

Appendix 3



Cherwell
DISTRICT COUNCIL
NORTH OXFORDSHIRE

Organisational Change Policy

Appendix 3

DOCUMENT CONTROL

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Committee	Date of meeting pending approval
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DOCUMENT DISTRIBUTION

This document will be distributed to all employees of Cherwell District Council.

DATE FOR REVIEW

No later than 1st November 2025 but sooner if impacted by legislative changes.

REVISION HISTORY

Version	Revision date	Summary of revision

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1 Introduction

- 1.1 The strategic vision of the Council is to ensure on-going efficiency and value for money. The Council 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 as such it is likely that organisational change will be required. The Council will seek to minimise the negative effects of any organisational change through the application of fair and equitable procedures that include restructuring, redeployment and redundancy.
- 1.2 The Council is 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 Council.
- 1.3 The Council will ensure compliance with all related aspects of employment law and will also offer all reasonable support, in circumstances such as where there are job changes in redundancy situations, through the provision of robust redeployment processes and active case management.
- 1.4 This policy applies to all employees of Cherwell District Council. It does not apply to staff retained on agency contracts or consultancy agreements, self-employed contractors, volunteers or interns. This policy will not apply to other third party or partner organisations where employees are not employed directly by the Council.
- 1.5 This policy does not form part of any contract of employment or other contract to provide services, and we may amend it at any time following consultation with the trade union and agreement from the personnel committee.

2 The Purpose

- 2.1 The purpose of the Organisational Change policy and its related procedures (Restructuring, Redeployment and Redundancy) is to establish the fair, robust, and transparent principles, and processes to be followed so that the Council's interests are protected, and staff are treated fairly throughout organisational change.

3 General Principles

- 3.1 All documents reflect the requirements of current employment legislation.
- 3.2 The Council will consider all realistic alternatives to compulsory redundancies and will discuss and consult upon alternatives with staff and their trade union representatives where appropriate. This may mean changes to final business cases following a consultation period to cover alternatives such as:
 - reducing or eliminating overtime
 - reducing or changing employee allowances
 - reviewing the use of temporary, fixed term, casual and agency contracts

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- seeking employee requests for early retirement, voluntary redundancy and reduction of hours
- restricting or freezing recruitment
- reducing expenditure in other ways (or increasing income) wherever possible
- considering retraining and/or redeployment.

3.3 Any measures adopted must not adversely affect the Council's business and the Council's ability to serve its customers/clients.

3.4 The appropriate manager will receive support and advice in relation to a restructuring process by Human Resources, exploring all of the available options, before any change process starts. This will provide a positive and consistent approach for any organisational change.

4 Equality of Opportunity

4.1 The Council is fully committed to equal opportunities in employment and opposes any form of unfair discrimination on grounds of gender, sexual orientation, marital or civil partner status, gender reassignment, race, colour, nationality, ethnic or national origin, religion or belief, disability or age. Part-time employees and those working under fixed-term contracts will not be treated differently to permanent, full-time comparators.

Where appropriate, equality impact assessments will be carried out for business cases.

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RESTRUCTURING PROCEDURE

1 Introduction

- 1.1 This procedure should be read in conjunction with the Organisational Change policy and related procedures of Redeployment and Redundancy.
- 1.2 The Restructuring procedure provides fair, robust and transparent processes during restructuring, whilst seeking to avoid compulsory redundancies where staffing reductions are required.
- 1.3 The procedure will apply primarily where the Council identify a need to undertake a formal and strategic review to address the long-term financials and efficiency, including departmental and teams or other strategic reviews, of the Council and where there may be the need to reduce staffing levels or create some other significant change to the employment contract.
- 1.4 The following stages outlined below will assist in managing the organisational change process:
 - Stage 1: Development of a business case to propose service or structure changes and approval by Corporate Leadership Team (CLT).
 - Stage 2: Communication and consultation with the affected staff and the trade unions. The purpose of the consultation is to provide as early an opportunity as practical for all concerned to engage in the change and explore options.
 - Stage 3: Final approval of business case by CLT after consultation has ended.
 - Stage 4: Implementation (if the proposals have been approved).
 - Stage 5: Appeal process (the considerations for this stage are given in the redundancy procedures).

