

## APPENDIX 7

### REORGANISATION AND CHANGE POLICY

#### 1. COUNCIL'S COMMITMENT

In order to ensure that Redditch Borough Council provides the best services to its customers, it recognises the need to be able to adapt to changing economic, technological and organisational circumstances through the sharing of services.

#### 2. PRINCIPLES

The objective of this policy is to provide a framework for carrying out organisational change in a fair, open and consistent manner, whilst considering the responsibilities and obligations regarding consultation with employees and trade unions.

The Council is committed to consulting and implementing change within a reasonable time frame to minimise uncertainty, whilst ensuring sufficient time for meaningful consultation.

The following measures will be taken in an attempt to avoid the need for compulsory redundancy:

- vacancies considered for staff on redeployment wherever possible, before going out to external advert
- reasonable training will be given to staff to cover skills gaps when taking a post through redeployment
- consideration given to job sharing or other flexible arrangements
- volunteers for voluntary compulsory redundancy/early retirement will be considered where appropriate

The Council is committed to providing support and assistance to employees affected by change.

#### 3. CONSULTATION

Where it is likely that there will be a requirement to reduce staffing levels through compulsory redundancy, consultation will take place at the earliest reasonable opportunity with all relevant recognised Trade Unions. Such consultation will be with a view to considering the ways and means of avoiding compulsory redundancies and mitigating the consequences of the dismissals. To enable the Trade Unions to make constructive comments on the proposals they will be provided with all relevant information including:

- The reasons why employees affected may be at risk of redundancy;
- The post titles, departments and grades of employees at risk;
- Up to date Job Descriptions and Person Specifications which have been job evaluated

The minimum consultation period will be in accordance with relevant legislation:

- Where it is proposed that 100 or more employees are dismissed consultation must begin at least 90 days before the first of those dismissals take effect;
- Where it is proposed that between 20 and 99 employees are dismissed within 90 days or less consultation must begin at least 30 days before the first of those dismissals take effect.
- Where fewer than 20 redundancies are proposed, there is no statutory minimum, but in line with good practice the Council will consult at least 2 weeks before the first dismissal takes effect.
- At commencement of the consultation process employees will be notified that they are at risk and subject to formal consultation.

#### **4. KEY ELEMENTS OF THE POLICY**

##### **4.1 Suitable Alternative Employment**

Suitable Alternative Employment is normally defined as a post which closely offers:

- a. similar job role or function
- b. skills and experience
- c. at a similar level of responsibility
- d. in a similar or related work area
- e. comparable remuneration
- f. working hours

Managers and Human Resources will use the criteria above (a-f) to determine which posts are deemed suitable alternative employment.

Redundancy payments will only be made when no suitable alternative post has been found within the redundancy notice period. Where there is more than one employee matched to a post, then competitive selection will take place. If an employee declines an offer of suitable alternative employment they may lose the right to redundancy payment.

The Council will act reasonably in the light of case law and the needs of both the individual and the Council.

Any disputes over suitability should be referred to a relevant Executive Director, who will convene a panel with the Executive Director, Finance &

Corporate Resources (or appropriate substitute) and Human Resources representation. Their decision is final. The recruitment process should be used to assess the employee against the alternative post. Any dispute referrals (which may come from either the employee or the manager) should include detailed analysis of the employee against the person specification for the alternative post. **All decisions must be fully documented, particularly in relation to:**

- analysing the post with Human Resources
- selection for posts
- trial periods
- rejection of suitable alternatives

#### **4.1.1 Ring Fenced Posts**

Employees are ring-fenced to Suitable Alternative Employment (SAE) within the service area and wider council, where suitable alternative employment exists (using criteria in 4.1, a-f). This will be identified prior to consultation with employees and unions.

#### **4.1.2 Slotting in**

Employees who are ring fenced to posts where there is the same number of posts, or more posts than people, will be slotted into the post and will not be required to undergo a competitive selection process.

#### **4.1.3 Refusal of Suitable Alternative Employment**

If a suitable job offer in terms of pay, grade, job content, status and place of work is made and the employee unreasonably refuses it, then there may be no entitlement to a redundancy payment.

