of Notice

If at the end of the 6 weeks At Risk period no alternative employment has been found then employment will cease, and any remaining contractual notice will be paid in lieu.

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However, there may be occasions where it is agreed, depending on service requirements, to end the employment before the 6 weeks period is completed and to pay the employee in lieu of notice (PILON). Alternatively, an employee may remain employed but will not be required to attend their normal place of work during their notice period (i.e. put on "garden leave").

#### Assimilation

In cases where posts in the new structure are broadly similar to those within the existing structure, relevant employees will be assimilated into the new role.

#### Matching

Employees who are At Risk will be eligible for matching to vacant roles the same grade, one grade up or one grade down, considering their skills, abilities, knowledge, qualifications, work performance, attendance record and "live" disciplinary warnings.

For a match to be regarded as suitable alternative employment, the Matching exercise must ensure that:

- the employee can reasonably be expected to do considering his or her level of seniority and skills.
- is on terms and conditions that are not substantially less favourable to the employee; and
- other factors are taken into account e.g. reasonable adjustments

If there is more than one person matched to the same vacancy, the person who best matches the criteria will be offered the role. However, it may also be appropriate to use competitive interviews as part of the selection process for example where matching produces a close/tied result. A representative from Human Resources will attend all such interviews.

If a suitable alternative employment is identified which is 2 grades down from the employee's existing grade, this will be made as an offer (with salary protection) rather than a match. This can be reasonably refused by the employee.

Where an employee has been matched into a role that is a fixed term contract that could potentially end in a redundancy situation, the individual who has been redeployed will receive permanent (enhanced) redundancy terms rather than fixed term (statutory) terms.

If an employee unreasonably refuses the offer of suitable alternative employment/match they may lose their entitlement to a redundancy payment (see para above).

In the event of an employee not being successfully matched or redeployed to a role during their 6 weeks in the redeployment pool, they will be made redundant, where applicable, in line with the Council's scheme and will be paid accordingly.

#### Appeal against Matching

Employees are able to Appeal against matching by providing the reasons in writing, stating the grounds for the appeal.

Human Resources and an independent manager will review the employee's appeal and confirm in writing within five working days whether they accept that the role is not a suitable alternative. It may be necessary to hold a meeting to discuss the employee's appeal. If this is the case the employee will be invited to a meeting, which will normally take place within ten working days of receipt of the appeal and will have the opportunity to be accompanied by a colleague or Unison representative.

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If it is agreed that the role is not a suitable alternative for the employee, they will return to the redeployment pool and retain their right to a redundancy payment, (where applicable) unless further suitable alternative employment can be found. However, if the appeal is unsuccessful this will be deemed as a resignation and employment will be terminated at the end of the notice period without a redundancy payment (where applicable).

#### Trial Periods

Employees who have been redeployed/matched into a role and accepted alternative employment will be given a 4-week trial period for both the Council and the employee to establish whether the job is suitable.

It may be agreed in writing to extend the trial period if the new role requires the employee to have further training or due to annual leave, sickness, or any other extenuating circumstances.

During the trial period, weekly review meetings should be arranged between the manager and the employee to discuss whether the job is suitable considering performance, training requirements and any other relevant factors.

During the 4-week trial period details of all vacancies will continue to be sent to the employee.

There may be occasions where both parties agree to end the trial period early or waive it completely, for example where an employee is matched into the same or very similar role that they were doing before. Both parties must agree to this, and it must be in writing. The employee will then be confirmed in post.

If, during the trial period, the employee feels that the new role is not suitable alternative employment, they should discuss this with their manager at the earliest possible opportunity. If, in conjunction with their line manager and Human Resources, it is agreed that the role is not a suitable alternative, then the trial period will be ended and confirmed in writing. The employee will return to the redeployment pool for the remainder of the 6 weeks.

At this point, it will be discussed and agreed with the employee as to whether the 6 weeks maximum at-risk period is to be retained or whether the time spent on the trial period is to be added on to the at-risk period, to maximise redeployment opportunities. The employee will be entitled to their redundancy payment in the event that no suitable alternative employment can be found.

If the line manager and Human Resources still consider the role to be suitable, but the employee does not then there shall be no right to a redundancy payment (where applicable).

If during the trial period, the manager believes that the employee is unsuitable for the role, they must discuss this with Human Resources. If it is agreed that the role is not a suitable alternative for the employee, then this will be discussed with the employee, the trial period will be ended and confirmed in writing. The employee will return to the redeployment pool for the remainder of the 6 weeks.

