



Appendix 2

Organisational Change Policy

January 2022

CONTENTS

CONTENT	SECTION
Purpose	1
Scope	2
Key Principles	3
Collective Consultation	4
Managing Minor Change	5
Managing Significant Change <ul style="list-style-type: none"> - 6.1 Initial Discussions - 6.2 Defining the affected employee group - 6.3 Planning the restructure - 6.4 Starting formal consultation - 6.5 Revising the proposals - 6.6 Beginning Selection & Starting Redeployment - 6.7 Notifying HR of redundant posts - 6.8 Confirming appointments 	6
Selecting for Jobs in the New Structure <ul style="list-style-type: none"> - (a) Assimilation - (b) Ring fences - (c) Management assessment - (d) Failure to co-operate - 	7
Redeployment Process <ul style="list-style-type: none"> - 8.1 Definition of redeployment - 8.2 Principles of redeployment including Pay Protection - 8.3 Medical or Other redeployment - 8.4 Matching to a suitable alternative job - 8.5 Trial period and Reasonable adjustment - 8.6 Safeguarding 	8
Redundancy Process <ul style="list-style-type: none"> - 9.1 Appeal Process - 9.2 Redundancy pay 	9
General information <ul style="list-style-type: none"> - 10.1 Award of additional pensionable membership - 10.2 Multiple contracts - 10.3 Trade union officials on full time day release 	10
Further references	11
Appendices <ul style="list-style-type: none"> - Appendix 1: Calculation of redundancy pay 	12

1 PURPOSE

- 1.1 The Council values its employees and is committed to providing long-term job security and managing the organisation in the best way possible to ensure stable and sustainable employment through effective planning to meet current and future needs, and through use of appropriate forms of contract.
- 1.2 No organisation is static in its organisational structure, and our workforce profile is constantly evolving to adapt to the needs of its business and to external factors.
- 1.3 The impact of change can vary, and in recognition of this, the council will take steps to engage and support employees, in consultation with recognised Trade Unions and other stakeholders, appropriately during any significant workplace change.
- 1.4 The purpose of this policy is to reflect this commitment and provide a framework for managing change effectively, fairly and consistently, through planning, consultation and communication and in accordance with established good practice and employment legislation.
- 1.5 This policy sets out the legal and organisational responsibilities that must be met when an organisational restructure is undertaken and how the redeployment process can help to secure new employment for those not placed in the new structure. The policy also gives details of the redundancy process for those unsuccessful in securing alternative employment at the end of their redeployment period.

2 SCOPE

- 2.1 This procedure applies to all Council employees including those on senior manager grades and those on fixed term contracts. It does not apply to employees appointed by schools operating under the Local Management of Schools, who have their own procedure.
- 2.2 The procedure will be varied for certain statutory officers to ensure compliance with local government law and conditions of service for Chief Executives and Chief Officers.

3 KEY PRINCIPLES

The key principles of the policy are those of:

- **Planning** –any organisational review should be planned with a benefits analysis carried out, and to consider the impact of any new structures, roles, processes or systems. This will also help managers identify the key outcomes of the change and ensure plans are aligned to wider Council objectives. Advice on the development of a case should involve Human Resources and Finance.

- **Clarity** – the aims of the restructure should be clear and communicated to the affected employee group and to the trade unions. There should be clear reasons given why the posts which have been identified as part of the restructure have been included.
- **Transparency** – a full and comprehensive information pack will be made available to each member of the affected employee group, including those who are absent due to sickness or family leave. The pack is to include the aims to be achieved, details of the new job descriptions and grades and details of the assimilation and/or ring fence arrangements.
- **Fairness** - Where redundancies are necessary, selection for redundancy is based on clear criteria that will be fairly applied. To have only one ring fence for those not assimilated to posts to enable people to apply for a vacancy of their choice. To enable those not placed in a new role to be considered for alternative jobs through redeployment and to provide an eighteen month period of pay protection to those who are redeployed to a lower graded post.
- **Consultation** – the Council recognised the benefit of early and meaningful consultation with employees and recognised trade unions when change is planned.
- **Support** – preparing employees by providing them with knowledge and support to handle change and that will enable them to move forward positively after the change is completed.

