

Rutland County Council

Catmose, Oakham, Rutland, LE15 6HP
Telephone 01572 722577
Email: democraticservices@rutland.gov.uk

Ladies and Gentlemen,

A meeting of the **EMPLOYMENT AND APPEALS COMMITTEE** will be held in the Council Chamber, Catmose, Oakham, LE15 6HP on **Tuesday, 10th October, 2023** commencing at 7.00 pm when it is hoped you will be able to attend.

Yours faithfully

Mark Andrews
Chief Executive

Recording of Council Meetings: Any member of the public may film, audio-record, take photographs and use social media to report the proceedings of any meeting that is open to the public. A protocol on this facility is available at www.rutland.gov.uk/my-council/have-your-say/

Although social distancing requirements have been lifted there is still limited available for members of the public. If you would like to reserve a seat please contact the Democratic Services Team at democraticservices@rutland.gov.uk. The audio of the meeting can also be listened to at <https://us06web.zoom.us/j/81609550772>

A G E N D A

1) WELCOME AND APOLOGIES

2) MINUTES

To confirm the Minutes of the Employment and Appeals Committee held on 17th April 2023 and receive an update on actions agreed in the minutes of the previous meeting.
(Pages 5 - 10)

3) DECLARATIONS OF INTEREST

In accordance with the Regulations, Members are invited to declare any disclosable interests under the Code of Conduct and the nature of those interests in respect of items on this Agenda and/or indicate if Section 106 of

the Local Government Finance Act 1992 applies to them.

4) APPOINTMENT OF VICE-CHAIRMAN

To appoint a Vice-Chair of the Committee for the 2023-24 municipal year.

5) PETITIONS, DEPUTATIONS AND QUESTIONS

To receive any petitions, deputations and questions received from members of the public in accordance with the provisions of Procedure Rule 93.

The total time allowed for this shall be 30 minutes. Petitions, deputations and questions shall be dealt with in the order in which they are received.

Questions may also be submitted at short notice by giving a written copy to the Democratic Services Officer 15 minutes before the start of the meeting. The total time allowed for questions at short notice is 15 minutes out of the total time of 30 minutes.

Any petitions, deputations and questions which have been submitted with prior formal notice will take precedence over questions submitted at short notice. Any questions which are not considered within the time limit shall receive a written response after the meeting and be the subject of a report to the next meeting.

6) QUESTIONS FROM MEMBERS

To consider any questions received from Members of the Council in accordance with the provisions of Procedure Rule 95.

7) NOTICES OF MOTION

To consider any Notices of Motion from Members submitted under Procedure Rule 97.

8) HR POLICY

To receive Report No.147/2023 from the Strategic Director for Resources.
(Pages 11 - 22)

9) DISMISSAL APPEAL HEARINGS

To receive a verbal proposal regarding the role of Members in Officer Appeals from the Head of Human Resources.

10) ANY URGENT BUSINESS

To receive items of urgent business which have previously been notified to the person presiding.

DISTRIBUTION

MEMBERS OF THE EMPLOYMENT AND APPEALS COMMITTEE:

Councillor S Harvey (Chair)

Councillor D Ellison

Councillor A Johnson

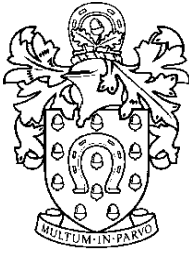
Councillor G Waller

Councillor M Farina

Councillor S McRobb

Councillor C Wise

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Rutland County Council

Catmose Oakham Rutland LE15 6HP

Telephone 01572 722577 Email: governance@rutland.gov.uk

Minutes of the **MEETING of the EMPLOYMENT AND APPEALS COMMITTEE** held in the Council Chamber, Catmose, Oakham, Rutland, LE15 6HP on Monday, 17th April, 2023 at 7.00 pm

PRESENT: Councillor G Waller (Chair) Councillor J Fox (Vice-Chair)
Councillor J Dale Councillor S Harvey
Councillor K Payne

ABSENT: Councillor R Powell

OFFICERS PRESENT: Carol Snell Head of Human Resources
Kirsty Nutton Strategic Director for Resources
David Ebbage Governance Officer

1 WELCOME AND APOLOGIES

The Chair welcomed everyone to the meeting. Apologies were received from Councillor Powell.