### **4.2 Alternative Employment**

This is defined as any other vacant post that the employee is prepared to accept through the redeployment process.

#### **4.2.1 Redeployment**

Employees will be eligible to apply for posts as a redeployee once the final structure is agreed following the end of consultation, and where their post remains redundant.

Where employees are ring fenced to posts they are not precluded from also pursuing alternative opportunities that become available to them via redeployment. They will still be expected to remain in consideration for their ring fenced post until such a time as a formal offer of alternative employment is made and accepted.

Please note that posts that are ring fenced to employees can not be released onto redeployment.

#### **4.2.2 Competitive Selection**

Where there are more people ring fenced to a post than there are posts available, a competitive, score based selection process will be applied.

#### **4.2.3 Salary Protection**

Salary protection covers all employees of Redditch Borough Council who have accrued 12 months continuous service at the point they are given notice, where they are successfully redeployed into a post which carries a salary lower than their previous earnings. Protection will be capped at a maximum protection level of no more than 8 spinal column points above the top of the grade into which the employee is redeployed.

Every effort will be made to redeploy employees into a post that reflects their current level of earnings, however where it is necessary to redeploy an employee into a lower grade, then their current level of earnings will be frozen in accordance with Salary Protection detailed below.

- Employees redeployed into a new post will be entitled to have their previous contractual pay protected for a 12 month period from the date of appointment.
- After 12 months from the date of appointment the employee will be paid in line with the grade of the new post.
- The months that are referred to are consecutive calendar months and the 12 month period is not to be taken as the next financial or municipal year.
- There will be no incremental or pay award increases to the protected salary (old salary) during the protection period.
- If the salary in the new post rises above that of the “frozen” protected salary then the new basic salary would automatically apply.
- An individual being downgraded will be placed on the top spinal column point of the lower grade.

#### **4.2.4 Trial Periods**

A trial period of 4 weeks minimum, 8 weeks maximum will apply to all suitable alternative posts. This will be agreed in consultation between the Head of Service and the employee, and can be dissolved by either party if it can be demonstrated that the post is not suitable. In case of disagreement this should be referred to Executive Director. If it is agreed that a post is not suitable alternative employment, the employee will be put on notice and will then be eligible to apply for any vacant posts through the Redeployment process.

Pay during the trial period will be in line with the post being trialled. If the new grade is lower salary protection will begin.

## **4.2.5 Training**

Reasonable training will be given where a skills gap is identified which can be met through short term training and development (e.g. 3 months).

## **4.3 Definition of Terms used within the Policy**

### **4.3.1 Redundancy**

According to the statutory definition, as set out in the Employment Rights Act 1996, a redundancy occurs where a dismissal is wholly or mainly because:

- The employer has ceased, or intends to cease, to carry out their business for the purposes of which the employee is employed;
- The employer has ceased, or intends to cease, to carry on that business in the place where the employee was so employed, and the change of location is not practical for the employee affected;
- The requirements of that business for employees to carry out work of a particular kind have ceased or diminished or are expected to do so,
- The requirement of the business for employees to carry out work of a particular kind in the place where they were so employed have ceased or diminished or are expected to do so.

### **4.3.2 At Risk of Redundancy**

When a post has been identified as no longer required or there is a reduction in post numbers and therefore too many people for posts during a service review, the post holder/s will be considered “at risk of redundancy” subject to the outcome of consultation.

If, during the consultation process the post is reinstated into the structure, or enough posts remain in the structure, the post holder will no longer be “at risk of redundancy”.

If it is deemed following consultation, that a post has been deleted and a new post created, but the employee continues to feel that the post in question is not a new post, this may be challenged by the employee through a 30% Appeal (see 5.1).

If, following consultation, there are more people than posts that are deemed suitable alternative employment, affected employees will remain at risk.

### **4.3.3 Under Notice of Redundancy**

If, following the service review process employees have not been successful in securing a post they will be considered “under notice of redundancy” and will be issued with their formal notice period.

### **4.3.4 Voluntary Compulsory Redundancy**

Voluntary Compulsory Redundancy (VCR) is where employees select themselves for redundancy which is then subject to approval by a panel. VCR is not an automatic right.