4 COLLECTIVE CONSULTATION

- 4.1 Where a collective agreement applies, consultation will be in accordance with the provisions required by Part IV of the *Trade Union and Labour relations (Consolidation) Act 1992 (TULR(C)A) 1992*. Consultation will be entered into as soon as is reasonably practicable.
- 4.2 The Council will inform the Department for Business, Energy and Industrial Strategy (BEIS) of any potential for redundancies of 20 or more employees within a period of 90 days or less.
- 4.3 In addition to the 30 day period of collective consultation required, the Council will consult through the management structures of the Council with individual members of employees whose positions are at risk of redundancy.

5 MANAGING MINOR CHANGE

- 5.1 It is recognised that in order to meet changing business needs more effectively there may be occasions where managers need to implement relatively minor changes to working practice, team structures, reporting line, job descriptions or job titles. Such changes may be implemented without following the formal procedures in this policy. Examples of minor

change include introduction of new technology, changes in duties within the remit of the posts, changes in reporting lines, or implementation of different working methods. A minor change would not lead to redundancy for an employee.

- 5.2 While formal consultation is not required, managers will normally discuss with employees about changes that have an impact on their work and to ask for views before implementation. A delegated authority form must be completed and sent to both the trade unions and to Finance for their comments. Changes may only be implemented once comments and agreement have been received.

6 MANAGING SIGNIFICANT CHANGE

Where significant change is needed, a seven-stage process is set out below. The need to restructure a team or business unit may be as a result of (this is not an exhaustive list:

- Closing a service
- Change in funding or financial pressures
- Change in legislation
- Advances in technology
- Change in working practice resulting in the need for different types of jobs or fewer jobs
- Other external pressures
- Re-organisation to meet business needs

Where reasonably practical, managers are required to consider ways in to minimise the number of redundancies. Mechanisms to minimise redundancies may include:

- a recruitment freeze within the relevant areas,
- reducing overtime,
- offering career breaks or other period of unpaid leave,
- agreeing to flexible retirement request(s),
- giving consideration to requests for voluntary redundancy,
- seeking to make saving from non-staff budgets,
- the redeployment and retraining of existing employees into other vacancies or
- a review of any existing agency workers and possible restrictions of the engagement of agency workers or consultants in the relevant areas.

The following steps must be taken when starting a restructure process.

6.1 Step 1 – Initial Discussions

Before anything can be done, there must be agreement to the restructure taking place. A business case must be produced to be discussed at a meeting with the HR Business Partner and with the relevant Head of Service. The business case should outline the rationale for the restructure, the number of posts to be affected and the financial provision for any changes. A draft

Delegated Authority form should be also completed (if the proposals affect up to 50 posts) which will provide these requirements.

Following the agreement, an informal meeting with the recognised trade union(s) should be arranged so that any concerns they may have can be answered before the full Information Pack is issued. Only when both meetings have been held can the restructure begin.

6.2 Step 2 - Define the Affected Employee Group – Posts “At Risk”

Before the consultation process starts, the manager supported by HR will identify those posts that will be at risk because of the organisational change. The employees in these posts will be put into a pool from which selection into the new structure will be made.

The Council will work with the trade unions to ensure redundancy pools are no bigger than they need to be, taking account of the scale and scope of changes and legal and contractual requirements.

The Council will ensure that its reasoning in relation to determining the pool is made known so that it can demonstrate the reasonableness of its decisions. Factors to consider may include the type of work that is ceasing or diminishing, the extent to which employees' are doing similar work and the extent to which employees' jobs are interchangeable.

Where there is only one employee in the affected job role there is no requirement for a selection pool.

The Council recognises its responsibility to ensure that no individual suffers discrimination or is disadvantaged due to a protected characteristic under the Equality Act 2010.

An equality analysis (EQIA) will be undertaken on the relevant group of employees who will be affected by the restructure. An equality analysis is a planning tool that enables the Council to build equality into the change management proposals and processes and take action where appropriate. A copy of the EqIA should normally be included as part of the Information Pack unless the size of the pool means that individual employee information can be identified.