2 DECLARATIONS OF INTEREST

There were no declarations of interest.

3 MINUTES

Consideration was given to the minutes of the meeting held on 15th November 2022.

RESOLVED

- a) That the minutes of the meeting held on 15th November 2022 be **APPROVED**.

4 PETITIONS, DEPUTATIONS AND QUESTIONS

No petitions, deputations or questions had been received.

5 QUESTIONS FROM MEMBERS

No questions had been received from Members.

6 NOTICES OF MOTION

No notices of motion had been received.

7 HR POLICIES

Report No.60/2023 was introduced by Carol Snell, Head of Human Resources.

The report was to seek approval for the Council's Employee Domestic Abuse Policy and a refreshed Probation Policy.

The purpose of the Employee Domestic Abuse Policy was to both make a clear statement of support for employees of the Council who may have been affected by domestic abuse and to identify the support that the Council would provide. The Council's message was very clear that domestic abuse was unacceptable.

Members felt the policy set the right tone and welcomed the policy. Members were happy to see that in 6.3 of the policy, personnel records relating to absence from work would be kept confidential.

Members asked for the wording around Section 5 of the policy to be looked at as they wanted clarity on how support was given to perpetrators of domestic abuse. Officers agreed that they would look at other authorities and introduce a form of wording that would help make it clearer.

It was proposed by Councillor G Waller that the recommendations of report No. 60/2023 be agreed, subject to the wording in paragraph 5 of the Employee Domestic Abuse Policy to be agreed with the Chair, Vice-Chair and Officers. This was seconded and upon being put to the vote the motion was unanimously agreed.

The Probation Policy had been refreshed to better reflect the importance of a new starter understanding what is expected of them and having the right environment and circumstances to help them learn. The need for a comprehensive and achievable induction plan, carry out 'My Conversation'/professional supervision on a regular basis, give recognition and praise for good performance, and address any concerns at the earliest opportunity.

The escalation process if there were issues with senior members of staff was highlighted. Those posts within their conditions of service, had specific measures that are attached to the statutory posts, Members were reassured that there was a process that would be followed which would include East Midlands Councils or the Local Government Association.

It was requested by the Chair for the word 'all' to be removed in 1.1 of the policy and in paragraph 2.4 for the word 'advised' to be placed with 'required'.

It was proposed by Councillor J Fox that the recommendations of report No. 60/2023 be agreed, subject to the wording in paragraphs 1.1 and 2.4 to be changed with what was agreed above. This was seconded and upon being put to the vote the motion was unanimously agreed.

RESOLVED

That the Committee:

a) **APPROVED** a new Employee Domestic Abuse Police (Appendix A).

b) **APPROVED** an updated Probation Policy (Appendix B)

8 **GENDER PAY GAP**

Report No.61/2023 was introduced by Carol Snell, Head of Human Resources.

The report advised the Committee of the Council's Gender Pay Gap data as at 31 March 2022 and provided some commentary to help understand what it meant for the Council.

Members were reminded of the requirements to publish such data on an annual basis – this had been the case since 2017, the intention being to narrow and eliminate the pay differences between women and men.

Gender Pay Gap was defined as the difference between the pay of men and women. There were two measures- Median hourly pay and Mean (average) hourly pay. Each was represented as a percentage of the difference with men's pay.

The overall data showed that the 'mean' hourly rate for females was higher than the male 'mean' salary as at 31 March 2022.

The profile of the Council's workforce saw a further increase in males as a percentage of workforce at 28.8% as at 31 March 2022 – compared to 26.6% as at 31 March 2021 and 25% as at 31 March 2020.

It was clarified to Members that the minus figures within the report meant that the median pay for women was higher than men.

RESOLVED

That the Committee:

- a) **NOTED** the Council's Gender Pay Gap data for the reporting period as at 31 March 2022 and the commentary/comparison to the previous reporting periods.

9 **STAFF SURVEY**

Report No.62/2023 was introduced by Carol Snell, Head of Human Resources.

