



# Rutland County Council

## Restructure Policy and Procedure

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## **Restructure Policy and Procedure**

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# **1. POLICY**

## **1.1 Introduction**

It is the intention of Rutland County Council to seek to provide, as far as is possible, security of employment for all of its employees and this Policy and Procedural Guidelines document conforms to the requirements of relevant legislation and good standards of employment practice.

## **1.2 Purpose**

This Policy provides a framework for dealing with any situation which meets, or could potentially meet, the statutory definition of redundancy. It provides a uniform method for:-

- a) planning;
- b) consulting and communicating with trades unions and employees at each stage;
- c) resolving situations of potential overstaffing by means other than compulsory redundancy, wherever possible;
- d) providing support and assistance to employees who are potentially redundant;
- e) handling compulsory redundancies, where these become inevitable.

## **1.3 Definitions**

Where reference is made to Director it is recognised that this can relate to a member of management nominated by the Director.

## **1.4 Equality Act 2010**

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 and the Council's commitment to the Two Ticks Positive About Disabled Symbol.

The public sector equality duty, as specified within the Equality Act 2010, relates to nine 'protected characteristics' which are age, disability, gender reassignment, marriage and civil partnership, race, religion or belief, sex, sexual orientation, pregnancy and maternity. The Council will not discriminate against employees because of any of these characteristics.

- 1.4.1 When considering redundancy of a disabled employee, there are particular requirements to make sure they are not being placed at a disadvantage for reasons relating to their disability.

1.4.2 The beginning of pregnancy to the end of maternity leave is a 'protected period' during which a woman is entitled to special considerations. A woman on maternity leave who is selected for redundancy, must be offered any suitable alternative vacancy if available, before any other employee. She does not need to apply for it.

If there is no suitable alternative vacancy, a woman can be made redundant during her maternity leave provided the reason for redundancy is unconnected with her pregnancy or maternity leave and a fair redundancy process has been followed. The alternative job must be suitable and appropriate for the employee in the circumstances.

Line Managers should consult with an HR Adviser before taking any action.

## **1.5 Scope**

This Policy applies to all employees (except those based in Schools and Colleges with delegated budgets) of Rutland County Council.

## **1.6 Statement of Intent**

As a responsible employer Rutland County Council wishes to retain, wherever possible and practicable, the skills and experience of its staff and to ensure, as far as possible, security of employment for its employees.

However, departments will, from time to time, have to deal with overstaffing which may arise through:

- ◆ budget cuts;
- ◆ re-organisation (except where TUPE applies).
- ◆ legislative and policy changes;
- ◆ staffing reviews.

It is recognised that such situations will generate anxiety and management will always handle them in the most fair, consistent and sympathetic manner possible, balancing the needs of the organisation with those of individuals. Management will ensure that all reasonable measures are taken to mitigate the effects of change, so as to avoid or minimise the possibility of redundancies and the hardship that may be suffered by the employees concerned.

The Policy will not be used to treat employees more or less favourably because of their membership or non-membership of a trades union.

## **1.7 When the Policy should be implemented**

The Policy is to be implemented in any situation which meets, or could potentially meet the statutory definition of redundancy - see Appendix A.

The initial stages of pre-planning and consultation should begin whenever there is a potential redundancy situation, i.e. before any final decisions are taken.

## **2 PROCEDURAL GUIDELINES**

### **2.1 Pre-Planning and Consultation**

#### *2.1.1 Pre-Planning*

As soon as a potential redundancy situation is identified the Director will begin to prepare a proposal and timetable – Templates in Appendix B. These are key documents in the process which will contain the following details:

- background and context to the proposal
- ◆ the nature of and reasons for the potential redundancy situation;
- ◆ the directorate/department/area(s)
- ◆ the numbers and descriptions of jobs and employees affected;
- ◆ the timescale for decision making and implementation of changes;
- ◆ the measures to be taken and reasons if any measures are not to be adopted

It may not be possible to complete the above fully at the outset and a degree of flexibility may be necessary. This should not, however, preclude the drawing up of a partial proposal which can subsequently be added to and/or amended as necessary.

