

An additional meeting of the above Committee will be held remotely on Monday 26 April 2021, at 6.00pm and available for the public to watch via the Warwick District Council [YouTube channel](#).

Councillor R Margrave (Chairman)

Councillor A Day  
Councillor B Gifford  
Councillor R Hales  
Councillor O Jacques  
Councillor J Kennedy

Councillor P Kohler  
Councillor M Mangat  
Councillor J Tracey  
Councillor N Tangri  
Councillor T Wright

## **Agenda**

### **1. Apologies & Substitutes**

- (a) to receive apologies for absence from any Councillor who is unable to attend; and
- (b) to receive the name of any Councillor who is to act as a substitute, notice of which has been given to the Chief Executive, together with the name of the Councillor for whom they are acting.

### **2. Declarations of Interest**

Members to declare the existence and nature of interests in items on the agenda in accordance with the adopted Code of Conduct.

Declarations should be disclosed during this item. However, the existence and nature of any interest that subsequently becomes apparent during the course of the meeting must be disclosed immediately. If the interest is not registered, Members must notify the Monitoring Officer of the interest within 28 days.

Members are also reminded of the need to declare predetermination on any matter.

If Members are unsure about whether or not they have an interest, or about its nature, they are strongly advised to seek advice from officers prior to the meeting.

### **3. Minutes**

To confirm the minutes of the meeting held on 23 March 2021. **(Pages 1 to 2)**

### **4. Warwick District Council and Stratford District Council Joint Policies**

To consider a report from Human Resources.

**(Pages 1 to 8 and Appendices A to C)**

Published Tuesday 13 April 2021

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[employmentcommittee@warwickdc.gov.uk](mailto:employmentcommittee@warwickdc.gov.uk)

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# Employment Committee

Minutes of the remote meeting held on Tuesday 23 March 2021 at 6.00pm, which was broadcast live via the Council's YouTube Channel.

**Present:** Councillor Margrave (Chairman); Councillors Day, B Gifford, Hales, Jacques, Kennedy, Kohler, Mangat, Tangri, Tracey and Wright.

The Chairman explained that Item 5 on the agenda, Warwick District Council and Stratford District Council Joint Working, had been postponed at the request of Unison, to allow its members to be consulted.

## 22. **Apologies and Substitutes**

There were no apologies made

## 23. **Declarations of Interest**

### Minute Number 25 – Pay Policy Statement 2020-21

Councillor Gifford declared an interest during discussions on this item because he was Vice-Chairman of the Warwickshire Pension Fund.

## 24. **Minutes**

The minutes of the meeting held on 16 February 2021, was taken as read and signed by the Chairman as a correct record.

## 25. **Pay Policy Statement 2020-21**

The Committee considered a report from Human Resources which presented the Council's Pay Policy Statement for 2020-2021 as required under the Localism Act 2011, Chapter 20, Part 1 Local Government, Chapter 8 Pay Accountability. It set out the Authority's policies for the financial year relating to the remuneration of chief officers, the remuneration of the lowest paid employees and the relationship between the remuneration of its chief officers and its employees that were no chief officers.

It gave a definition of chief officers and lowest paid employees and covered different elements of remuneration and outlined the guidelines and policies that governed remuneration.

The report stated that the measures that Warwick District Council had undertaken to combat low pay had resulted in an incrementally decreasing ratio of highest to lowest earnings that was well within the tolerances recommended by the Hutton report (20x).

Appendix 1 to the report was the Pay Policy Statement for 2020/21. This had to be prepared on an annual basis beginning with 2012-2013 financial year and each subsequent year as set out in the Localism Act 2011. It was therefore a legal requirement that the report was made.

The Senior HR Business Partner explained that the percentage arrived at on the pension calculation was set by an actuary acting on behalf of Warwickshire, who assessed the size of the fund and therefore the contribution employers should make to the scheme. Employee contributions were set according to their earnings, with those on higher earnings contributing more.

Members were informed that no comparisons had been made with Stratford-on-Avon District Council, but this would have to be done at some point as both Councils moved towards a merger.

**Recommended** to Council that it:

- (1) approves the Pay Policy, Appendix 1 to the minutes, and its publication for the 2020-21 financial year; and
- (2) agrees to the publication of the approved Pay Policy Statement on an annual basis with reviews and amendments in-year if required, subject to agreement at Council.

## 26. **Public and Press**

**Resolved** that under Section 100A of the Local Government Act 1972 that the public and press be excluded from the meeting for the following items by reason of the likely disclosure of exempt information within the paragraph of Schedule 12A of the Local Government Act 1972, following the Local Government (Access to Information) (Variation) Order 2006, as set out below.

Minute Numbers	Paragraph Numbers	Reason
27	1	Information relating to an individual
27	2	Information which is likely to reveal the identity of an individual
27	3	Information relating to the financial or business affairs of any particular person (including the authority holding that information)

## 27. **Minutes**

The confidential minutes of the meeting held on 16 February 2021, was taken as read and signed by the Chairman as a correct record.