Agency workers are not included when consideration is given to the employee pool of who will be affected.

In most cases, employees on fixed term contracts will be included in the at-risk pool as fixed term employees are to be treated the same as an equivalent permanent employee. However, in some circumstances it can be justified to exclude them from the pool where, for example, the fixed term employee was specifically recruited to complete a particular task or project, or to cover a peak period or period of family or other leave and this was made known to those employees when they were recruited.

Employees who are acting up or on secondment should be considered in the 'at risk' pool only where the changes impact their substantive role.

If the decision not to include someone in the group of affected employees, can be objectively justified it will be considered fair. The appeal process is detailed in Section 9.1 and this may be used in these circumstances.

6.3 Step 3 - Plan the re-organisation

Preparation is key to ensuring the success of the process. with a detailed plan including communication activities should be in place. In addition to producing an information pack outlining the proposals, consider the changes needed to existing jobs and re-write the job descriptions as necessary, or prepare new job descriptions for new posts to be created. Guidance on writing job descriptions is given on the HR pages of the intranet and ensure that enough time is factored into the process to allow the HR Reward team to undertake new evaluations where necessary. Further details of the process and a copy of the relevant forms can be found in the Organisational Change Practice Note.

The information pack given to affected employees (both those in work and those on long term sickness or planned family leave absence) and to the trade unions should have input from Human Resources and Finance and must contain the following information –

- Purpose and reason for the change
- The options which have been considered
- An indicative timetable for the consultation and implementation of the proposed change
- The proposal including current and proposed structure chart
- Any impact / changes to service
- The numbers, grades and descriptions of employees who are included in the restructure
- The numbers and descriptions of employees whom it is proposed to assimilate within the proposed structure
- The numbers and descriptions of employees whom it is proposed to dismiss as redundant
- The total number of employees of that description employed by the Council at that establishment, including agency workers
- The steps that will be taken to avoid redundancies
- Details of the jobs proposed in the new structure, including the new or updated job descriptions and the indicative grades or proposed grades if job evaluation is pending
- Proposed selection methods including proposals for assimilations
- Proposed method of dismissal, including redundancy calculations
- A minimum 30 day consultation period (unless all parties agree to a shorter timescale) must be allowed for employees and unions to consider the proposal and to respond
- Consider whether responses can be made in writing, through meetings with affected employees and trade union representatives or by any other method
- Support and training will be available to employees during consultation and during the transition phase of the change to ensure the benefits required by the change are achieved.
- Equality impact analysis of 'at risk' pool to be shared with both employees and Trade Unions if appropriate. Regard must be given to maintaining confidentiality of individual's personal data and if the pool is small enough to allow identification of an individual the data should not be shared.

6.4 Step 4 - Start formal consultation with the trade unions and employees

The timing and extent of consultation will be proportionate to the degree of proposed change, the number of employees affected and the impact on individuals. Consultation will take place with all employees who are potentially affected by the redundancy situation and not just those who are at direct risk of redundancy. Where it is not possible to hold a face-to-face meeting, the consultation process will be conducted remotely.

Employees who are absent from work (due to maternity, sickness or other leave) will be sent a copy of the information pack and should either be invited to attend consultation meetings or will be met with separately where this is more appropriate, in order that they can fully participate in the consultation process.

Consultation will continue for a period of no less than the statutory time scales:

- Where 20 – 99 redundancies are proposed, consultation will commence at least 30 days before the first dismissal takes place.
- Where 100 or more redundancies are proposed then consultation will commence at least 45 days before the first redundancy takes place.

In an individual redundancy scenario, or where less than 20 redundancies are proposed, consultation will start at least 30 days before any individual notice of redundancy is given. However, consultation may be for a shorter period dependent on the situation, for example, when the individual(s) affected requests that the consultation period be reduced.

In accordance with legislation and best practice the Council will ensure that meaningful and appropriate consultation with trade unions and employees affected by organisational change takes place. The purpose of consultation will be:

- to present proposals for change,
- to receive and where possible address any questions on the proposals and consultation documentation,
- to consider any comments or views expressed on the consultation documentation meaningfully, before determining any final decision to proceed.