Although employees may submit VCR requests during the consultation process, they may retract their submission prior to the VCR panel. The deadline for withdrawal will be provided in the Implementation Timetable.

A VCR panel made up of an Executive Director, Trade Union Representative and Human Resources will consider the request and notify the employee of the outcome. The panel's decision is final, and there is no right of appeal.

#### **4.3.5 Compulsory Redundancy**

If, at the end of formal notice period, an employee has not been successful in securing a post they will be made Compulsory Redundant. To be entitled to receive a redundancy payment, employees must have been continuously employed by the Council for a period of 2 years. Entitlements will be calculated using the statutory redundancy calculator (included at Appendix 1) and contractual weekly pay, and will be based on length of service and age.

#### **4.3.6 Outplacement Support**

Where employees face redundancy Human Resources and Organisational Development can provide workshops on:

- Dealing with change
- The redeployment process
- All aspects of the job search and application process

The following additional support will also be available:

- On-line training and tools for job search and applications
- Recruitment Fact Sheets on various aspects of applying for jobs
- One-to-one coaching on the application and interview process

#### **4.3.6 Time off to look for Employment**

When an employee is under notice of redundancy, and has two years service, the Council will allow reasonable paid time off to look for alternative employment. This will be up to 2 days per week (pro rata for part-time employees).

What is considered reasonable will depend on individual circumstances, for example the distance required to be travelled to an interview, and will be agreed in advance by the service manager.

In addition, unpaid leave may be considered by service managers.

### **4.3.7 Early Retirement on the grounds of Redundancy**

If an employee is a member of the LPGS scheme and is aged 55 years or over and is made redundant, they will be entitled to take early retirement, in addition to a redundancy payment, if applicable.

Further information and advice can be obtained from Worcestershire County Council Pension section.

### **4.4 Pay In Lieu of Notice**

Although this will not be routinely applied and employees will be expected to work contractual notice period, this may be agreed by a Director Head of Service on an individual basis.

### **4.5 Garden Leave**

Although this will not be routinely applied and employees will be expected to work their contractual notice period, this may be agreed by a Head of Service on an individual basis.

### **4.6 Re-employment**

#### **Offer of a new job with a modification order body**

If the Council gives the employee notice of redundancy and before the dismissal takes effect the employee receives an offer of employment from another body specified in Schedule 2 of The Redundancy Payments (Continuity of Employment in Local Government) (Modification) Order 1999, the individual will lose entitlement to a redundancy payment.

This only applies where the relevant body make the offer of a new job before the end of the old contract and the employment starts within four weeks of the date of redundancy.

*Note – if the contract ends on a Friday, Saturday or Sunday, the 4 weeks is counted from the Monday of the next week.*

## **5. APPEALS**

### **5.1 30% Appeals**

If employees feel that the changes made to their post are not significantly different (i.e. 30% or less) they have the right to appeal.

All 30% appeals will be considered by a panel, which will consist of a Director, Human Resources Officer and a Trade Union representative. The panel will

consider the information submitted, in conjunction with the job descriptions and person specifications and decide whether or not the post has changed by 30% or more. The decision made by the panel will be final.

If the panel decide to uphold the decision that there has been a change of 30% or more, the original post will be made redundant and a new post created, in line with the proposals.

However, if the panel supports the appeal and agrees that there has been less than a 30% change, the employee will be entitled to slot into the modified post. They will then be no longer at risk of redundancy. In this circumstance the duties of the post will be subject to the changes identified, including revised terms and conditions and job descriptions.

Where a restructure reduces the number of posts available, regardless of whether or not these posts have changed by 30% or more, employees will still be at risk of redundancy. In this case, employees will be required to apply for the affected posts through a competitive redeployment process before they can secure continued employment.

## **5.2 Appeals against Redundancy**

Employees have a right of appeal against redundancy. This should be made in writing to the relevant Human Resources & Organisational Development Officer within 10 days of a redundancy taking place.

## **6. Equal Opportunities**

This policy will be applied in line with the Council's Equalities Policy.