(The meeting ended at 6.18pm)

CHAIRMAN  
26 April 2021



Employment Committee  
26<sup>th</sup> April 2021

**Title: Warwick District Council and Stratford District Council Joint Policies**

**Lead Officer: Tracy Dolphin/Elaine Priestley**

**Portfolio Holder: Councillor Day**

**Public report / Confidential report: Public**

**Wards of the District directly affected: All**

Contrary to the policy framework: No

Contrary to the budgetary framework: No

Key Decision: No

Included within the Forward Plan: No

Equality Impact Assessment Undertaken: No

Consultation & Community Engagement: No

Final Decision: Yes

Accessibility checked: Yes

**Officer/Councillor Approval**

<b>Officer Approval</b>	<b>Date</b>	<b>Name</b>
Chief Executive/Deputy Chief Executive	31.3.21	Chris Elliot
CMT	6.4.21	Chris Elliott, Andrew Jones, Dave Barber
Section 151 Officer	6.4.21	Mike Snow
Monitoring Officer	6.4.21	Andrew Jones
Portfolio Holder(s)	6.4.21	Andrew Day

**1. Summary**

- 1.1 This report recommends the adoption of three new employment policies to be implemented by both Warwick District Council and Stratford District Council to support parity, clarity and consistency in relation to staffing matters as the Councils seek to align services and staff.

**2. Recommendations**

- 2.1 That the Employment Committee approves the adoption of:
- a. Joint Organisational Change Policy Statement – Appendix A
  - b. Joint Redundancy Policy and Procedure – Appendix B
  - c. Joint Redeployment Policy and Procedure – Appendix C

With effect from 1<sup>st</sup> May 2021.

**3. Reasons for the Recommendations**

- 3.1 Stratford on Avon and Warwick District Councils have committed to the principle of joining up of services and working together in order to ensure on-going efficiency and value for money to our customers and residents
- 3.2 Both Authorities have been working together to draft a suite of joint procedures which will bring together our approaches to joint working, redeployment and redundancy (in case its needed). The purpose of this is to facilitate re-structuring of joint teams. These procedures will also supersede existing procedures for single council redundancy and redeployment situations.
- 3.3 There are a number of key issues on which it is needed to reach a shared approach in relation to staffing matters for both authorities. In reaching these proposals careful consideration has been given to the financial position of the councils, and what is a reasonable and proportionate approach at the present time. The key material differences are identified below.
- 3.4 **Joint Organisational Change Policy Statement**

1. Lead Employer Approach to Joint Teams

In bringing together SDC and WDC teams into joint/shared teams, it is proposed that a 'lead employer' model is used. A decision would be reached between the Chief Executives as to who is to be the lead Council for each joint team. Then employees from the other Council would be transferred in accordance with TUPE Regulations. Re-structuring of the joint team would follow the transfer.

**Proposal: To adopt the principle of using TUPE to merge joint teams.**

This will ensure teams working together have the same employer and thereby ease communication and management, enable economies of scale in relation to procurement and enable ring fenced recruitment between the two authorities.

### 3.5 **Joint Redundancy Policy and Procedure**

#### 1. Clarity Regarding Consultation Timetable

WDC has supported a longer consultation than Stratford as follows:

- WDC consultation process is 'normally' up to 84 days
- SDC - adopts a 28 day consultation process (subject to extension where necessary), unless a 45 day collective consultation period applies.

**Proposal: To move to a 45-day consultation period, which could be extended to 8 weeks (56 days) if required to complete the consultation**

This is in line with ACAS Guidance and recognises that lengthy periods of uncertainty can be difficult and demotivating for employees.

#### 2. Security of Employment / Notice Period

- WDC – the day after CMT have confirmed the redundancy, a notice of redundancy is issued. However, there is a minimum of 12 weeks 'security of employment' guaranteed during notice period during which WDC actively seeks redeployment. There is no pay in lieu of notice
- SDC – after selection for redundancy has been completed there is a final consultation meeting, and if no redeployment is identified at this stage then a notice of redundancy is issued with contractual notice in accordance with the length of service. In most cases the termination of employment is immediate with pay in lieu of notice, although there is flexibility to determine this on a case by case basis.

**Proposal: To move to a 6 week 'security of employment', which could be either worked or paid in lieu of notice. If the notice period is in excess of 6 weeks the balance would be paid in lieu.**

This exceeds both local government and legal requirements, and most redeployment opportunities are secured within the first four weeks. The majority of WDC staff are entitled to in excess of two months' contractual notice and many are entitled to a lengthier legal notice period based on length of service.

This proposal also gives the option for employees to choose to either be paid in lieu of notice or work their notice period. Previously staff were required to work during their 12 weeks' notice.

### 3.6 **Joint Redeployment Policy and Procedure**

Both Councils have a redeployment procedure, for which the principles are largely compatible. However, there is a variance in relation to pay protection periods where the employee moves to a lower graded post. In summary, WDC guarantees a 3 year pay protection period, whilst SDC will pay 'up to three years', and in practice the most recent have been either 1 or 2 years.

- WDC - Employees redeployed in a lower graded post (whether as a result of redundancy, ill health or incapacity), receive salary protection for three years as follows:

For a period of 12 months on the individual's existing salary grade, including any outstanding increment and annual pay awards. For a further period of 24 months the salary will be frozen at that point, during which time there will no further cost of living awards or incremental progression.