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2 Stage 1: Development of a Business Case

- 2.1 Prior to any business case being written, the Assistant Director should take advice and guidance from their HR Business Partner and discuss their proposals with the portfolio holder and the relevant senior member of the management team.
- 2.2 The development of the business case will include the following for consideration:
- The current structure and the rationale for the proposed changes.
 - The proposed new structure and the proposed outcomes.
 - Careful identification of the posts and people in scope and impacted by the proposed change.
 - The merits of retaining or designing career grade posts.
 - A financial assessment of the potential redundancy and pension costs and any proposed financial savings.
 - The consultation timetable.
 - Job evaluation results.
 - The target implementation date.
- 2.3 The business case should include a draft revised structure and costing based on provisional proposed grades.
- 2.4 Draft person specifications, job descriptions and job description questionnaires (where appropriate) must be prepared for each proposed new post. This will ensure that job evaluation can take place at each Council before consultation begins. Appropriate time should be set aside to allow for this to be achieved and the business case lead officer should discuss this with HR.
- 2.5 All proposed new posts will be subject to job evaluation.
- 2.6 In circumstances where the internal HR function is the subject of review the appropriate Director may put in place alternative arrangements as they deem relevant to facilitate the delivery / implementation of this policy without creating a conflict of interest for the individual employees affected.
- 2.7 Once the business case is completed, the proposal will be taken to CLT for approval prior to consultation commencing.

3 Stage 2: Communication and Consultation

3.1 The principles of effective consultation

- 3.2 The Council places great emphasis upon the value of stable and positive industrial relations, and as such take their responsibility for ensuring an effective and meaningful period of consultation seriously.

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- 3.3 The Council recognises the benefits of consulting and communicating clearly and early with staff who may be affected by any proposals for change so as to minimise rumour and misunderstanding, and ultimately to help develop greater trust by involving and engaging with employees and the trade unions during the change process. It is also recognised that communication may need to be extended wider than to those directly affected.
- 3.4 This stage defines the responsibilities of key staff involved in the restructure for communication, and sets out communication methods, both collectively and individually.
- 3.5 Assistant Director (or delegated other for restructure where Senior Manager or others are in scope) in conjunction with the nominated HR Business Partner will review current roles with proposed roles. Staff affected by the restructure should be given an indication of which posts they could be ring-fenced to, as part of the restructure (*a delegated other is a person with the ability to make decisions on behalf of and, in accordance with the constitution of the council*).
- 3.6 All consultation with the affected staff and trade unions will be led by the relevant Assistant Director, or delegated other, supported by the nominated HR Business Partner and can take the form of any or all of:
- One to one consultation
 - Group consultation
 - Consultation with the trade union representatives
 - Written consultation
 - A consultation log
- 3.7 The scope and method of communication will be driven by the scope and size of the restructure.
- 3.8 Regular communication will take place with staff during both the consultation process and throughout the decision-making process as this will provide staff and the trade unions with reassurance and they will feel engaged in the process.
- 3.9 Individual and collective consultation sessions will be arranged as well as the following communication with staff and the trade unions during consultation:
- A portal will be set up for staff questions to be submitted on a consultation log. Staff will be made aware of when and how they will receive responses from the consultation log.
 - Distribution of the business case.
 - External support and advice given if / where appropriate (for example for Senior Management restructuring).
 - 1-2-1 and group meetings which will be recorded on a separate confidential consultation log.

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3.10 Absent staff for whatever reason e.g., due to sickness, paternity, maternity or unpaid leave will be kept informed during the consultation process by their line manager.