Each employee whose role may be affected by the change will be invited to attend formal consultation meetings(s) during the consultation period. Depending on the scale of the change process, these may be held in a group meeting or in smaller meetings at a team level.

Individual consultation with all employees affected will be offered in addition to the collective consultation. Individuals will be offered the right to be accompanied by a Trade Union representative or workplace colleague.

Employees are deemed to be affected when their posts are placed in an “at risk pool” although other employees who may be affected by the change may wish to contribute to the consultation process.

Comments or queries received from affected employees or from trade union representatives during this period should be either responded to on an individual basis as soon as they are

received or a joint response covering all the points received can be issued to all affected employees and trade unions at the end of the consultation period.

6.5 Step 5 - Revise the proposals

At the end of the consultation period feedback will be considered. If the decision is made to proceed with organisational change, a final business case for change will be produced. It may be necessary to re-evaluate job descriptions if the draft versions have significantly changed. A final copy of the structure and proposals, confirmation of the posts “at risk”, details of the recruitment method and new job descriptions should be sent to each of the affected employee group and to the trade unions.

If the trade union fail to agree with the management decision based on the outcome of consultation, they have recourse to the agreed Council disputes process. In this circumstance, the part of the proposals being disputed cannot be actioned until after all stages of the process have been completed. After exhaustion of the process Management will advise its intentions.

Exceptionally, a change in the business case may result in new posts being placed “at risk”. In these circumstances, those employees will be formally informed and consultation will commence with those individuals. Due to this the overall organisational change timetable may be delayed to enable this to happen. These changes shall normally only arise from either

- counter proposals from staff/Trade Unions or
- a demonstrable change in the financial position which could not have been foreseen at the commencement of consultation

6.6 Step 6 – Begin selection process & redeployment process if needed

Implement selection process and initiate redeployment procedure. Further details of the selection process are given in Section 7.

In line with Regulation 10 of the Maternity and Parental Leave Regulations 1999 the Council has a statutory obligation to offer an “at risk” employee who is absent due to maternity leave, adoption leave or shared parental leave at the start of consultation, any suitable alternative vacancy that exists within the new structure.

In these circumstances, as part of the consultation period, the employee who is on parental leave will be offered a suitable role of equivalent terms and conditions (if available) within the new structure and will not need to submit an application or undergo a competitive interview process. Although they have a priority right to such a post, they will still be considered as part of the overall selection process.

6.7 Step 7 – Notify HR of details of redundancy notices to be issued

If the severance package is in excess of £100,000 (this includes all costs including any pension capital costs, pay in lieu of notice and outstanding annual leave) the decision about whether or not to agree payment rests with the Staffing & Remuneration Committee and a report must be sent outlining the details. Officers must not confirm the redundancy until the Committee decision is made. This is confirmed in the Council Pay Policy Statement.

For details of the full process, refer to the Organisational Change Practice Notes.

The Redundancy Panel (comprising the Chief People Officer and the Director for Finance) are able to agree severance packages under £100,000 without the need for Committee approval. The HR Employment & Reward team arrange for the details of the proposed redundancies to be sent to the Redundancy Panel for a decision on whether or not they can go ahead.

If the panel agree, the notice letter is sent to the employee and their details passed to the HR Recruitment team for a suitable alternative job to be sourced as a redeployment opportunity. Further details of redeployment are given in the Organisational Change practice notes. Those people who have not secured a post in the new structure will receive a notice of redundancy dismissal.

A copy of the letter together with the relevant job description must also be sent to HR for inclusion on their personal file.

6.8 Step 8 – Confirm the appointments

Written notification of the outcome of the selection process must be sent to each person who has been selected for a job in the new structure. Sample letters which can be used are given in the Organisational Change Practice Notes. However, if all appointments will remain provisional if one or more of the employees who have been selected for redundancy lodges an appeal against the decision to dismiss them on the grounds of redundancy. Only when the appeal process has been concluded will the remaining appointments be finalised.