- SDC - Employees redeployed as a result of being 'at risk' of redundancy; or due to ill health or incapacity, may be entitled to a maximum of 36 months' pay protection.

The level and duration of pay protection will be determined on an individual basis, by the Head of Paid Service, having regard for cost efficiencies, personal circumstances and hardship, salary differentials and length of service.

In exceptional circumstances, an ex-gratia payment may be considered as an alternative.

**Proposal: To move to a 30 month pay protection period (cost of living pay awards and any increments due to be paid in the first 12 months only, and then frozen thereafter)**

Both local and national benchmarking in relation to salary protection indicate that very few Councils offer as much protection as 30 months.

### 3.7 **Union Consultation**

Both Warwick District Council and Stratford District Council's Unions were fully consulted and were supportive of the proposal for joint working. Agreement was reached in relation to the proposed policy changes for forthcoming service redesigns subject to an implementation date of 1<sup>st</sup> May 2021 and *the joint procedures were agreed at Stratford's Employment & Appointments Committee on Tuesday 16 March.*

*However, having heard from UNISON that some members did not feel that they had been sufficiently consulted, Chris Elliott, (Chief Executive) was keen to ensure that staff felt involved in the process from the outset and withdrew the papers from WDC's Employment Committee on Tuesday 23 March to allow for more time.*

*Despite the fact that WDC has followed its normal consultation process, it was agreed that UNISON would consult with their members over the next 4 weeks to allow for further clarification in the ongoing discussions about these policies and procedures. To ensure we are being fair and transparent in the process, this time period will also provide the same opportunity for all staff to share their views before Tuesday 20 April, on these policies and they will inform the proposals recommended to this Employment Committee. Given the timescales for circulating the reports an addendum with the latest position will be circulated prior to this meeting of 26<sup>th</sup> April 2021.*

Consultation will continue with UNISON in relation to a timeline and plan for further harmonisation of joint policies and procedures.

## 4. **Policy Framework**



### 4.1 **Fit for the Future**

4.1.1 The Council's FFF Strategy is designed to deliver the Vision for the District of making it a Great Place to Live, Work and Visit.

4.1.2 The FFF Strategy has 3 strands, People, Services and Money, and each has an external and internal element to it, the details of which can be found on the Council's website.

### 4.2 **FFF Strands**

#### 4.2.1 External impacts of proposal(s)

People - Health, Homes, Communities – The proposal could assist with the attainment of the Council's objectives across all its policy priorities.

Services - Green, Clean, Safe – The proposal could assist with the attainment of the Council's objectives across all its policy priorities.

Money- Infrastructure, Enterprise, Employment – The proposal could assist with the attainment of the Council's objectives across all its policy priorities.

#### 4.2.2 Internal impacts of the proposal(s)

People – Right People with Right Skills – The proposals will help to address further review of SMT and how we can deliver our services effectively

Services - Maintain or Improve Services - It will enable the Council to further align its services

Money - Firm Financial Footing over the Longer Term – This would help the Council to address the unfolding financial issue arising from the Covid 19 emergency on top of the underlying pressures

### 4.3 **Supporting Strategies**

Each strand of the FFF Strategy has several supporting strategies and the relevant ones for this proposal are explained here.

#### 4.3.1 People Strategy

The People Strategy outlines the future needs of our workforce to enable us to attract, recruit and retain the right people; provide the development they need to allow them to grow and progress; manage potential and plan for the future. The way in which we lead and support our people is key to the successful delivery of quality services.

4.3.2 The report is not contrary to the aims of the Fit for the Future programme of work.

### 4.4 **Changes to Existing Policies**

These policies would supersede existing Warwick District Council policies in relation to redundancy, redeployment and salary protection

### 4.5 **Impact Assessments**

Compliance with equality legislation has been incorporated throughout the procedures, particularly in relation to the redundancy selection criteria.

### 5. **Budgetary Framework**

There is not an impact on the Budgetary Framework.

### 6. **Risks**

In not implementing these proposals there is the risk that staff being bought together would be subject to different policies and procedures thereby undermining at the outset the principles of openness, transparency and fairness of joint working.

### 7. **Alternative Option Considered**

- 7.1 Not to implement joint working policies and retain current working practices. This would result in a lack of consistency, equality of treatment, clarity and transparency when seeking to bring together joint teams from two different councils.

### 8. **Background**

Members are aware that during the past year, Warwick District Council has been working with Stratford District Council in a number of areas to respond to the coronavirus pandemic in the wake of substantial losses to income and budgets. This is coupled with the ambition of both councils to preserve, improve and expand the valuable services we provide for our residents across South Warwickshire.

With these developments will come a period of transition and change. WDC is committed to supporting this transition with fair policies and procedures to ensure that employees of both authorities are treated fairly and consistently.

To this end WDC and SDC have been working closely with both Unison Branches to bring forward agreed proposals to this Employment Committee. *Stratford District Council agreed the implementation of the policies with effect from 1<sup>st</sup> May 2021 at its Employment & Appointments Committee on Tuesday 16 March.*

*The Joint Organisational Policy statement is the Employers document of intent on how they wish to proceed throughout the merger process and is therefore not a negotiable document.*

*As a statement of intent and does not, of itself, implement any operational change which affects job prospects or security, or specific change to any contract of employment or working environment.*

### 9. **Conclusion**

In adopting these proposals, a fair and consistent basis will be applied to future staff changes.