3.11 The formal consultation process

The Assistant Director, or delegated other, will outline the proposed changes to all staff in scope, in person, as outlined in the business case and in doing so will inform all of the affected employees of the organisational change process so that they understand the need for the proposed changes and have a clear understanding of the process to be followed from the outset.

3.12 The length and processes involved in each stage of consultation will depend on the complexity of the proposed change and the number of staff involved, but as a general principle, a minimum period of three weeks (or a period of time in line with statutory requirements) is recommended. Should it be deemed necessary to extend a consultation period for any reason the staff and trade unions will be kept informed.

3.13 The formal consultation stage will be used to consider further options that may not have been considered to deliver the service.

3.14 At the beginning of the consultation process the affected employees and the trade unions will be provided with a link to the consultation portal containing:

- The draft business case, including the proposed new staffing structure.
- The consultation timetable.
- The organisational change policy.
- Job description and person specifications for all proposed new posts.
- Details of the salary grades of all proposed new posts.
- An employee preference form.

Affected employees will also receive a personal letter of consultation which will include details of which proposed new post(s) they are to be ring-fenced for, or whether it is proposed that they would be assimilated into a proposed new post.

3.15 The consultation log

3.16 In order to facilitate an effective process of consultation with staff and the trade unions a consultation log will be maintained.

3.17 The consultation log will enable views, concerns and questions raised by affected staff and their trade union representatives to be answered regularly, shared openly with all of the affected staff (unless the issue relates to an individual's specific circumstances and they wish it to be private). This helps to ensure regular communication between management and any affected staff. A dedicated member of the HR team and the Assistant Director (or delegated other) will administer the log throughout the whole consultation process.

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- 3.18 The process for operating and managing the consultation log will be communicated to staff prior to the start of the consultation process to ensure expectations are clear about when employees will receive responses to questions, issues, or concerns raised during the consultation process.
- 3.19 The relevant Assistant Director, or delegated other, will ensure that they provide regular updates to staff, even if there is nothing significant to communicate so that channels of communication remain open.
- 3.20 The recognised trade unions will be invited to be involved in all stages of the formal consultation process. If, as a consequence of responses to the consultation process the Assistant Director, or delegated other, considers that it is appropriate to change the draft business case the affected staff and trade unions will be notified at the appropriate time.
- 3.21 There may be occasions when it becomes necessary to extend the consultation period, or to conduct a **supplementary process of formal consultation**. This may be used where there are significant changes or outstanding issues once the initial formal consultation has been completed. Where deemed necessary, this second stage will include the same stages as above but will be based on any further changes to the business case or proposed structure arising from the first consultation. Any changes will be communicated to the relevant trade union representatives.
- 3.22 The Council will ensure they maintain the skills, knowledge and experience required for future service delivery, whilst recognising that some employees may have different personal aspirations.
- 3.23 The Employee Preference Form (see Appendix B) will be found on the consultation portal. Allowing time, and the opportunity to consider and discuss potential alternatives, all requests will be considered carefully on a case-by-case basis.
- 3.24 Employee preference requests will be considered on the grounds of:
- Whether there is suitable alternative employment
 - Whether the proposal will help to avoid a compulsory redundancy
 - Future skill needs of the Council
 - Financial effects / impact
 - Potential efficiency gains
 - Extenuating personal circumstances presented by the applicant.
- 3.25 The employee preference requests will not apply in cases where a temporary secondment is arranged e.g., to take account of fluctuating workloads. It will not normally be used where an employee is being considered for redeployment on health grounds (i.e., medical redeployment) or where action is being taken on the grounds of capability or in cases where the employees themselves request a transfer.

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4. Stage 3: Final Approval

- 4.1 Following a process of consultation with the affected staff and trade unions the business case and associated consultation log will be presented to CLT for final consideration.
- 4.2 Employees and trade unions will be briefed specifically upon any changes to the final business case by the Assistant Director, or designation other, in advance of the report being submitted for approval.