7 SELECTING FOR JOBS IN THE NEW STRUCTURE

- 7.1 The Council will identify how to select people for jobs in the new structure and must ensure that affected employees who are absent due to maternity or adoption leave are placed in accordance with the legal requirements. The methods to be used will be set out in the consultation process and may be a variety of methods as outlined below. If there is a need for redeployment, suitable alternative jobs will be sought at no more than one grade up or down from the individual's substantive role. Section 8 gives further details.
- 7.2 In certain circumstances the redundancy proposal may affect an employee or may consist of a proposal to make redundant all employees in one area (e.g. the closure of a department). In such a case it may not be appropriate to hold a selection process.

Appointments made in the process may be subject to the outcome of any successful appeals against redundancy.

a) Assimilation to New Roles

Assimilation to a new role will be used where -

- i) The new post(s) is (are) substantially unchanged.
- ii) The number of post holders “at risk” is the same as or less than the number of posts in the new structure.

Proposals for assimilations must be included in the Information Pack and these may be reviewed at the end of the consultation period following any requests for voluntary redundancy (all requests are subject to the approval process as outlined in the Voluntary Redundancy Procedure), or in response to any comments received from the Trade Unions and / or employees.

Individuals are assimilated into the new role without the need for a selection or assessment process.

b) Inclusion in the Ring Fence and an Interview Process

All employees who are considered to be “at risk” as a result of the restructure and who have not been assimilated to a post, will be ring fenced within one ring fence to enable them to apply for any of the remaining posts in the structure.

Ringfenced employees can apply for one or more of the available jobs by completing and submitting the ‘Expressions of Interest’ form given in the Organisational Change Practice Notes.

Wherever possible, the employee at risk of redundancy will be asked to submit one expression of interview form and indicate the jobs they are interested in being considered for, in priority order. This may mean the form needs to cover the requirements of more than one job. The Council reserves the right to limit the number of job preferences depending on the size of organisational change.

Affected employees will have until a closing date to apply for the posts. Then shortlisting and interviews will take place to select the most suitable candidate and offers made to the new posts. The Council will try to minimise the number of interviews an individual will need to attend where multiple preferences have been given.

c) Management Assessment

This is generally done by a paper assessment and is most often used if the employee opts not to take part in the process or when other selection arrangements are impractical. If an employee is allocated to a job following management assessment, and they fail to accept the offer of employment by not signing a new contract, the contract may nevertheless be deemed to have been accepted by the employee performing to it.

d) Failure to co-operate with the selection process

At the end of the selection process the Council will consider whether there is still a vacant post in the new structure that the unsuccessful employee, or an employee who has chosen not to participate in the selection process, could be offered – a suitable alternative post. In the Council’s view, if an employee unreasonably refuses an offer of ‘suitable alternative’ employment they will be deemed to have resigned from Council employment and therefore forfeit the right to a redundancy payment.

The employee will be given the chance to raise concerns if they feel that the offer of suitable alternative employment made to them is not a suitable offer and a response to the concerns raised will be given in writing. This process is outlined in Section 8.2.

8 REDEPLOYMENT

8.1 Definitions of Redeployment

Redeployment is the process of finding suitable alternative employment for an employee at risk of redundancy or due to medical capability. An employee can be considered for redeployment in the following circumstances:

- When an employee's role becomes redundant in circumstances such as (not an exhaustive list) organisational restructure, end of contract, closing of site, end of funding.
- When the Council considers redeployment at its discretion e.g. breakdown of working relationships.
- When, by reason of disability and/or other medical reason, the individual is no longer able to continue in their current role, despite consideration of reasonable adjustments to that role

8.2 Principles of Redeployment including Pay Protection

A vacancy will only be considered a suitable alternative post if it is either at the same grade, at one grade up, or one grade down, from the redeployee's substantive grade.

Where a vacant post is a member appointment, and the individual is being redeployed to it from a post that isn't a member appointment (i.e. they have never had a member interview) then the redeployment is subject to approval by Staffing & Remuneration committee.