The report provided Members with a summary of the responses and feedback from an All Staff Survey that took place in October/November 2022.

The Chief Executive was committed to undertaking a full staff survey in 2022. The organisation had gone through much change over the last two years. – change of Chief Executive and leadership posts, response to the pandemic, changes to ways of working, and development of a new Corporate Strategy. It was therefore considered timely to reach out to staff and invited their feedback on how the organisation was doing and seek their opinion on a range of issues about their role and working environment.

The response level was 56.5% which officers felt was acceptable but not as high as what they would have wanted. Anything in the 60% region of response would have been in the good category.

Overall the survey provided a positive story with an overall satisfaction level of 68.2% - on par with previous satisfaction levels of 65% and 68%.

Members raised the question around the working hours of Council staff and if it could be carried over to the transformation programme. Officers agreed and felt it needed to be front and centre to how the Council implemented that and to move things through the transformation programme.

Members asked what was being done around the 1 in 4 employees that didn't feel they were being treated fairly and with respect within the authority. Officers wanted employees who felt that way to speak up and to have a voice so the authority could deal with situations and respond appropriately. That information and data was what the Equality, Diversity and Inclusion group would be focussing on, and helping people have that voice and to focus on the Council's values. Regular pulse surveys would continue within this area to try and help improve the current figures.

Members were shocked to see that there were still several employees who did not come into the office at all. Officers and the Chief Executive had been very clear that the hybrid framework and ways of working was not about being at home completely.

The Chair requested and this was agreed by Officers that the next time the Council ran one of the pulse surveys, for Officers to provide the management response to this Committee.

RESOLVED

That the Committee:

- a) **NOTED** the analysis and commentary regarding the Council's employee staff survey that took place in October 2022.

10 EXIT INTERVIEWS

Report No.63/2023 was introduced by Carol Snell, Head of Human Resources.

Members requested this report at the last Committee and the report provided feedback regarding the analysis of exit interviews for employees to who leave the Council.

The Exit Interview process comprised of two stages. Completion of a first section containing a series of questions requesting an indication of satisfaction/non-satisfaction. Secondly, an exit interview with a member of the HR team - this was a confidential conversation to explore in more detail any responses given in the first section but also to delve into areas not covered elsewhere in the form.

During 2021-22, 14 employees completed an exit interview – this represented a very low return rate of just 21%. In the year 2022-23 (to mid-March 2023), 37 employees completed, representing a return rate of 65%.

Members were interested to see what trends there would be over the next couple of years post pandemic and how work/life balance plays out. Would be a good learning point for the organisation.

The Chair requested a further report in a year's time, this was agreed by officers.

RESOLVED

That the Committee:

- a) **NOTED** the analysis and commentary regarding the Council's Exit interviews for 2022/23.

11 ANY URGENT BUSINESS

There were no items of urgent business.

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The Chairman declared the meeting closed at 7.55pm.

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EMPLOYMENT AND APPEALS COMMITTEE

10 October 2023

HR POLICY

Report of the Strategic Director of Resources

Strategic Aim:	A modern and effective Council	
Exempt Information	No	
Cabinet Member(s) Responsible:	Cllr A Johnson, Deputy Leader and Portfolio Holder for Resources	
Contact Officer(s):	Carol Snell, Head of Human Resources	01572 720969 csnell@rutland.gov.uk
	Kirsty Nutton, Strategic Director of Resources (s.151 Officer)	01572 758159 knutton@rutland.gov.uk
Ward Councillors	NA	

DECISION RECOMMENDATIONS

That the Committee:

1. Approves an updated Restructure Policy (Appendix A).

1 PURPOSE OF THE REPORT

- 1.1 To seek approval to an updated and refreshed Restructure Policy as outlined in Appendix A and paragraph 3.

2 BACKGROUND AND MAIN CONSIDERATIONS

- 2.1 The Council’s Restructure Policy provides us with a clear framework that enables us to effectively manage employee implications arising from organisational change eg. restructures. Together with robust guidance and procedures behind it, the Policy establishes a fair, transparent and effective process for dealing with such situations – enabling delivery of the ‘change’ and ensuring compliance with statutory requirements.
- 2.2 We have taken the opportunity to review and update the existing policy – given that we are likely to draw on this policy to help support organisational changes ahead to deliver our Transformation Programme and Medium-Term Financial Strategy.

