

**Redundancy Policy**

|  |  |
| --- | --- |
| Procedural Document type: | HR Policy |
| Status of document: | Approved |
| Version: | 1 |
| Date approved: |  |
| Approved by: | PCC |
| Review date: | September 2022 |
| Procedural Document Owner: | Vicar |
| Applies to: | St Andrew Radcliffe |

**Contents**

[1. Introduction 2](#_Toc41766604)

[2. Procedure 2](#_Toc41766605)

[(a) Measures to avoid or minimise redundancy 2](#_Toc41766606)

[(b) Redundancy selection 3](#_Toc41766607)

[(c) Consultation 4](#_Toc41766608)

[(d) Business case 4](#_Toc41766609)

[(e) Appeals 4](#_Toc41766610)

[(f) Support 5](#_Toc41766611)

[(g) Redundancy pay 5](#_Toc41766612)

[(h) Roles and responsibilities 5](#_Toc41766613)

[3. Data protection 6](#_Toc41766614)

1. Introduction

There is a commitment to ensure, as far as possible, security of employment for all employees. However, owing to factors such as variable external funding or different organisational requirements, it is recognised that a redundancy situation may arise as staffing requirements change. The aim is to minimise the effect of any redundancies by offering suitable alternative employment wherever possible (see below). However, where compulsory redundancy is inevitable, this will be handled in the most consistent, fair and sympathetic manner possible.

1. Procedure
2. Measures to avoid or minimise redundancy

Measures to avoid or minimise redundancy will always be sought. Such measures may include:

* restrictions on recruitment i.e. non-replacement of leavers
* natural wastage
* reducing the hours of work
* In order to minimise the need for compulsory redundancies, St Andrew Radcliffe PCC (SAR) may consider requests from employees for voluntary redundancies. SAR reserves the right at its absolute discretion to decline requests for voluntary redundancy.
* redeployment. Wherever possible, suitable alternative employment will be offered directly to staff who are due to be made redundant. Where necessary, training will also be offered to assist in undertaking the duties of the new post. If suitable alternative employment is not available for all employees being made redundant, any available posts will be advertised internally and those who are being made redundant will be invited to apply. If they meet the criteria for the post as laid down in the job description and person specification, they will be interviewed and may be offered the post.
  + Where a redundant employee is considered for a suitable alternative position, SAR reserves the right to make the final decision as to whether or not to offer the employee that position. If a decision is made to offer the employee the position, the offer will be made in writing and the employee will be given five working days to decide whether or not to accept it. This time period may be extended by agreement if the alternative position involves any major changes for the employee such as a move to a new location.
  + If an offer of suitable alternative employment is made, but the employee unreasonably refuses to accept it, the employee will lose their right to a redundancy payment.
  + However, if it is accepted that the alternative employment offered is not entirely suitable for the employee and/or the employee's refusal of the offer is reasonable in the circumstances, 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.
  + Where alternative employment is offered and accepted in a redundancy situation, it is SAR policy to operate a trial period of four weeks in the new post. This time period may be extended by written agreement before the start of the trial period.
  + The trial period is provided in accordance with a statutory provision enabling both the employee and SAR to assess whether or not the post is genuinely suitable for the employee. SAR will arrange a review meeting with the employee towards the end of the trial period to discuss whether or not the new job is in fact suitable for them, taking into account how the employee has performed, the amount of training required (if any) and any other relevant factors. If it is established that the post is not objectively suitable for the employee, their employment will be terminated. SAR reserves the right to make the final decision on this matter, although the views of the employee will be taken into account.
  + In the event that SAR decides to terminate the employee's employment at the end of the trial period, they will retain the right to a redundancy payment. The relevant date for the purposes of calculating redundancy pay in these circumstances will be the date on which the employee's original job ended (and not the date that marked the end of the trial period).

1. Redundancy selection

The criteria used in selecting employees for redundancy will depend on the existing circumstances and the needs of the organisation at the time.

One of the first stages in carrying out the redundancy exercise is to identify the pool of employees from which candidates for redundancy will be selected, regardless of the number of posts to be made redundant.

Owing to the size and nature of SAR, it would be expected that the pool of employees would normally be one individual, although this could vary in situations such as the withdrawal of significant funding.

Where there is more than one employee in the pool, objective criteria, precisely defined and capable of independent monitoring, should be applied. The Standing Committee should be consulted on all cases where a selection criterion is being used.