Full pay protection is in place for a period of 18 months to support those redeployed to a lower grade. If the employee volunteers to take a job at two or more grades down then pay protection at one grade down will be paid for 18 months. Full pay is defined as the employee's basic pay, plus any contractual allowances which were paid prior to the start of the organisational change. No increments or pay award will be paid until the pay protection ends or until the unprotected salary that the employee will move to exceeds the protected salary. In this circumstance the pay protection would end early.

Before a match is made the following criteria will be considered –

- The similarity of the vacancy to the current job
- The redeployees skills, abilities and personal circumstances
- The total pay and benefits of the job (pay protection is in place for 18 months if the job is at a lower grade to the substantive job)
- The hours and location of the job (this may include hybrid working location).

A redundancy payment will not be made if a redeployee unreasonably rejects a suitable alternative job which has been offered as part of the redeployment process.

If there is dispute as to whether the role is a suitable alternative, the employee's Head of Service should first meet with them to discuss the dispute. If there is no resolution following this discussion, the decision will be referred to the Head of Employment, Reward and Transformation (ERT) for a review. This decision can be appealed to the Chief People Officer, or his or her delegate, by the individual.

As disputes will need to be dealt with as quickly as possible, the process may be a paper process, but this does not stop the employee from accessing other formal procedures such as a grievance at any point during the dispute process. However, the grievance process may not be used to reopen or attempt to rerun a decision that has been made.

The Council is committed to maintaining employees in employment where this is consistent with its overall aims and statutory obligations and recognises the value of those employees on the redeployee list and the contributions they can make.

8.3 Medical or other redeployment

When, by reason of disability and/or other medical reason, the employee is unable to continue working in their substantive role, despite consideration of reasonable adjustments to that role, it may be necessary for a suitable alternative role to be sought. Redeployment in the redeployee pool will be sought for a three-month period and will not be limited to one grade up or down, but, as far as possible, the criteria outlined in paragraph 8.2 will be followed. Pay protection for 18 months will be given at one grade down including where the employee volunteers to take a job two grades or more down from their substantive grade.

Failure to find a suitable alternative role will not result in dismissal as a result of redundancy but could result in dismissal due to other reasons. Full details on redeployment due to medical reasons can be found in the Sickness Absence Management Guidelines.

In cases where working relationships have broken down, redeployment in the redeployee pool may be sought as an option. A three month period as a redeployee will be offered, the job search will not be limited to one grade up or down, but, as far as possible, the criteria outlined in paragraph 8.2 will be followed. Pay protection for 18 months will be given at one grade down including where the employee volunteers to take a job two grades or more down from their substantive grade.

8.4 Matching to a Suitable Alternative Role

The Recruitment Team will ensure redeployees receive details of vacancies to enable them to submit an application. Although the recruitment process will not be frozen, redeployees who meet

the essential criteria for the job will be seen before other internal and external candidates. If, following an interview, the redeployee is able to demonstrate that they meet all the essential criteria, the post must be offered to the most suitable redeployee, and an eight-week trial begins.

During their period of redeployment, redeployees are expected to also take responsibility to check the vacancy lists for other jobs that they feel would be a suitable match for their skills and experience and to apply as a redeployee.

Recruiting Managers should recognise the value of the redeployee workforce and respond positively to requests to consider redeployees for vacancies.

Redeployment opportunities will usually be restricted to posts at the same grade, a grade up or a grade down from the substantive role. Pay protection for 18 months will be provided at one grade down in the event of an individual accepting a post at a lower grade.

Where a permanent appointment cannot be found, then a suitable fixed-term opportunity may be offered if available.

Where appropriate the Council will provide reasonable relevant training and development for redeployees to support them in finding alternative employment or to get them to a satisfactory skill level for a specific post within a reasonable period of time.

A redeployee can take reasonable time off for job hunting, attending interviews and training during the formal notice period in order to seek new work. The time off must be agreed in advance by the line manager.

An employee stops being a redeployee when either they are redeployed and the trial period is satisfactorily passed or when they leave the Council's employment.