2.3 The existing policy had focussed on larger scale/impact situations and we have therefore taken the opportunity to review the policy to:

- Include reference to service and operational changes as part of ‘normal business’.
- Streamline the presentation of the policy so that it focusses on ‘policy’ and therefore enabling us to develop a separate set of tools and guidance to support the delivery of the policy.
- Challenge some of the current policy approaches and present alternatives that are more enabling, understandable and workable,
- Ensure our policy enables us to effectively navigate through necessary organisational change.

2.4 Over the past 3 years we have supported service reviews/restructures in the following areas:

Children and Families	Current process – amendment to Heads of Service roles. Working through implications.
Corporate Services	Amendments to roles – no change in headcount, no job losses
Communications service	Change of structure and roles; 2 redundancies.
Children and Families	Changes to Principal Social Worker role – displaced and redundant.

2.5 Appendix A provides a full revised copy of the policy, supported by a summary of the proposed changes at paragraph 3.

3 PROPOSED CHANGES

3.1 The proposed changes are as follows:

Para	Amendments
1.2	Inclusion of reference to less formal restructures as part of delivering day to day business.
1.5	Costed proposals required and approved by Strategic Director.
2.4.2	Provides a clear process for when employees are temporarily acting up to another position or receiving an additional responsibility allowance. Any implications arising from a service review/restructure would consider them in their substantive role.
2.4.3	Relates to ‘slotting’ – ie. when a new job is at least 75% the same as an individual’s substantive job – they are ‘slotted’ into the new role (unless there is a reduction in headcount). 75% is more in line with comparator policies. Previously our policy was 50%.
2.4.3	We have removed the appeal process when an employee is/is not slotted. Any challenges or disagreements would be part of the consultation

	process.
2.7	Pay Protection – our previous policy was quite complex (varying percentages depending on difference and number of years). The amendment is more in line with comparator policies and is much simplified at – protection for one year; one grade difference. This reinforces our intention to support an individual to return to the level of their substantive grade.
2.10.4	If an employee is dismissed on redundancy grounds they can appeal against the decision – this is currently to Members. In the policy we have referenced ‘in line with Council policy and delegations’ to enable us to operate within the constitution and what that may stipulate.
2.11.1	Following some emerging case law and advice from legal advisers, we have included reference that we consider pension contributions do not form part of the calculation of an employee’s week’s pay.

4 CONSULTATION

- 4.1 The Council is required to consult with the recognised Trade Unions for the consideration of employment policies. Unison have raised no comments nor concerns with this policy.

5 ALTERNATIVE OPTIONS

- 5.1 The Council could operate within the existing policy but this would not enable us to draw on the improvements as outlined.
- 5.2 The existence of such a policy not only provides transparency and clarity for all, it appropriately reflects employment legislation and therefore mitigating risks of legal challenge.

6 FINANCIAL IMPLICATIONS

- 6.1 None arising from the policy itself. Costs are though incurred in circumstances where redundancy occur as part of a specific proposal.

7 LEGAL AND GOVERNANCE CONSIDERATIONS

- 7.1 The policy fully reflects relevant employment legislation, eg. statutory requirement to consult.

8 DATA PROTECTION IMPLICATIONS

- 8.1 A Data Protection Impact Assessments (DPIA) has not been completed because there are risks/issues to the rights and freedoms of natural persons.

9 EQUALITY IMPACT ASSESSMENT

9.1 An Equality Impact Assessment (EqIA) has been completed. No adverse or other significant issues were found. A copy of the EqIA can be obtained from Carol Snell, Head of HR.

10 COMMUNITY SAFETY IMPLICATIONS

10.1 There are no community safety implications arising from this report.

11 HEALTH AND WELLBEING IMPLICATIONS

11.1 There are no community safety implications arising from this report.

12 ORGANISATIONAL IMPLICATIONS

12.1 Human Resource implications - this is an important policy as part of our portfolio of HR policies – setting out a clear framework for how the organisation manages changes that have an impact on the security of an employee's role.