## **Brief for MTUJCSP (26.4.21) – Joint Policies**

This brief is an update on the report to be presented to the 26<sup>th</sup> April 2021 Employment Committees in relation to the policies for joint working with Stratford District Council.

### **Background**

Members of the MTUJCSP will recollect that its meeting of 17<sup>th</sup> March 2021 they considered the report coming forward to Employment Committee on 23 March – Item 5 - Warwick District Council and Stratford District Council Joint Working. The Panel was in support of the report and its three appendices: WDC SDC Joint Organisational Change Policy Statement; WDC SDC Joint Redundancy Policy and Procedure; and WDC SDC Joint Redeployment Policy and Procedure.

Subsequently on the 23<sup>rd</sup> March having heard from UNISON that some members did not feel that they had been sufficiently consulted, the Chief Executive took the decision to withdraw the papers from that evening's Employment Committee to allow for more time to ensure that staff felt involved in the process from the outset and withdrew

It was agreed that UNISON would consult with their members over the next 4 weeks to allow for further clarification in the ongoing discussions about these policies and procedures. WDC also set up a channel for non-union members to voice their suggestions and concerns so that these will inform the proposals recommended to WDC's next Employment Committee on Monday 26 April.

### **Summary**

The attached report, policy statement and policies will be represented to the 26<sup>th</sup> April Employment Committee.

The covering report has been amended to reflect the current circumstances and for ease the changes are in italics.

At the time of writing there is no change to the Policies put forward and an addendum will be forwarded following the closure of the extended consultation period.



# Joint Organisational Change Policy Statement

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## **1.0 INTRODUCTION**

- 1.1 The strategic vision of Stratford on Avon and Warwick District Councils (“the Councils”) is to ensure on-going efficiency and value for money by joining up of services where possible.
- 1.2 This will be achieved by merging the organisations to improve effectiveness as well as efficiency in order to maintain or improve public service.
- 1.3 The Councils need to remain flexible and responsive to changing national and local priorities and consider stakeholder needs. They must also make the most efficient use of all resources and organisational change will be required to achieve these aims.
- 1.4 The Councils will seek to minimise the negative effects of any organisational change through the application of fair and equitable procedures that include re-structuring, redeployment and redundancy.
- 1.5 This policy document outlines the agreed framework under which joint working will be undertaken, and should be read alongside the Joint Redundancy and Redeployment Procedures.

## **2.0 SCOPE**

- 2.1 This policy applies to all employees at the Councils.
- 2.2 This policy does not apply to 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 Councils.
- 2.3 This policy does not form part of any contract of employment and may be updated from time to time.

## **3.0 PRINCIPLES**

- 3.1 The Councils are committed to the principle of working in partnership with employees and trade unions in managing organisational change and will seek to achieve changes through appropriate involvement and consultation. Any final decisions will however remain with the Councils.
- 3.2 The Councils will ensure compliance with all related aspects of employment law and will also offer all reasonable support in circumstances such as where jobs change, through the provision of training, in redundancy situations through the provision of robust redeployment processes and active management.
- 3.3 The Councils are fully committed to equal opportunities in employment and oppose any form of unlawful discrimination on grounds of the nine protected characteristics set out in the Equality Act 2010 (age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion and belief, sex and sexual orientation).
- 3.4 It is recognised and understood that organisational change may have a significant impact on employees and may involve periods of uncertainty. The Council is committed to supporting employees through periods of change and to minimising any negative impact.

## **4.0 APPROACH TO JOINT TEAMS**

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- 4.1 Where a joint team is to be set up, a 'lead employer' will be agreed by the Chief Executives of the Councils, all staff within scope for the joint team, who are not employed by the lead employer will transfer to the employment of the lead employer under the Transfer of Undertakings (Protection of Employment) Regulations 2006 ("TUPE regulations").
  - 4.2 Once the lead employer has been agreed the process followed will be in accordance with the TUPE regulations and then, if necessary, the Joint Redundancy and Redeployment Procedures.

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# Redundancy Policy and Procedure

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## **Section A: General information**

### 1. Policy statement and principles

- 1.1 Stratford upon Avon and Warwick District Councils ("the Councils") greatly value the contribution made by our employees and are committed to the principle of avoiding compulsory redundancies wherever possible. There may however be occasions where it is necessary to make posts redundant.
- 1.2 This policy and procedure aims to set out clear guidelines to be followed in the event a redundancy situation arises to ensure employees are treated fairly and consistently.
- 1.3 Redundancy occurs if an employee is dismissed due to one of the following reasons:
  - the employer has ceased, or intends to cease, continuing the business, 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.
- 1.4 Employees working on fixed term contracts for more than two years will be eligible for redundancy payments if the reason for non-renewal is redundancy. For more advice please contact Human Resources.
- 1.5 When it is necessary to consider redundancies the Councils commit to:
  - Minimising the number of posts being made redundant as far as reasonably practicable
  - Treating employees affected by redundancy in a fair, consistent and sensitive manner
  - Consulting fairly and in a timely and reasonable manner with employees and relevant trade unions
  - Following a fair selection process using clear and objective selection criteria, supported by Equality Impact Assessments.
  - Seeking to find suitable alternative work in line with the councils' Redeployment policy and procedure, across both Councils
  - Following a fair dismissal procedure including making redundancy payments in line with this policy
  - Comply with relevant legislation relating to redundancy and equality

### 2. Scope

- 2.1 The policy and procedure applies to all employees of the Councils.
- 2.2 This policy and procedure 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 Councils.
- 2.3 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).
- 2.4 This policy and procedure supersedes any previous documents at either Council. This policy and procedure does not form part of any contract of employment and will be updated regularly.