## Appendix 1

### Statutory Redundancy Pay table

Age	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20
17	1	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
18	1	1½	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
19	1	1½	2	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
20	1	1½	2	2½	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
21	1	1½	2	2½	3	-	-	-	-	-	-	-	-	-	-	-	-	-	-
22	1	1½	2	2½	3	3½	-	-	-	-	-	-	-	-	-	-	-	-	-
23	1½	2	2½	3	3½	4	4½	-	-	-	-	-	-	-	-	-	-	-	-
24	2	2½	3	3½	4	4½	5	5½	-	-	-	-	-	-	-	-	-	-	-
25	2	3	3½	4	4½	5	5½	6	6½	-	-	-	-	-	-	-	-	-	-
26	2	3	4	4½	5	5½	6	6½	7	7½	-	-	-	-	-	-	-	-	-
27	2	3	4	5	5½	6	6½	7	7½	8	8½	-	-	-	-	-	-	-	-
28	2	3	4	5	6	6½	7	7½	8	8½	9	9½	-	-	-	-	-	-	-
29	2	3	4	5	6	7	7½	8	8½	9	9½	10	10½	-	-	-	-	-	-
30	2	3	4	5	6	7	8	8½	9	9½	10	10½	11	11½	-	-	-	-	-
31	2	3	4	5	6	7	8	9	9½	10	10½	11	11½	12	12½	-	-	-	-
32	2	3	4	5	6	7	8	9	10	10½	11	11½	12	12½	13	13½	-	-	-
33	2	3	4	5	6	7	8	9	10	11	11½	12	12½	13	13½	14	14½	-	-
34	2	3	4	5	6	7	8	9	10	11	12	12½	13	13½	14	14½	15	15½	-
35	2	3	4	5	6	7	8	9	10	11	12	13	13½	14	14½	15	15½	16	16½
36	2	3	4	5	6	7	8	9	10	11	12	13	14	14½	15	15½	16	16½	17
37	2	3	4	5	6	7	8	9	10	11	12	13	14	15	15½	16	16½	17	17½
38	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	16½	17	17½	18
39	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	17½	18	18½
40	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	18½	19
41	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	19½
42	2½	3½	4½	5½	6½	7½	8½	9½	10½	11½	12½	13½	14½	15½	16½	17½	18½	19½	20½
43	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21
44	3	4½	5½	6½	7½	8½	9½	10½	11½	12½	13½	14½	15½	16½	17½	18½	19½	20½	21½
45	3	4½	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22
46	3	4½	6	7½	8½	9½	10½	11½	12½	13½	14½	15½	16½	17½	18½	19½	20½	21½	22½
47	3	4½	6	7½	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23
48	3	4½	6	7½	9	10½	11½	12½	13½	14½	15½	16½	17½	18½	19½	20½	21½	22½	23½
49	3	4½	6	7½	9	10½	12	13	14	15	16	17	18	19	20	21	22	23	24
50	3	4½	6	7½	9	10½	12	13½	14½	15½	16½	17½	18½	19½	20½	21½	22½	23½	24½
51	3	4½	6	7½	9	10½	12	13½	15	16	17	18	19	20	21	22	23	24	25
52	3	4½	6	7½	9	10½	12	13½	15	16½	17½	18½	19½	20½	21½	22½	23½	24½	25½
53	3	4½	6	7½	9	10½	12	13½	15	16½	18	19	20	21	22	23	24	25	26
54	3	4½	6	7½	9	10½	12	13½	15	16½	18	19½	20½	21½	22½	23½	24½	25½	26½
55	3	4½	6	7½	9	10½	12	13½	15	16½	18	19½	21	22	23	24	25	26	27
56	3	4½	6	7½	9	10½	12	13½	15	16½	18	19½	21	22½	23½	24½	25½	26½	27½
57	3	4½	6	7½	9	10½	12	13½	15	16½	18	19½	21	22½	24	25	26	27	28
58	3	4½	6	7½	9	10½	12	13½	15	16½	18	19½	21	22½	24	25½	26½	27½	28½
59	3	4½	6	7½	9	10½	12	13½	15	16½	18	19½	21	22½	24	25½	27	28	29
60	3	4½	6	7½	9	10½	12	13½	15	16½	18	19½	21	22½	24	25½	27	28½	29½
61+	3	4½	6	7½	9	10½	12	13½	15	16½	18	19½	21	22½	24	25½	27	28½	30