At this point, it will be discussed and agreed with the employee as to whether the 6 weeks maximum at-risk period is to be retained or whether the time spent on the trial period is to be added on to the at-risk period, to maximise redeployment opportunities. The employee will be entitled to their redundancy payment in the event that no suitable alternative employment can be found.



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Once an employee completes the 4 weeks trial satisfactorily, this will be confirmed in writing by Human Resources and employment continues.

Where applicable, the date used for the purposes of calculating redundancy pay will be the end date of the original notice period (or what would have been the end date but for any payment in lieu of notice).

#### Salary protection

Redeployment offers/matches will be made at the grade and conditions of employment attached to the vacant post.

If an employee's current contractual pay level exceeds that of the new post, the employee's current basic salary will be protected for 30 months at 100% difference. This starts from day 1 of the trial period. In the first year only, any national cost of living pay award or annual incremental increase will be applied, and salary will be frozen thereafter. This protection is limited to posts where there is a maximum of a two-grade reduction.

Upon completion of the salary protection period, the employee will be paid at the top spinal column point of the grade of their new post.

Where an employee subsequently applies for and accepts a different post outside of any redeployment arrangement within the salary protection period, salary protection will no longer apply. Any salary protection applied in relation to the previous post will end and the member of staff will be paid the salary commensurate to the new role.

NB Salary protection will not apply to employees who apply to move to a post at a lower grade where this is not through the redeployment policy.

Salary protection will not apply where employees have been redeployed to a post at a lower grade as a result of action taken under the Disciplinary Procedure, Capability Procedure or the Managing Sickness Absence procedure. The exception to this is in regard to ill health and disability – please see the Long-Term Sickness & Ill Health Capability Policy for further information.

#### Protection of Conditions of Service

In considering whether the offer was one of suitable alternative employment, the issue of conditions of service will have been addressed. The inability to match conditions of service may render an offer unsuitable.

Any existing contractual payments which do not apply to the alternative role will be protected for a period of twelve weeks beginning on day 1 of the trial period

#### Redundancy Payments

Redundancy payments for permanent employees are based upon an employee's age, length of service and their actual weekly salary. Statutory redundancy payments are multiplied by 2.3 – please see the Redundancy Pay Calculation Table for further information.

Redundancy payments for fixed term employees are statutory – further details can be found in the Fixed Term Employees Policy

Redundancy payments are not taxable up to a maximum of £30,000. Any contractual payments, such as holiday pay and PILON are subject to tax and NI.

Redundancy payments are not payable when an employee is redeployed or unreasonably refuses an offer of suitable alternative employment.



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If an employee accepts a job offer from another organisation covered by the Redundancy Payments Modification Order (Local Government) before the termination of their employment, and the employment starts within four weeks after the date of redundancy then their service will be deemed as continuous and there will be no entitlement to a redundancy payment.

#### Pensions

Employees over the age of 55, who are members of the Local Government Pension Scheme (LGPS), may be entitled to early release of their pension benefits if they are deemed to be redundant. Employees should contact Human Resources in the first instance regarding this.

## **5 Support for Employees and Managers**

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Support is available to employees and managers from line managers, HR Business Partners, or their Unison rep (if applicable). Employee Support Officers are also available for support and guidance. Staff can also access face to face counselling and Occupational Health (through their HR Business Partner) or, if they are signed up to the BUPA Cash-Plan scheme, they also have access to the 24hr Employee Assistance Programme phoneline on 0800 269 616.

## **6 Policy Governance**

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The following table identifies who within Warwick District Council is Accountable, Responsible, Informed or Consulted with regards to this policy. The following definitions apply:

- Accountable – the person who has ultimate accountability and authority for the policy.
- Responsible – the person(s) responsible for developing and implementing the policy.
- Consulted – the person(s) or groups to be consulted prior to final policy implementation or amendment.
- Informed – the person(s) or groups to be informed after policy implementation or amendment.

<b>Accountable</b>	Tracy Dolphin, Head of People & Communications
<b>Responsible</b>	HR
<b>Consulted</b>	Unison, JCF, MTU, Employment Committee
<b>Informed</b>	All Council managers and employees

## **7 Review & Revision**

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This policy will be reviewed as it is deemed appropriate/when legislation dictates, but no less frequently than every 3 years.

Policy review will be undertaken by Human Resources

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## 8 References

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The following Warwick District Council policy documents are relevant to this policy:

- Redundancy & Redeployment Guidelines for Managers
- Staff Consultation Programme Template
- Disciplinary Policy
- Attendance Policy
- Capability Policy
- Fixed Term Workers Policy
- Long Term Sickness & Ill Health Capability Policy
- Training Policy
- Redundancy Pay Calculation Table

Sue Firminger, HR  
November 2022