5. Stage 4: Implementation

- 5.1 Once final approval of the business case has been granted by CLT then implementation can commence. The agreed implementation plan should be used to ensure timescales and tasks are undertaken as agreed.

5.2 The 'at risk' process

- 5.3 Following approval of a business case, the affected staff will be placed formally 'at risk' of redundancy. Please refer to the Council's Redundancy Procedure.

5.4 Appointments to new posts within a restructure

- 5.5 Wherever permanent employees are displaced by a restructuring process the first stage of the appointment process will generally involve an assimilation or ring-fenced recruitment exercise.

- 5.6 Where appropriate, the Council will retain the right to recruit externally to ensure that the best possible candidate for the post is appointed. Where this is deemed necessary the lead officer should endeavour to notify the trade unions.

5.7 Matching (assimilation) and ring-fence recruitment

- 5.8 Jobs in the new structure should normally be filled on a top down basis and lower level placements should be started once this has been achieved. This should enable any potentially displaced employees to register an interest in a lower level post, although this will not mean they have any priority over lower grade staff.

- 5.9 Matching criteria will be considered using any employee requests, and relevant data including current employment status, current hours of work, salary, job description and person specifications. Staff will be advised if they are a total match to the new role and can therefore be "slotted" into the new role without a further process being required.

- 5.10 Where there are a number of employees identified as total matches, but the new structure does not have sufficient new posts to accommodate all the matched staff, a ring fenced selection process will take place to determine those staff with the best match for skills, experience and fit into the new role.

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5.11 Either the Assistant Director or appropriate lead officer will arrange, lead and conduct the matching/ assimilation review and ring fence process in conjunction with the HR lead.

5.12 For employee(s) whose role has not changed from their current role to that of the new role then a total match will take place.

5.13 **Assimilation**

5.14 For an employee to qualify for assimilation the following must be met: -

- The same or less number of employees to match to roles.
- The current job description and person specification of the employee's current role meet the required criteria of a 75% match for the new position, except where a task within the essential criteria is deemed to be mandatory from day one and will therefore sit outside of the 75% match (e.g., an ability to travel between sites, specific qualification).
- There are no other employees who have a comparable claim to the post by reason of assimilation.

5.15 Assimilation may occur where the grade for the old and new posts is the same, or the new post is not more than one grade lower.

5.16 If there are other employees with a comparable claim to the post, then a ring fence process will apply.

5.17 **Ring fenced recruitment**

5.18 If there are more employees in scope than potential matched roles a candidate pool will be identified, and a ring fence determined as part of the consultation process. If the ring-fence remains unchanged as a result of the consultation process, and the business case is approved, interviews will be carried out for those who have been ring-fenced for the new posts.

5.19 All employees who have been ring-fenced for one or more jobs will be asked to complete an application form to outline how their skills, competencies and experience matches the post(s) in the new structure. One application form must be completed for each post for which they have been ring-fenced.

5.20 Candidates who meet the essential person specification criteria will be interviewed by an appropriate interview panel which will include the relevant Assistant Director or nominated delegate and supported by a HR representative.

5.21 If the new posts are not filled after ring-fence interview(s) then the recruitment will be open to employees who are "at risk" of redundancy within the Council. If the position(s) remain unfilled then normal recruitment procedures will apply.

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6. **Stage 6: Appeal**

6.1 Please refer to the redundancy procedure for full details of the appeals process.

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Appendix A

Service Business Case

Service area and Directorate:	
Team:	
Case prepared by:	
Date:	

Business cases should be prepared in consultation with HR and presented to the or Corporate Director in the first instance.

Background This section should provide information on the service/teams and outline any issues which may affect the team in the future (including changes to funding, priorities etc.)
Proposed changes This section should provide an overview of the changes proposed and any other options that have been considered.
Business Case Outline here the case for making changes, including how current duties, responsibilities etc. will be covered once changes are in place, benefits, risk to service delivery and any other impact.
Changes to posts/JDs Outline here a summary of all changes to posts/JDs include indicative structure and grades.