In order to achieve a co-ordinated approach, all proposals, full or partial, should be discussed with an Human Resources Adviser and submitted to the Senior Management Team for first stage approval as appropriate and applicable.

Following approval, informal consultation will take place in confidence, with the recognised trades unions; a Human Resources Adviser will facilitate a meeting between management representatives and relevant trades unions for this purpose. This informal stage of consultation will not replace the required formal consultation.

The relevant Director will ensure that the necessary approval be obtained prior to commencing eg. Elected Members, Senior Management Team.

Any proposal for compulsory redundancy contained in the proposal must in due course be submitted to the Chief Executive for approval. Full consideration must be given to approval processes required in the Financial Procedure Rules.

### 2.1.2 *Consultation with trades unions*

The Council is committed to consulting with relevant, recognised trade unions and individuals as soon as practicable and keeping them informed as fully as possible.

The proposals must be the subject of consultation with recognised trades unions facilitated by Human Resources.

Consultation should begin as early as possible and be ongoing as necessary. Statutory minimum periods for consultation in cases of compulsory redundancy must be met. 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.

The Director must consider any written representations or counter proposals made by the trade union(s) and /or individuals if they are not union members. If any proposals are rejected, the trades unions and/or individuals should be informed in writing of the reasons for this.

Following the formal consultation period, it may be necessary to submit the proposal together with the views of the trade unions, to SMT and/or Members for formal approval.

### 2.1.3 *Consultation and Communication with Staff/Individuals*

Consultation and communication with the employees affected is also necessary. Individual meetings will be arranged with employees affected at the earliest opportunity and as necessary thereafter. Such meetings will be organised and supported by a Human Resources Adviser. Employees will be advised to contact their trades union for advice and support and recognised trades union representatives will be invited to consultation and communication meetings.

Individuals placed 'at risk' under this Policy will be invited to individual consultation meetings with a line manager (usually at Head of Service/equivalent level) and a Human Resources Adviser. Individuals may be accompanied at those meetings by their trade union representative or workplace colleague.

## **2.2 Measures for Dealing with Overstaffing**

### 2.2.1 *Preliminary Measures*

When a potential redundancy situation is identified, measures (a) – (f) below must be considered initially to try to avoid the need for redeployment, reduction in hours or redundancy: *(This list is not exhaustive; all measures should be considered)*.

- (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) in the case of a restructuring, 'ring-fencing'
- (g) consideration of offering a suitable alternative vacancy
- (h) use of approaches outlined in Section 2.11

The proposal will include details of the measures which it is proposed to adopt together with reasons if any measures are not to be adopted.

### *2.2.2 Selection Methods*

If the preliminary measures do not bring about the required reduction in staffing and there is a need to select (see Section 2.5) the following methods are available:-

- (a) Voluntary redundancy/substitution
- (b) Voluntary reduction in hours
- (c) Voluntary redeployment
- (d) Compulsory selection methods

### *2.2.3 Redeployment Methods*

The procedures are detailed in Section 2.8.

### *2.2.4 Partial Amends*

Where new/amended jobs are at least 50% or more the same as an existing job and at the same grade, employees will be offered a partial amend. However, even if the role meets this criteria, but there is a diminution of staffing numbers, then those affected will be placed 'at risk' of redundancy and will not be offered a partial amend.

Employees are able to appeal against a partial amend on the basis that they do not consider it a suitable match. In addition, employees are able to appeal against not being offered a partial amend if they feel there is a suitable match – appeals will not be accepted if there is a diminution in staffing numbers within the role.

Appendix D outlines the current process.

### 2.2.5 Suitable alternative vacancies

Offers of suitable alternative vacancies must be considered and may avoid an individual being placed at risk of redundancy and being dismissed on redundancy grounds. A tribunal may consider a case for unfair dismissal if the Council does not consider offering alternative work that is available and suitable.