1. Consultation

When a redundancy situation arises, all employees affected will be consulted, normally for a period of two weeks. Consultation may be for longer, depending on the circumstances, and in cases which require a longer consultation period in line with employment legislation.

Individuals affected by redundancy will be consulted as soon as the potential redundancy situation becomes apparent and the employees are identified as at risk of redundancy.

The main purpose of the consultation is to:

* explain the rationale for the redundancy proposal and discuss any selection criteria
* consider other options such as redeployment and re-training
* listen to employee concerns and consider suggestions for avoiding and mitigating the need for compulsory redundancies
* consider the implications for earnings where transfer to another post or downgrading is accepted in preference to redundancy

1. Business case

The employee’s line manager and/or the Vicar will produce a small business case which sets out:

* the rationale behind a required reduction in employee numbers
* the impact this reduction will have on the working procedures of other employees;
* the number of staff affected;
* any proposed method of pool selection;
* the timescale for the redundancy process;
* any possible options and alternative employment opportunities.

1. Appeals

Any employee may appeal against the decision to make them redundant within seven calendar days of receipt of the redundancy decision. Any appeal should be made in writing, clearly setting out the grounds for the appeal to the PCC Secretary. Employees have the right to be accompanied at the appeal hearing by a trade union representative or a friend acting in a non-professional capacity.

Appeals will be heard without unreasonable delay, normally within three weeks of receipt of the appeal. This timescale may be extended depending on the availability of those involved

The appeal will be heard by two members of the PCC, of which one must be a member of the Standing Committee, who have not previously been involved in the process. The persons hearing the appeal will consider the evidence presented and provide a decision in writing within ten working days of the appeal hearing*.* The decision at the appeal hearing shall be final.

1. Support

The following support will be given to staff who have been given a redundancy notice:

* an entitlement to time off to attend interviews, visit Job centre Plus offices and attend relevant events
* sympathetic consideration will be given to reasonable requests for funding for and time off to attend short training courses. Where this is granted, an exemption will be made in relation to the requirement to repay fees
* assistance will be offered, within the resources of SAR, to complete CVs and application forms.
* reasonable resources, as agreed with the line manager, may be used for job-seeking activities including copying, email, phone and postage

1. Redundancy pay

Redundancy pay will be calculated in line with statutory requirements.

1. Roles and responsibilities

**Employee:**

* attend consultation and other meetings as required
* participate in any redeployment and training that is appropriate
* be notified and have the opportunity to apply for any vacant posts within SAR.
* if lodging an appeal, submit the full grounds for appeal to the PCC Secretary.

**Line Manager or Vicar:**

* ensure redundancy policy is followed
* write business case for restructure
* identify the pool of employees affected by the redundancy
* identify any suitable alternative employment opportunities for staff at risk of redundancy
* attend consultation meetings
* discuss suitable redeployment opportunities with employees at risk
* agree the most appropriate levels of support for employees affected by the redundancy process
* confirm the final redundancies where necessary
* keep accurate records of all redundancy documents

**Two PCC members, including one from Standing Committee:**

* review appeals where they are not the directly or indirectly involved in proposing the redundancy situation

1. Data protection

SAR processes personal data of employees, collected during their recruitment and while they are employed in accordance with its [data protection policy](https://www.xperthr.co.uk/policies-and-documents/data-protection-policy-compliant-with-the-gdpr-/162690/), for the purposes of dealing with any potential or actual redundancies. In particular, data collected and processed for those purposes is held securely and accessed by, and disclosed to, individuals for the purposes of:

* complying with its statutory notification and consultation obligations (including employee representatives);
* following a fair procedure to ensure that dismissals for redundancy are not unfair;
* selecting employees for redundancy;
* considering alternatives to redundancy;
* offering alternative employment;
* implementing redundancies;
* dealing with appeals against selection; and
* defending legal claims arising from redundancies.

Inappropriate access or disclosure of employee data by an employee of the organisation constitutes a data breach and should be reported immediately in accordance with the organisation's [data protection policy](https://www.xperthr.co.uk/policies-and-documents/data-protection-policy-compliant-with-the-gdpr-/162690/).

Trade union representatives, in their capacity as representatives of a trade union, must deal with personal data about employees in accordance with all relevant legal requirements, including the General Data Protection Regulation.

**Redundancy process flowchart**