### 3. Roles and responsibilities

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- 3.1 The Senior Management Team (SMT) of the relevant Council is responsible for ensuring adoption of and adherence to this policy and procedure and for approving proposed selection pools, selection criteria and selection decisions.
  - 3.2 Service Managers are responsible for adhering to this policy and procedure and applying it fairly and consistently.
  - 3.3 Service Managers, in conjunction with Human Resources and with the approval of the relevant Head of Service, are responsible for identifying those employees potentially at risk of redundancy and consulting on redundancy proposals.
  - 3.4 Certified trade union representatives or a workplace colleague may accompany employees at all formal stages of this procedure.
  - 3.5 Human Resources are responsible for providing advice, support and guidance on this policy and procedure to managers and employees. Human Resources will also provide a representative for any formal meeting convened under this procedure.

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## **Section B - Detailed procedures**

### 1. Identifying the selection pool

- 1.1 Before consultation can begin, it is necessary to identify which employees are potentially at risk of redundancy (the "selection pool"). A selection pool will consist of at least one of the following categories:
- those who undertake a similar type of work;
  - those who work in a particular department;
  - those who work at a relevant location; and/or
  - those whose work has already ceased or been reduced, or is expected to do so.
- 1.2 It is possible to have a pool of just one employee where their role is completely unique.
- 1.3 Service Managers and the relevant member of SMT must consult Human Resources when identifying the selection pool, having due regard to the Equality Act 2010. Advice should also be sought in respect of any affected employees who are on fixed term contracts.

### 2. Consultation

- 2.1 When redundancies are being considered, affected employees and recognised trade union representatives will be consulted as soon as practicably possible. The purpose of consultation is to provide as early an opportunity as possible for all concerned to discuss the situation and explore the options. The consultation process should involve consideration of alternative proposals with a view to reaching agreement on ways of avoiding dismissals, reducing the number of employees to be dismissed and/or how to mitigate the effect of the dismissals.
- 2.2 In order to be meaningful, consultation must take place in advance of any formal decisions on new structures or ceasing of services.
- 2.3 For individual redundancies occurring as a consequence of the expiry of a fixed term contract, trade unions will not generally be consulted although the employee may be accompanied to any formal meeting by a certified representative of the trade union (or a work colleague) if they so wish.
- 2.4 Formal consultation will normally begin with a group meeting with affected employees and representatives of recognised trade unions. Consultation will cover the following areas:
- The reason for the proposed redundancies
  - The number of employees potentially at risk of redundancy and their job types
  - Details of the proposed methods of selection
  - The procedure to be followed in dealing with the redundancies
  - The method of calculating the redundancy payments
  - Alternatives to redundancy (where known), e.g. identification of potential suitable alternative employment in a new team structure
- 2.5 Where the number of proposed redundancies is fewer than 20 over a period of 90 days or less, consultation periods will be reasonable in all circumstances to allow sufficient time for meaningful consultation. Advice must be sought from Human Resources when planning the consultation process. Consultation periods can be extended where needed.

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- 2.6 Should it be necessary to make 20 or more employees redundant over a period of 90 days or less then consultation will usually be for a minimum of 45 days before the first dismissal takes effect.
- 2.7 Alongside consulting with the recognised trade unions, employees will also be offered individual consultation meetings during the formal consultation period.
- 2.8 Once formal consultation has commenced, affected employees will be invited to an individual consultation meeting with a manager and a representative of Human Resources where they will be provided with information regarding their particular circumstances and can ask any questions they may have. Employees have the right to be accompanied by a certified trade union representative or a work colleague at this meeting. The following will generally be discussed at this meeting:
- That the employee is potentially at risk of redundancy
  - The reason for the proposed redundancy
  - The timescales
  - Alternative employment opportunities and the employee's aspirations
  - Statutory and contractual entitlements, e.g. reasonable time off for work for interviews, notice period
  - Redundancy payment estimate
  - Any questions the employee would like to raise
- 2.9 It is essential that all affected employees are consulted with. Managers should ensure that employees who are absent from the office, e.g. due to maternity leave, long term sickness, are included in the consultation process.
- 2.10 The Councils appreciate that redundancy situations can be difficult and upsetting for all concerned and aim to keep employees and trade union representatives well informed throughout the process to try to minimise the uncertainty.