In considering the suitability of an alternative post, the following factors should be assessed:

- similarity of the work between the current job and the new job
- a match of the right skills and experience for the new role
- the terms and conditions of the new post should be similar eg. Status, place of work, job duties, pay, hours of work, responsibility.

If an employee unreasonably refuses a suitable alternative offer they will not receive a redundancy payment. The test of reasonableness will depend on individual circumstances but include:

- the amount of time given to consider the new job
- whether the role is temporary or not
- the status of the role
- the impact the role may have on their personal situation eg. If it is a different location, the effect on family life and health.

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. This period can be extended if more time is needed for re-training.

If either during the 4 week 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. The test of 'reasonableness' would include (but may not be restricted to):

- the amount of time given to consider the new job, for example whether the employee has requested and been provided an extension of the trial period
- whether the job could be determined as a reasonable alternative as outlined in para 2.2.5

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.

## 2.3 Ring-Fencing

A restructuring of a section or department may involve the regrading of existing posts or the deletion of posts and the creation of new ones. In the latter case, 'ring-fencing' may be appropriate where the new posts are similar to the old ones. This is a process whereby applications for the new posts are sought from a group of employees, the purpose being to avoid the unnecessary displacement of employees

in the section/department concerned. A Director will include details of any proposed 'ring-fence' in the proposal which will be the subject of consultation. The following overriding principles will apply:

### 2.3.1 Deleted Posts

Employees whose posts have been deleted should not be given preferential treatment for new posts on a higher grade.

### 2.3.2 Deletion/Redeployment

Should all employees whose posts have been deleted be redeployed, either in new posts or vacancies created by the redeployment of other employees, ring-fencing will cease and any remaining vacancies will be made available to other employees, firstly those at risk.

## 2.4 Selection Methods

A selection process would not be applicable where compulsory redundancy applies, for example in the following circumstances:

- there is only one employee undertaking the role
- when all posts and all employees within the specific group are affected and potentially redundant

In addition, voluntary redundancy, voluntary reduction in hours and voluntary redeployment also do not apply.

### Note

Directors will need to refer to contracts of employment, regarding flexibility and mobility clauses for example, in order to identify the extent of the employee group in which the redundancy situation exists.

## 2.5 Voluntary Selection Methods

Where selection is necessary, then voluntary redundancy, voluntary redeployment and voluntary reduction in hours will always be considered first, on the following basis

- ◆ the employee group(s) from which volunteers are sought
- ◆ the closing date for the receipt of requests

The Director will determine the criteria to be used for selecting which employees' requests will be accepted if there is more than the required number of volunteers. Details of the criteria and the order in which they are to be applied will include:

- ◆ skills, knowledge and experience
- ◆ cost implications

### 2.5.1 *Voluntary Redundancy*

Individual requests for voluntary redundancy can be considered and approved by the Chief Executive in accordance with this policy and relevant statutory provisions. Such considerations will include the impact on loss of skills and experience and cost to the Council (ie. Redundancy costs and any early release of pension).

(a) Employees Aged Under 55 – not in LGPS

- ◆ A redundancy payment, in accordance with the Employment Rights Act 1996 (Section 162) and the Local Government (Early Termination of Employment) (Discretionary Compensation) Regulations 2006.

(b) Employees Aged Under 55 – in LGPS

- ◆ A redundancy payment, as above
- ◆ Deferred pension benefits.

(c) Employees Aged 55 and Over – not in LGPS

- ◆ A redundancy payment, as above.

(d) Employees Aged 55 and Over – in LGPS

- ◆ A redundancy payment, as above
- ◆ Payment of an immediate pension

### 2.5.2 *Substitution*

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.

When substitution is included in the proposal, voluntary redundancy may be offered to the holders of posts, in any department, 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 Director and subject to an employee in the group affected being redeployed on a permanent basis into the vacancy created.

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

### 2.5.3 *Voluntary Reduction in Hours*

This measure may be appropriate where a redundancy situation could be resolved by a number of employees reducing their hours rather than one or more posts becoming redundant.

Employees who voluntarily reduce their hours will receive compensation calculated on the basis of a redundancy payment pro rata to the number of hours lost (provided they have a statutory entitlement to redundancy payment – see Appendix C).