8.5 Trial Period & Reasonable Adjustments

Once an alternative vacancy is identified, the redeployee will be placed in the job for a trial period of up to 8 weeks. Depending on the nature and complexity of the job role and subject to the agreement of both the redeployee and the line manager it may be extended to a maximum of 12 weeks. The trial should be used to consider the redeployee's suitability for the post and training needs should be identified, and where possible met, and targets set as necessary. During the trial period the redeployee will be suspended from the redeployment pool. If the redeployee subsequently returns to the pool, they will be re-instated for the time remaining of their notice period (if any), and during this time, further searches for a redeployment opportunity will take place.

Where an employee at risk of redundancy undertakes a trial period in a new job and it becomes apparent during the trial period that the new job is unsuitable for the employee, the Council can offer an alternative. If the employee accepts this further offer, a new trial period will apply.

Reasonable adjustments may be required to enable redeployees with a disability to undertake the job. In the cases of redeployment due to medical grounds or disability, advice should be sought from the Council's Occupational Health provider on the suitability of the post and the adjustments

which may be needed, before the placement begins. If there are considerable adjustments which need to be put in place before it begins, it is a management decision about whether or not it is reasonable to do so.

If it is accepted by the Council that the alternative employment offered is not suitable for the employee they will be treated as having been dismissed by reason of redundancy on the date that their original job came to an end. In these circumstances, the employee will retain the right to a redundancy payment.

If there is dispute as to whether the trial period has been successful, the employee's Head of Service should first meet with them to discuss the dispute. If there is no resolution following this discussion, the decision will be referred to the Head of Employment, Reward and Transformation (ERT) for a review. This decision can be appealed to the Chief People Officer, or his or her delegate, by the individual.

8.6 Safeguarding

A suitable placement may be identified which requires either a Disclosure and Barring Service (DBS) check and / or clearance by another safeguarding authority. A DBS check will be applied at the time of the redeployee being identified as a suitable match. Consideration must be given to the job being adapted to enable the redeployee to begin the trial period. For example, the period until the DBS check is received could be used to undertake any training or induction, could be used for work shadowing and general familiarisation with the role.

If the DBS check is clear then the trial period can proceed, if it is not then the DBS policy should be followed and the offer of the trial period rescinded. If this is the case, the redeployee will return to the redeployment pool for the remainder of their notice period.

9 REDUNDANCY PROCESS

The Council exercises its discretion in relation to redundancy payments under the following:

- The Local government (Early Termination of Employment) (Discretionary Compensation) (England & Wales) Regulations 2006
- The Teachers (Compensation for Redundancy and Premature Retirement) Regulations 2015
- Local Government Pension Scheme Regulations 2013
- The Employment Rights Act 1996

A dismissal due to redundancy will only be made if an employee has not been placed into a job in the new structure and has been unsuccessful in securing a suitable alternative role via the redeployment process.

9.1 Appeal Process against Selection for Redundancy

If the employee wishes to appeal against the formal notice of redundancy dismissal they should appeal to the Employee Relations Manager in writing, within 10 working of receiving the written decision, stating the grounds for appeal. Appeals will be based only against the selection of an individual for redundancy, not against the decision to restructure.

The appeal will be conducted by a manager who is more senior to the one who made the initial decision and will be nominated by the Head of Employment, Transformation & Reward or their delegate. The appeal chair will be supported by a member of Human Resources.

The Manager hearing the appeal will invite the employee in writing to attend an appeal meeting, informing the employee of the entitlement to be accompanied by a work colleague or recognised trade union representative. All documents relevant to the appeal will be available to the reviewing manager, to the appellant, to their representative and to the manager who made the original decision. This will normally be within 10 calendar days

Appeals must be submitted on the Appeal form found in the Organisational Change Practice Notes. The employee must be specific about the grounds of appeal; these will effectively form the agenda for the hearing. Appeals may only be raised on the grounds of:

- Procedure - a failure to follow procedure had a material effect on the decision;
- Decision - the evidence did not support the conclusion reached or is inconsistent with other decisions within the Council;
- Bias/prejudice.

The decision will normally be confirmed in writing within 3 working days of the hearing.

The decision is final with no further right of appeal.

The decision of the Appeals Panel shall:

- a) confirm the original decision;
- b) revoke the original decision; or
- c) substitute a different decision.