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Financial Effects

This section should summarise the costs and savings associated with any changes, including redundancy and capital costs of pensions. Detailed figures will be provided by finance and should be appended to this business case.

It is also important to state whether this business case links to a budget savings proposal?
Yes/No

If yes, please provide the reference number:

Approval Process

Outline the process for approval

Summary and Recommendations

Finance Comments

HR Comments

Legal Comments

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Appendix B

Employee Preference Form

Due to the imminent restructure of your department/service area, consultation has now commenced and as part of this process, we are inviting you to detailed your preferred future work options.

If you would like to take this opportunity to request voluntary redundancy or to change your hours then please complete the following information and return your completed application to **[insert name, insert position]** by no later than **[insert date]**. You may submit your application by email to **[insert email address]**.

Part A To be completed by employee

Name	
Job Title	
Department	
Line Manager	
Extension No.	

I wish to be considered for the following pending the restructure

Voluntary Redundancy

Early Retirement

Preferred change of working hours Part Time/job share Full Time

Please provide details of the posts you would like to apply for:

1)

2)

3)

4)

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I understand that by making this application, I am expressing my interest in being considered for voluntary redundancy/early retirement/a change in working hours and that this does not commit me to anything at this stage.

I also understand that the Council is under no obligation to accept my application for voluntary redundancy/early retirement/a change in working hours and reserves the right to make any final decision on this matter.

Name: (please print)	
Signature:	
Date:	

Part B
To be completed by Assistant Director

Request supported	Yes <input type="checkbox"/>	No <input type="checkbox"/>
Name: (please print)		
Signature:		
Date:		

FULL DETAILS including future skills needs, potential efficiency savings and any other supporting information.

Financial position:	
---------------------	--

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Part C To be completed by Finance

Redundancy costs	
Retirement costs	
Overall financial effect (cost/efficiency)	
NAME: Please print	
SIGNATURE:	
DATE:	

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REDEPLOYMENT PROCEDURE

1 Introduction

This procedure should be read in conjunction with the Organisational Change Policy and its related procedures.

This procedure sets out the process to be followed when staff are unable to continue in their current post for reasons of redundancy.

2 Redeployment

Redeployment is the movement of an employee into a different role or department within the employer's business or that of an associated employer, often as a means of avoiding dismissal due to redundancy. A change in the terms of the employment contract will often be involved, in which case redeployment can only take place with the employee's consent.

Where employees who are "at risk" of a redundancy dismissal are not placed in new posts as part of a ring-fenced recruitment or assimilation process, or where their post has ceased to exist and there are no alternatives, attempts will be made to redeploy an employee to a suitable alternative post within the employing authority.

The Council is committed to:

- Salary protection, in line with the pay protection policy, for the salaries of employees who are redeployed into roles where the grade for the new role is less than the redundant role.
- Providing appropriate and effective retraining for employees selected for redundancy to facilitate their redeployment and minimise as much as possible further impact on the employee.

3 The Redeployment Register

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As soon as an employee is informed by HR that there are no available posts for the employee either because the post is being made redundant or the restructure has not left any suitable alternative employment, and the employee

remains “at risk”, then the employee will, at this time, be served with notice of redundancy.

The employee will at the same time be placed on the Redeployment Register for the duration of their notice period.

HR will write to the employee to notify them of the process to be followed whilst they are placed on the Redeployment Register and arrange a meeting between HR and the employee to discuss the following:

- The Redeployment Register procedure and each party’s responsibilities whilst the employee is placed on the register.
- The work duties the employee will undertake whilst on the redeployment register (this will usually be the employee’s substantive duties).
- The completion of a skills audit form.
- What the employee may regard as either “suitable or unsuitable” alternative employment.
- A review of current vacancies.
- The potential training or other opportunities to enhance the employee’s transferable skills.