13 CONCLUSION AND SUMMARY OF REASONS FOR THE RECOMMENDATIONS

13.1 As outlined in this report, this is an updated and refreshed policy that enables the organisation support the management of organisational change and in particular the employee/HR implications.

14 BACKGROUND PAPERS

14.1 None

15 APPENDICES

15.1 Appendix A – Restructure Policy

A Large Print or Braille Version of this Report is available upon request – Contact 01572 722577.

Restructure Policy

Section 1. Purpose and scope of this policy

1.1 From time to time the Council is required to review the way in which it provides services. This policy sets out the Council's principles and approach to enable effective management of organisational change where this directly affects employees.

1.2 The details of the change process will be informed by the scale and implications. Operational changes that happen from time to time and which have no impact on an employee's contract of employment remain day to day management issues eg. change of job title, line manager, team, directorate.

1.3 Further consideration and process will be required where the implications have a broader impact on an employee's position and may result in displacement, redeployment or redundancy eg. costed proposal, formal consultation. Such circumstances may arise from:

- Changes in service provision that impact on the type and number of posts.
- Business/service efficiencies that require an internal re-alignment or adjustment to existing posts.
- Reduction/loss of service or funding that results in deletion of existing posts.
- Diminution – a reduction in the numbers of a specific post.

1.4 The core principles of the Council's approach is that:

- Meaningful and early engagement will take place with affected staff in a timely way.
- Consultation will take place with recognised Trade Unions and staff where necessary.
- Timescales will be reasonable and practicable to enable a smooth implementation.
- The Council will always seek to mitigate the risk of redundancy wherever possible.

1.5 A detailed proposal will be required where redundancies are a potential outcome. This will include a business case, financial costing model, reference to the Corporate Strategy and/or Transformation or Cash Limit model. The proposal should be approved by the relevant Strategic Director before any stage is started.

1.6 It is recognised that such situations will generate anxiety – the Council will always handle them in the most fair, consistent and sympathetic manner possible with full regard to our Values. All employees will be reminded of the opportunity to access the Council's Employee Assistance Programme for independent support.

1.7 Equalities statement - at all stages of the procedural guidelines, consideration will be given to the needs of employees with specific reference to the provisions of the Equality Act 2010. The public sector equality duty, as specified within the Equality Act, relates to nine 'protected characteristics'. The Council will not discriminate against employees because of any of these characteristics.

Section 2. Core policy considerations

2.1 Proposals

2.1.1 A more detailed proposal will be required particularly where the proposal impacts across services, teams or directorates. It should also demonstrate the achievement of outcomes, in particular the delivery of an organisation and service that can achieve against strategic and operational objectives and capability.

2.2 Formal consultation

2.2.1 Statutory consultation periods must be complied with if redundancies are anticipated:

- Where 20 to 99 redundancies are envisaged, consultation must start at least 30 days before any dismissals take effect.
- Where 100 or more redundancies are envisaged, the consultation must start at least 45 days before any dismissals take effect.
- For fewer than 20 employees, meaningful consultation must still be undertaken which will normally include one-to-one meetings with employees and, if they choose to be represented, their TU representatives or a **work** colleague.

There is a statutory requirement to notify the Redundancy Payments Service when an employer proposes making twenty or more employees redundant. This is undertaken by completion and submission of an HR1 (Redundancy Notification) Form.

2.2.2 Consultation should begin as early as possible and be ongoing as necessary. The trade unions to be consulted are those which are recognised for the categories of employee concerned, whether or not those affected are union members.

2.2.3 Formal and individual consultation meetings will take place with individuals with a view to seeking agreement on the proposals, selection criteria (if necessary) for any workforce reductions and the methods of appointment / ring fencing to jobs in the new structure, opportunities for 'slotting' and suitable alternatives. Individuals have a right to be represented at formal consultation meetings by a member of a recognised trade union or workplace colleague. Such meetings should be face to face.

2.2.4 Individuals who are directly affected may be ‘**at risk of redundancy**’ – such circumstances include:

- current post is being deleted
- substantial change to existing post
- a reduction in the number of posts holders carrying out the same role (‘diminution’).