### 3. Measures to minimise redundancies

- 3.1 When there are likely to be redundancies the Councils will consider reasonable steps to minimise compulsory redundancies, such as:
- Restricting recruitment
  - Ring fencing vacancies to certain "at risk" employees
  - Reducing the use of agency/temporary employees
  - Voluntary reduction in hours of work
  - Review and reduction of overtime
  - Early retirement
  - Redeployment and retraining

### 4. Expressions of Interest

- 4.1 In accordance with ACAS guidance, where there is an existing selection pool the Councils reserve the right to request expressions of interest from that pool for redundancy.
- 4.2 An expression of interest does not in any way guarantee that redundancy will be offered. All decisions are always subject to the needs of the business. The Councils reserve the right to accept or reject expressions of interest and the decision of the Councils will be final.

### 5. Selection criteria

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- 5.1 Where compulsory redundancy is necessary, we will use redundancy selection criteria that is objective, fair and measurable and in compliance with the Equality Act.. The selection criteria must be applied consistently across the selection pool and will be shared with affected employees and trade union representatives. The criteria must not disadvantage a particular group of employees, e.g. those on maternity leave or those with disabilities.
- 5.2 The selection criteria used will be at the Councils' discretion, subject to factors such as business needs at the time and the roles under consideration.
- 5.3 In accordance with ACAS guidance, selection criteria may include a paper assessment of some or all of the following:
- Skills, abilities, knowledge and qualifications relevant to the Councils' current and future staffing requirements. These will be based upon the job description and person specification for a particular post/area of work and/or the operational needs of the service. Formal qualifications can be taken into consideration if they are required for the post (e.g. RTPI membership);
  - Standard of work performance: selection on this basis must be supported by evidence, for example, annual reviews or performance improvement procedures;
  - Attendance record: excluding absence for industrial injury/illness, disability and family related reasons;
  - Disciplinary records: "live" warnings .
- 5.4 Assessment of employees against the selection criteria for the remaining or restructured job roles should, if possible, be carried out by a manager familiar with the service area. A representative from Human Resources will support the assessment process to ensure a consistent approach is taken and all relevant records maintained.
- 5.5 It may also be appropriate to use competitive interviews as part of the selection process, particularly where there is a new job role.

## 6. Notification of redundancy

- 6.1 Following the decision being made on the structure, the selection matrix and/or competitive interview will be carried out.
- 6.2 Any staff who are appointed into a new role will be notified in writing that they are provisionally safe pending completion of the restructure/redundancy exercise.
- 6.3 If an employee is provisionally selected for redundancy they will be invited in writing to a formal meeting. At this meeting the employee will be informed that they have been provisionally selected for redundancy and will be given the opportunity to make representations about their selection. The employee can be accompanied at this meeting by a trade union representative or work colleague. Redeployment will be sought for employees at risk of redundancy in line with the Councils' Redeployment policy and procedure.
- 6.4 The meeting will be chaired by an appropriate senior manager. A representative from Human Resources will also be present.
- 6.5 The Chair will consider any argument that the employee puts forward to avoid the redundancy or their selection for redundancy. If, following the meeting, it is decided that the employee shall be given notice of redundancy, they will be informed of this decision in writing, along with details of their notice and redundancy payment and an explanation of how this has been calculated. The employee may request a meeting

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to discuss the decision, at which they will have the opportunity to be accompanied by a colleague or trade union representative.

- 6.6 The Councils are committed to trying to find redeployment opportunities wherever possible. Therefore a 6 week 'security of employment' period will be guaranteed once notice of redundancy is issued and the notice period commences. During this time the Councils will continue to seek redeployment. If at the end of the 6 weeks no alternative employment has been found then employment will cease, and any remaining contractual notice will be paid in lieu.
- 6.7 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").
- 6.8 If an employee has been notified that they have been selected for redundancy they have the right to reasonable paid time off to seek alternative employment or arrange training. All time off must be agreed in advance with the employee's line manager and Human Resources. They will also be added to the Councils' redeployment register as per the Redeployment policy and procedure.
- 6.9 Employees may be required to use outstanding annual leave before their last day of employment, depending upon service requirements.
- 6.10 It is automatically unfair to make an employee redundant for any of the following reasons:
- trade union membership (or non-membership)
  - part-time or fixed term employee status
  - pregnancy or maternity-related reasons
  - parental, paternity, adoption leave or time off for dependants

In addition, making someone redundant because of their age, sex, sexual orientation, marital status, disability, race or religion or any other protected characteristic will be a breach of the Equality Act 2010.

## 7. Appeal against redundancy

- 7.1 An employee may appeal against selection for redundancy and should be informed in writing of this entitlement.
- 7.2 The employee must provide written notice of the appeal within five working days of being informed of the decision to terminate their employment on the grounds of redundancy.
- 7.3 When lodging an appeal the employee should state the grounds on which the appeal is made.
- 7.4 Appeal hearings will normally take place within ten working days of receipt of the employee's written notice of appeal.
- 7.5 The appeal will be heard by a member of the SMT who has not been involved in the original redundancy selection decision.
- 7.6 The appeal hearing officer will be obliged to consider any representations made by the employee, the employee's companion and, if appropriate, the manager who made the selection for redundancy.

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- 7.7 The appeal hearing officer must decide on the basis of all sets of representations, together with any subsequent facts and mitigation that may have come to light, whether or not to uphold the decision to select for redundancy. The decision will be confirmed in writing, usually within one week. The Council's decision at the appeal is final.
- 7.8 In the event that the appeal hearing officer finds for the employee, they shall allow the appeal and shall take appropriate action to reverse the decision to select for redundancy.
- 7.9 In the event that the original decision to select for redundancy is overturned, the employee will be reinstated with immediate effect and will be paid for any period between the date of the original dismissal and the successful appeal decision. Continuous service will not be affected.