During the appeal process all appointments to posts within the new structure will remain provisional until a final decision is reached. If the appeal is unsuccessful the appellant's redundancy notice will continue unaffected, if the appeal is successful, the selection process may be repeated subject to any recommendations made by the reviewing appeal manager.

9.2 Redundancy Pay

The amount of redundancy pay to be received will depend upon

- how long the employee has been continuously employed (up to a maximum of 20 years)
- their age
- their actual weekly pay

Further details of how pay is calculated is given in Appendix 1 and in the Organisational Change Practice Notes.

10 GENERAL INFORMATION

10.1 Awards of additional pensionable membership

The Council does not award added membership in cases of redundancy.

10.2 Redundancy - Multiple contracts

If an employee has two or more current contracts and is being made redundant from only one of them, the start date of this contract will be used as the start date for any redundancy calculations.

Where an employee has one contract at the point of leaving but in the past has had two overlapping contracts (with no break in service) the length of service can be counted from the first contract.

10.3 Trade Union Officials on full-time release

Trade Union officials on full-time release will be exempted from any selection process in a restructure for the duration of their term of office. At the end of their term of office if their substantive post has been deleted the individual will become supernumerary and be dealt with by whatever redeployment or redundancy process that prevails in the Council at that time. In these circumstances advice must be sought from the Chief People Officer.

11 FURTHER REFERENCES

Sickness Absence Policy & Management Guidelines

12 APPENDICES

Appendix 1: Redundancy pay calculation

DOCUMENT CONTROL

Key Information			
Title	<i>Organisational Change Policy</i>		
Document Status	<i>Draft V5</i>		
Author	<i>Carole Engwell</i>		
Owner	<i>Dan Paul, Chief People Officer</i>		
Contact			
Approving body & Date of Approval	<i>Staffing & Remuneration Committee.</i> <i>Approved:</i>		
Date of Publication	<i>Date of publication</i>		
Date of Review	<i>Date of review</i>		
Revision History			
Version	Date	Summary of Changes	Name
<i>fnl</i>	<i>31/01/22</i>	<i>Final version</i>	<i>DP</i>

Appendix 1: Calculation of Redundancy Pay

These terms will apply to all redundancies, whether on a voluntary or compulsory basis and will apply to those employed on a permanent or a fixed term contract. The entitlements will apply to all Council employees including school support staff in maintained schools who are eligible to join the Local Government Pension Scheme.

Redundancy Payments Less than 2 years Continuous Service

- No redundancy payment

More than 2 years Continuous Service

The calculation for redundancy pay will be based on:

- how long the employee has been continuously employed (maximum of 20 years)
- age
- weekly pay

Haringey's Redundancy Payment is calculated using a combination of the Statutory Redundancy Provision and Haringey's Discretionary Provisions as follows:

How a Statutory Redundancy Payment is calculated:

The payment will be use the employee's actual weekly rate of pay (rather than the statutory minimum) to calculate redundancy payments.

The Statutory number of weeks used to calculate a redundancy payment is shown below:-

- 0.5 week's pay for each complete year of service where the employee's age was under 22
- 1 week's pay for each complete year of service where the employee's age was 22 or above, but under 41
- 1.5 week's pay for each complete year of service where the employee's age was 41 or above

In addition to the statutory provision, the Council will pay

- 1 week's pay for each complete year of continuous local government service

The maximum number of years payable is limited to 20.

For a personal estimate please refer to the Redundancy Calculator on the Intranet.

Redundancy payments are based on continuous Local Government Service including employment covered by the Modification Order.

One complete week's absence without payment of National Insurance Contributions constitutes a break in service.

Service for the enhanced compensation payment is not covered by the Modification Order, but is employment defined by the LGPS regulations as either membership or qualifying service.

Non LGPS members who otherwise qualify for the scheme are also eligible. Only employees eligible to join the LGPS can qualify for the enhanced payment whether they join or not. The enhanced payment is calculated using the same rules on length of service and breaks in service as are applied to the statutory redundancy payment.

Changes in employment legislation or case law could affect the rights described.