2.2.5 The objective is to reach agreement within the consultation period. Any written representations or counter proposals made by the trade union(s) and/or individuals must be considered and assessed against the business need and objective. If any proposals are rejected, the trade unions and/or individuals should be informed in writing of the reasons for this.

2.3 Preliminary measures – mitigating considerations

2.3.1 The Council will consider a range of measures to mitigate potential redundancies – for example (but not limited to):

- (a) ending agency staff, consultants and ‘contractor’ arrangements,
- (b) termination of casual contracts,
- (c) reduction or elimination of overtime,
- (d) non-filling of vacancies (or appointing on only a casual basis),
- (e) restrictions on external recruitment,
- (f) voluntary reduction in working hours,
- (g) in the case of a restructuring, ‘ring-fencing’
- (h) consideration of offering a suitable alternative vacancy.

2.3.2 Further measures may include:

(a) Voluntary redundancy (VR) – individuals may be invited to come forward to be considered for VR only when redundancies are being considered. However, VR does not have to be accepted and it will be necessary to determine a set of criteria to be used when selecting which employee’s requests will be accepted. Considerations are (but not limited to):

- Cost – maybe cost prohibitive.
- Risk of loss of key skills and experience.

2.4 Making appointments to the new structure

2.4.1 All new roles and amended job descriptions will be evaluated and considered within the Council’s grading structure.

2.4.2 Individuals who are acting up or in receipt of an additional responsibility allowance, will be considered in their substantive role when assessing the implications of a restructure/ change of roles – irrespective of the period of time the arrangements have been in place.

2.4.3 The Council will endeavour to identify available roles for affected employees to avoid redundancy. Offers of alternative employment can take place in two ways:

(a) Slotting – this is where a new/amended post is:

- at least 75% the same as an existing job description.

AND

- is at the same grade, terms and conditions

AND

- there is no reduction in the number of employees carrying out the role (ie. diminution).

(b) Suitable alternative employment – whether a job is considered suitable depends on:

- How similar the work is to the current role.
- The terms of the job being offered should be similar, eg. status, place of work, pay, hours of work, responsibility.
- A match of the right skills, abilities and circumstances in relation to the job
- The pay, status, hours and location.

2.4.4 An employee at risk of redundancy whilst on maternity leave, adoption leave or shared parental leave, must be offered a suitable alternative vacancy where one exists. They will not normally be required to compete for such a role, although there may be an exploratory interview to determine whether their skills and experience match the essential requirements of the job.

2.5 Ring fencing and appointments

2.5.1 After full consideration of ‘slotting’ and ‘suitable alternative employment’ any remaining new posts in the structure can then be advertised. In the first instance, any new posts are ‘**ring fenced**’ to those directly affected and who are at risk of redundancy. Employees who are not at risk of redundancy cannot apply for the posts at this stage.

Any decision to exclude or include an individual from a ring fence must be justifiable in objective terms and with all evidence available to support the decision.

2.5.3 Employees who are ring fenced will be required to undergo a selection process based on the requirements of the service – for example, written submission, interview and/or assessment method.

2.5.4 ‘At risk employees’ will receive **preferential consideration** for posts that are:

- at the same grade, OR
- one grade lower.

Preferential consideration means the individual will be guaranteed an interview where they meet the essential criteria of the role. Employees with preferential consideration should be interviewed and considered before employees who are not at risk of redundancy.

2.5.5 No additional travel expenses will be reimbursed by the Council to individuals who are redeployed into a post at another location.

2.5.6 Consideration will always be given to reasonable training of employees in order to enable an employee to meet the needs of an alternative role and avoid redundancy.

2.6 Trial Periods

2.6.1 Where a new job is offered that is a reasonable alternative but there are some differences to the previous position and the terms and conditions, the employee is entitled to **4 weeks statutory trial period** in the new job. The trial period should commence after their previous contract has ended. More time can be agreed where necessary.

2.6.2 If either during the trial period or at the end, the employee does not wish to continue with the new job, the employee's contract of employment may be terminated on redundancy grounds and receive a redundancy payment. However, if the refusal is not considered 'reasonable' the employee may forfeit their entitlement to a redundancy payment.