## 8. Redundancy payments

- 8.1 To be eligible for a redundancy payment the employee must have at least two years' continuous local government service in line with the Redundancy Payments Modification Order (Local Government).
- 8.2 Redundancy payments are based upon an employee's age, length of service and their actual weekly salary rather than the statutory weekly pay limit (excluding payments by way of pension contributions). In cases of redundancy employees receive a compensation payment (incorporating any statutory redundancy payment) based on applying a multiplier of 2.3 to the number of weeks permissible under the statutory redundancy formula. The redundancy pay calculation table is shown in Appendix 1.
- 8.3 Redundancy payments are not taxable up to a maximum of £30,000. Any contractual payments, such as holiday pay, PILON and car allowance are subject to tax and NI.
- 8.4 Redundancy payments are not payable when an employee is redeployed or unreasonably refuses an offer of suitable alternative employment. Further details can be found in the Councils' Redeployment policy and procedure.
- 8.5 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. Please speak to Human Resources for further details.

## 9. Pensions

- 9.1 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. Please contact Human Resources for further information.
- 9.2 The Councils do not grant extra pension membership to scheme members i.e. augmentation of pension where employment is terminated on the grounds of redundancy or in the interests of "efficiency of the service".

## 10. Support

- 10.1 *Employee Assistance Programme (EAP)*

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Redundancy can be distressing for both employees and managers. The Employee Assistance Programme is available for all employees to provide support. This is a free, confidential employee assistance programme which provides expert advice, information, specialist counselling (including face to face) and support. The service is provided by BUPA and can be accessed via telephone on 0330 1230124 or 0800 269 616. Further details can be found on the intranet or from Human Resources.

10.2 If you are a member of a trade union you may wish to contact them for support.





# Redeployment Policy and Procedure

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## **Section A: General Information**

### 1. Policy Statement and Principles

- 1.1 This policy aims to assist in the redeployment of employees of Stratford District and Warwick District Councils ("the Councils") who cannot continue in their current role through no fault of their own. This may be because an employee has been given formal notice of redundancy, has become disabled (as defined by the Equality Act 2010) or due to a capability issue as identified through the capability policy and procedure.
- 1.2 The Councils will provide reasonable support to employees seeking redeployment in the circumstances set out above, including consideration of suitable redeployment opportunities across both Councils, training, and time off to look for alternative roles.
- 1.3 Eligible employees will be given prior notification for vacant posts.
- 1.4 If an employee is already undertaking an agreed course of study funded or otherwise supported by a Council, consideration will be given to them continuing the course provided they follow the requirements of the appropriate training policy.
- 1.5 If employees are prevented from continuing existing training as a result of redeployment they will not be required to repay any related expenses to the Councils.

### 2. Scope

- 2.1 The policy and procedure applies to all employees of the Councils.
- 2.2 Employees may express interest in vacancies in either Council as part of the redeployment arrangements.
- 2.3 This policy and procedure 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 Councils.
- 2.4 This policy and procedure supersedes any previous documents at either Council. This policy and procedure does not form part of any contract of employment and will be updated regularly.

### 3. Equality Act (2010)

- 3.1 The Equality Act states that a person is disabled if they have a physical or mental impairment which has a substantial and long-term adverse effect on their ability to carry out normal day-to-day activities. Long-term means that the condition must last, or be likely to last, for more than 12 months, or is likely to last for the rest of the life of the person affected.
- 3.2 Managers should seek advice from Human Resources and/or Occupational Health where a requirement for redeployment may relate to a disability.

### 4. Roles and responsibilities

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- 4.1 The Senior Management Team (SMT) is responsible for ensuring adoption of and adherence to this policy and procedure.
  - 4.2 Managers are responsible for adhering to this policy and procedure and applying it fairly and consistently.
  - 4.3 Employees are expected to co-operate in providing any information needed to find suitable alternative employment, respecting the timescales outlined in the procedure.
  - 4.4 Human Resources are responsible for providing advice, support and guidance on this policy and procedure to managers and employees.

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## **Section B - Detailed procedures**

### 1. Eligible employees

- 1.1 Employees who may need to be redeployed within either Council will be identified by the relevant service manager in conjunction with Human Resources. This will be confirmed with the employee who will be placed on a redeployment register maintained by Human Resources.
- 1.2 Employees at risk of redundancy will be registered for redeployment from the date at which consultation on their redundancy formally commences and will continue until the end of their notice period or the six week 'security of employment' period outlined in the Joint Redundancy Procedure.
- 1.3 The employee may be asked to complete an employee redeployment form which will detail their current post and responsibilities along with their qualifications, past experience and their work preferences. A follow up meeting between the employee and a member of Human Resources will take place to discuss the form to ensure a proper understanding of the employee's background and what type of role they are prepared to accept and are capable of doing. The employee will be entitled to bring a union representative or colleague to the meeting.