4 Suitable Alternative Employment

Where an employee is served with notice of redundancy, their employing authority will actively seek to identify suitable alternative employment for the employee and will remain committed to seeking alternative employment throughout the notice period of the employee.

The Council welcome suggestions from employees who believe that there may be an available vacancy or opportunity within the Council that may be suitable.

Serious consideration will be given to any available roles, and any reasonable opportunities for employees to be retrained, where this may be appropriate.

Whether a job is suitable depends on:

- how similar the work is to the employee’s current job
- the terms of the job being offered
- the employee’s skills, abilities and circumstances in relation to the job
- the pay (including benefits), status, hours and location

Once a potential suitable alternative role is found, a meeting will be held between the employee, the recruiting manager, HR and trade union representative or work colleague. The meeting will be used to determine

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whether the role is a suitable alternative and whether with training and development the employee will be capable of fulfilling the post requirements.

The employee should be provided with the job description and person specification of the suitable alternative role that has been identified and complete the internal Skills Audit Form (see Appendix A). The employee will need to show they have the required skills and experience required for the role.

If a suitable alternative role is found, the Council will offer the role to the employee and the employee's redundancy dismissal will not go ahead and they will have no entitlement to a redundancy payment. If more than one employee is suitable for the same suitable alternative role, the Council may need to hold interviews for the role.

Where an offer of suitable alternative employment is made to an employee, and this is accepted by the employee, this will be subject to a satisfactory four-week trial period. The purpose of the trial period is to allow both the employer and the employee to consider the suitability of the alternative post. Where an offer of suitable alternative employment is made subject to completion of a trial period, an employee's acceptance should be treated as conditional on the successful conclusion of the trial period.

In the event that an employee refuses to accept an offer of suitable alternative employment either before or after the trial period, the employee will be asked to clearly explain his or her reasons in writing. This will then be considered by the Assistant Director - Human Resources and appropriate lead officer, and a decision made as to the validity of the reasons given.

Where the employee unreasonably declines suitable alternative employment, the Council will not make any redundancy payment to that employee.

Employees who have been selected for redundancy may apply for any vacant post that is not considered a match and will, wherever appropriate, be offered an interview. It will be up to the Assistant Director - Human Resources and appropriate lead officer to decide whether it is appropriate to offer an interview. Whilst the selection process will be competitive and there can be no guarantees of success, no external candidates will be invited to apply until those selected for redundancy have been considered.

5 Trial Periods

Employees being redeployed are entitled to a (minimum) 4-week trial period in a suitable alternative post. This trial period may be extended in exceptional circumstances i.e., where additional training of the employee has been identified. However, the trial period will last no more than is needed for the purposes of retraining the employee.

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Before the start of the trial period an appropriate training programme for the employee must be drawn up and agreed by both the employee and their new manager. Such a training programme could include a mix of coaching, on-the-job training and external courses or seminars as appropriate. The costs for any external training will be met from departmental budgets as part of the restructuring process.

Appropriate work objectives should be agreed between the employee and their manager.

During the trial period, the redeployed employee's manager must ensure that progress is monitored and reviewed on a regular basis. Regular meetings should take place between the line manager and employee, during which progress must be reviewed and feedback given. Notes of the individual's progress should be kept, including reference to any problems encountered and the action taken to resolve them. After each such meeting, both HR and the individual employee should be given a copy of these notes. Towards the end of the trial period the line manager should hold a final review meeting with the employee.

If the trial period is successful, the employee is deemed not to have been a dismissed. If the trial is unsuccessful, the employee shall be regarded as dismissed.

If the suitable alternative employment is deemed unsuitable by the employee or the Council during the trial period, the employee will return to the redeployment register for the remainder of their statutory notice period.