2.6.3 If the trial period is successful and the employee remains in the new role, they will be considered to have accepted the new job and there is no entitlement to redundancy.

2.7 Pay Protection

2.7.1 Where an employee is redeployed to a post at a lower level, the following pay protection arrangements apply.

- Protect at existing level for one years.
- One grade difference.
- Pay is frozen at existing level (ie. There will be no increments nor pay award applied).

2.8 Substitution and bumping

2.8.1 Substitution (or bumping) is a means of creating redeployment opportunities by seeking volunteers for redundancy from outside the employee group in which the redundancy situation exists. ie. Moving potentially redundant employee (A) into another role and dismissing the employee currently performing that role (B). Substitution must be the reason for dismissal.

2.8.2 When substitution is included in the proposal, voluntary redundancy may be offered to the holders of posts in any directorate, which could provide suitable redeployment opportunities for employees in the group affected on the same basis as above. Release will be subject to the agreement of the relevant Strategic Director and subject to an employee in the group affected being redeployed on a permanent basis into the vacancy created.

2.8.3 The costs associated with the redundancy will be met from the budget of the directorate in which the redundancy situation exists.

2.9 Compulsory redundancy

2.9.1 Compulsory selection may become necessary where all other measures as outlined in this policy have been followed. Clear selection criteria and positions affected will have been outlined in the proposal/business cases and would include circumstances where there is a need to reduce the number of employees in the organisation or a team – this will require selection criteria.

2.9.2 The selection pool will reflect roles that have similar skills. The criteria and process must be fair, be based on facts that can be measured and not be affected by personal opinions. The same way of scoring must be used in the same way for all employees in the selection pool.

2.9.3 Examples of selection criteria could include:

- Standard of work or performance.
- Skills, qualifications, or experience.
- Attendance record, which must be accurate and not include absences relating to disability, pregnancy, or maternity.
- Disciplinary record.

2.9.4 Different levels of points (weighting) can be used according to the importance of each criteria and which reflects business need.

2.10 Notice of redundancy

2.10.1 Notice of redundancy can only be given when formal consultation has been completed and the selection process if necessary, has been followed.

2.10.2 Individuals will be invited to a formal meeting where the proposal to issue redundancy will be considered and afterwards, they will be advised of the outcome. They have the right to be accompanied/represented by a recognised trade union representative or workplace colleague.

2.10.3 There are statutory notice periods that provide the minimum notice that must be given. Subject to both parties agreeing, employment can be ended sooner if pay is made in lieu of notice (PILON). The employee will receive all of their basic pay that they would have received during their notice period.

2.10.4 If an employee considers they have been unfairly selected or that proper process has not been followed, they can **appeal** by notifying the Chief Executive in writing, within 5 working days of receiving formal notice. The appeal will be considered in line with the Council Policy and delegations.

2.11 Redundancy pay

2.11.1 Redundancy payments are based on the Employment Rights Act 1996 (Section 162) and the Local Government (Early Termination of Employment) (Discretionary Compensation) Regulations 2006 - specifically:

- The number of weeks' pay as provided within the legislation based on age and length of continuous local government service of 2 years and more.
- The length of service is capped at 20 years.
- Actual weeks' pay rather than the weekly statutory minimum.
- Pension contributions do not count towards calculation of a week's pay.

2.12. Pension benefits when made redundant

2.12.1 Early release of pension benefits are made in accordance with Local Government Pension provisions and are amended from time to time.

2.12.2 Pension benefits are as follows:
(*Local Government Pension Scheme – LGPS*)

Not in the LGPS	No pension benefits
Aged under 55	Deferred pension benefit No early release of benefit <i>Employees can voluntarily access their pension early but this will be reduced accordingly – the Council does not provide any enhancement.</i>
Aged 55 and over	Release of pension benefit – unreduced – this means the percentage reduction scale on the lump sum and annual pension, is not applied.

Version & Policy Number	Version 3
Guardian	Human Resources
Date Produced	July 2023

Approved by CLT	24 August 2023
Approved by Unison	11 September 2023
Approved by EAC	

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