### 2. Advertising

- 2.1 Prior to roles being advertised, they will be sent to staff on the redeployment register in advance of being advertised
- 2.2 Should the employee wish to be considered for a post the recruiting manager will review the individual's redeployment form to ascertain if they meet the essential criteria for the role (as per the person specification for the position). The employee may wish to provide additional information to the manager if they don't feel their redeployment form sufficiently covers the requirements of the person specification.

### 3. Selection and Interviews

- 3.1 If the employee meets the essential criteria for the position it may be possible to offer the employee the role as suitable alternative employment without an interview. However, the manager may still wish to meet the candidate to discuss the role in more detail and to ensure they do meet all the essential criteria. Where more than one employee from the redeployment register is interested in the role and meets the essential criteria, interviews will be arranged. A representative from Human Resources will attend all such interviews. If the employee is not considered to meet the essential criteria they will be advised of the reasons for this.
- 3.2 If it is clear during the selection process that the employee does not meet the full requirements of a role immediately but could perform the duties to an acceptable standard with reasonable training (and/or reasonable adjustments, where the redeployment relates to disability under the Equality Act 2010) the job should be offered to the individual (unless there are other staff being interviewed who need to be redeployed and are better qualified).
- 3.3 In order that the Councils can meet their specific legal obligations towards disabled employees or those who are pregnant or on family related leave, advice must always be sought from HR in making selection decisions.

### 4. Offer of suitable alternative employment and Trial Periods

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- 4.1 In general, "suitable alternative employment" means work that:
- the employee can reasonably be expected to do taking into account his or her level of seniority and skills;
  - is on terms and conditions that are not substantially less favourable to the employee; and
  - is suitable to the employee in the circumstances.
- 4.2 Suitable alternative employment may be considered at either Council.
- 4.3 Where a redeployment role is being considered the employee will be provided with all relevant information in relation to the impact on pay and terms and conditions.
- 4.4 If an employee has been given formal notice that they are to be made redundant and the Council has identified a vacancy within the Councils which may be suitable alternative work, this role can be offered to the individual without the need for an application or selection process.
- 4.5 If an employee unreasonably refuses the offer of suitable alternative employment they may lose their entitlement to a redundancy payment, where their redeployment is due to a redundancy situation.
- 4.6 If the employee does not believe the role offered is a suitable alternative they will be requested to provide the reasons for this in writing. Human Resources and a suitable manager will review the employee's submission 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 submission. If this is the case the employee will be invited to a meeting and will have the opportunity to be accompanied by a fellow employee or trade union representative. If it is agreed that the role is not a suitable alternative for the employee they will retain their right to a redundancy payment, where applicable unless further suitable alternative employment can be found.
- 4.7 Employees who have been issued with notice of redundancy and accepted alternative employment will be given a six week trial period. The purpose of the trial period is for both the relevant Council and the employee to establish whether or not the job is in fact suitable for the employee. It may be agreed in writing to extend the trial period if the new role requires the employee to be retrained. Any such extension must be agreed at the outset, and must specify the date on which the period of retraining ends along with any terms and conditions of employment which will apply after the end of that period. Exceptionally, the Council may agree to extend the trial period for other reasons, e.g. if the employee is absent due to sickness during the trial period. Managers must seek advice from Human Resources before agreeing any such extension.
- 4.8 During the trial period a review meeting should be arranged between the manager and the employee. The purpose of this meeting is to discuss whether or not the job is suitable for the employee taking into account performance, training requirements and any other relevant factors.
- 4.9 In the event that all parties are agreed, the trial period can be ended earlier and the role be confirmed with the employee.
- 4.10 If, during or towards the end of the trial period, an employee decides the new job isn't suitable they must inform Human Resources. If, in conjunction with their line manager and Human Resources, it is agreed that the role isn't a suitable alternative the employee will be entitled to their redundancy payment (where the reason for redeployment is redundancy) unless further suitable alternative employment can be found. In the event that the line manager and Human Resources still consider the
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role to be suitable, but the employee does not then there shall be no right to a redundancy payment following completion of the six week trial period (or extended trial period where this has been agreed).

- 4.11 If the manager believes that the employee is unsuitable for the role during the trial period, they must discuss this with Human Resources. If the trial period is terminated, this would be confirmed in writing and the employee would retain their right to receive a redundancy payment unless further suitable alternative employment can be found.
- 4.12 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).

## 5. Salary protection

- 5.1 Redeployment offers will be made at the grade and conditions of employment attached to the vacant post.
- 5.2 In cases of redundancy or where the redeployment relates to ill health or a disability, 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. 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.
- 5.3 Upon completion of the salary protection period the employee will continue to be paid at the top spinal column point of the grade of their new post.
- 5.4 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 come to an end and the member of staff will be paid the salary commensurate to the new role.
- 5.5 Salary protection will not apply to employees who voluntarily request to move to a post at a lower grade where this is not through the redeployment policy.
- 5.6 Salary protection will not generally 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.

## 6. Protection of Conditions of Service

- 6.1 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.
- 6.2 Any existing contractual payments which do not apply to the alternative role will be protected for a period of twelve weeks.

## 7. Redundancy

- 7.1 In cases of redundancy, if it is not possible to redeploy an employee who is on notice of redundancy to an alternative role within the organisations the provisions of the

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Councils' redundancy policy and procedure will apply, including redundancy payment where applicable.