The Council will seek suitable alternative work for redundant employees up to and including the date of the employee's termination of employment. If all other options are exhausted, the employee's employment will be terminated on grounds of redundancy at the end of the notice period.

The Council reserve the right to select the best candidate for any job where there is more than one suitable candidate and may apply appointment selection criteria.

If the proposed suitable alternative employment is agreed by both parties as being suitable, the notice of termination previously issued automatically lapses and the employment is treated as being continuous.

6 Pay Protection

If the post into which the employee is redeployed is graded lower than that of their existing post, then the pay protection policy for the appropriate Council will apply. This will apply to all contractual pay including basic pay and allowances. Incremental progression will not apply during any pay protection period.

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It should be noted that pay protection is, at all times, subject to change as a result of amendments to the appropriate legislation, or in the interpretation of existing legislation or Council policy.

If the employee has been offered an equivalent or higher graded role in the new structure but the employee has requested to be appointed to a lower level position then the employee may be moved to the lower level graded role at their request. In such circumstances protection will not apply.

Appendix A

SKILLS AUDIT FORM

(once completed please return to your respective HR Business Partner)

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PERSONAL DETAILS

Name	
Current job title / service area	
If a suitable role arises within a shared team you may be required to work at office locations for the Council, can you think of any reason why you would be restricted from doing this?	
Any there any other personal restrictions that may prevent you from working in particular service areas that we should be aware of?	

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EDUCATION AND TRAINING						
Please indicate the highest level of qualification obtained?						
Please list any additional / professional qualifications that you have achieved.						
Please indicate your level of IT competence against each programme	None	Limited	Average	Good	Excellent	
	Outlook					
	Word					
	Excel					
	PowerPoint					
	Publisher					
	Adobe					

Please list any other IT programmes that you use on a regular basis to a competent level.						
What training have you attended within the last three years?						
What training and/or skills have you acquired outside of work that may be relevant to the wider organisation?						

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WORK EXPERIENCE

Please list all service areas where you have worked (or gained experience) for the Council giving an indication of the length of service for each.

Which service areas within the Council interest you or fit well with your current skills and experience?

Please list any other relevant organisations where you have worked or gained experience through other activities such as volunteer work.

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TRANSFERABLE SKILLS	
Please detail your current skills that could be transferable to a different role.	

ADDITIONAL INFORMATION	
Please add here anything else that you would like to be taken into consideration.	

HUMAN RESOURCES TO COMPLETE

Originating department	
Grade	
Date of entry onto register	
Expiry date on register	

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REDUNDANCY PROCEDURE

1 Introduction

This procedure should be read in conjunction with the Organisational Change policy and its related procedures.

Consultation will take place with employees and the trade unions in accordance with existing relevant legislation. The Council will always try to avoid the need for compulsory redundancies but sometimes these may be necessary. The pattern or volume of the Council's work or methods of working may change and requirements for employees may reduce.

The purpose of this policy is to ensure that, whenever reduction in employee numbers may become necessary, the Council:

- (a) communicate clearly with all affected employees and ensure that they are treated fairly;
- (b) try to find ways of avoiding compulsory redundancies;
- (c) consult with employees and with recognised trade unions.

In carrying out any redundancy exercise the Council will not discriminate directly or indirectly on grounds of gender, sexual orientation, marital or civil partner status, gender reassignment, race, colour, nationality, ethnic or national origin, religion or belief, disability or age. Part-time employees and those working under fixed-term contracts will not be treated differently to permanent, full-time comparators.

This policy does not form part of any contract of employment or other contract to provide services, and we may amend it at any time following consultation with Trade Unions and subject to agreement with the Personnel Committee

This policy applies to employees only. It does not apply to agency workers, consultants, self-employed contractors, volunteers or interns.

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2 Redundancy Payments and Pensions

The Council has agreed policies in relation to severance payments to employees whose employment is ended on grounds of redundancy.

In calculating the statutory redundancy payment, the Council will take into account all continuous service (up to a maximum of 20 years) with bodies listed in the Redundancy Payments (Continuity of Employment in Local Government etc.) (Modification) Order 1999 (as amended) – the Modification Order.

Detailed pensions estimates will be provided through each Council's HR / Payroll team at the point an employee is at risk of redundancy.

In line with National Conditions, if a redundant employee employed by a local authority or other body covered by the Order is offered alternative employment with another authority or Modification Order body, whether in writing or not, before the date of the redundancy and the termination of his/her contract, and starts the new job within 4 weeks of the date of redundancy dismissal, no redundancy payment is due and continuity of service for statutory redundancy purposes is preserved.

3 Consultation

Detailed notes shall be taken of all meetings with the employee/s and all employees have the statutory right to be accompanied by a colleague or trade union representative at all meetings.

Where the Council are proposing to make redundancies the Council will enter into consultation with the affected employees on an individual basis and where appropriate also with the trade union or employee representatives. When it is not possible to avoid making compulsory redundancies, the Council will advise all affected employees and where appropriate, recognised trade unions and **OR** employee representatives that compulsory redundancies cannot be avoided. Affected employees will be made aware of the procedure that the Council will follow when making redundancies and the criteria that will be applied.

The criteria used to select those employees who will potentially be made redundant will be objective, transparent and fair and based on the skills required to meet the Council's existing and anticipated business needs.

The Council will then consult individually with those employees who have been provisionally selected for redundancy.

Appendix 3

Employees selected or requesting redundancy will be invited to a meeting with an appropriate senior manager and HR to discuss the decision before formal notice of termination of employment is given.

4 Outcome

Where selection for redundancy is confirmed, employees selected for redundancy will be given written notice of termination of employment in accordance with their contracts and written confirmation of the payments that

they will receive. Employees will be given the opportunity to appeal against this decision.

The Council will continue to look for suitable alternative employment for redundant employees and inform them of any vacancies until their termination of employment dates. The manner in which redundant employees will be invited to apply for and be interviewed for vacancies will be organised depending on the circumstances existing at the time. Suitable alternative employment may be offered subject to a trial period where appropriate.

Eligible employees under notice of redundancy will be entitled to take a reasonable amount of paid time off work to look for alternative employment or to arrange training for future employment.

5 Collective Consultation

The number of redundancies being proposed must be established.

- (a) If 20 or more redundancies are being proposed in a 90-day period then the collective consultation obligations will arise under the Trade Union and Labour Relations (Consolidation) Act 1992 (TULRCA) and it will be necessary to consult on the redundancy proposal with representatives of the affected employees and where the duty applies, to also notify the Secretary of State. The notification must be in writing (either by letter or on a form HR1) and a copy must be provided to the employee representatives.

Collective consultation should begin in good time. If there are 20 to 99 employees to be made redundant at one establishment over a period of 90 days, then consultation must begin at least 30 days before the first dismissal.

If 100 or more employees are to be made redundant at one establishment over a period of 90 days, consultation must begin no less than at least 45 days before the first dismissal.

The Council must also consult individually with potentially redundant employees.

Appendix 3

6 Appeal Process

Where an employee has been notified of their redundancy dismissal but considers that their redundancy dismissal is unfair, for example the Council has unfairly applied the redundancy selection criteria, the employee may exercise their right to appeal the decision.

If an employee wishes to appeal, they should put their request in writing to a member of HR explaining that they wish to appeal against redundancy selection and setting out the reasons for their appeal. The appeal will then be heard by a senior manager of the council supported by an HR Business Partner.

Appeals should be submitted within ten working days of the employee receiving notice from the Council of their redundancy dismissal.

The employee will be entitled to be accompanied at the appeal meeting by a work colleague or a Trade Union representative.

The outcome of the appeal will be communicated in writing to the employee within 5 working days from the appeal hearing and it will be confirmed that the outcome of the appeal is the final decision.