### 2.5.4 *Voluntary Redeployment*

Whether or not voluntary redeployment is available will depend, amongst other things, on the timescale within which the workforce must be reduced to the required level. Accordingly, the Director will decide whether it is necessary to place restrictions on the level of post into which employees may be redeployed. Trade Unions and employees concerned will be advised accordingly.

Volunteers will be assisted by the designated departmental officer (usually their Line Manager), and a Human Resources Adviser, to identify suitable vacancies in their own or another department. The redeployment procedure will be as detailed in paragraph 2.6 except that the trial period will not normally exceed the statutory entitlement of 4 weeks.

### 2.5.5 *Protection of Pay*

An employee voluntarily redeployed into a lower graded post and who would therefore suffer a loss of pensionable earnings, will receive protection of their pay when redeployed to a post one grade lower, for a period of 2 years, with 3 years where the loss of pensionable pay exceeds 8% and 4 years where it exceeds 12%. There will be no protection of any other non- pensionable payments (e.g. allowances) and all other conditions of service will be those pertaining to the new post.

### 2.5.6 *Failure to Achieve Redeployment*

If any volunteers do not achieve redeployment within the prescribed timescale the Director will move to the next stage of the proposal and the volunteers will be treated in the same way as the other employees affected.

## 2.6 **Compulsory Selection Methods**

Where voluntary methods of selection fail to produce the required reduction in staffing, it will then be necessary to determine the criteria to be used to select for compulsory redundancy, in formal consultation with recognised Trades Unions. These must include:

- ◆ skills, qualifications and experience

- ◆ cost implications

Efforts will be made to reach agreement on the criteria for selection, including any weighting and scoring.

A proposed order will be determined in which the criteria are to be applied and, if necessary, additional criteria. Once the criteria have been determined the relevant line manager (with HR support) will carry out the selection process, inform the individuals selected and notify the Trade Unions.

On request, an individual member of staff will be provided with their own details against the criteria.

## **2.7 Notice of Redundancy**

Those employees whose posts are to be deleted will be advised of this at a meeting where the proposal to dismiss them on grounds of redundancy will be considered, and afterwards they will be advised of the outcome and issued with notice of redundancy.

Where it is not possible to give notice in accordance with the employee's statutory or contractual entitlement (whichever is the greater) payment in lieu of notice will be made.

Whenever possible redundancy notice will not be issued until the consultation period has expired. The intention is that the maximum achievable period of notice will be given, during which every effort will be made to find alternative employment.

## **2.8 Redeployment**

Every effort will be made to redeploy employees who are at risk of redundancy and under notice of redundancy into alternative posts within the County Council. An employee will receive salary protection when redeployed to a post one grade below, for a period of 2 years, with 3 years where the loss of pensionable pay exceeds 8% and 4 years where it exceeds 12%.

*The treatment of an employee on maternity leave is covered in para 1.4.*

### **2.8.1 Redeployment Procedure**

#### **a) Designated Officers**

Employees under notice will be assisted by a nominated officer (usually their Line Manager) within their employing department and both will be advised by a Human Resources Adviser.

#### **b) Notification of Vacancies**

Employees who are at risk of redundancy or under notice will be sent details of current vacancies on a weekly basis.

c) Application Procedure

When applying for a vacant post, employees who are at risk of redundancy or under notice should complete an application form and clearly mark it 'At Risk'.

Any applications from employees under notice of redundancy must be considered before any others received but, if the vacancy is on a higher basic grade than the employee's, he/she must compete with other applicants in the usual way.

Where the vacancy is on a basic grade equivalent to or lower than the employee's they will be interviewed unless they do not come close to meeting the essential requirements of the person specification for the post. If the employee demonstrates at interview that they meet or come close to meeting them, they will be offered a trial period – see paragraph d) below.

If there is more than one applicant who is under notice of redundancy, the same criteria will apply but the applicants will be interviewed in competition

d) Trial Period

The purpose of a trial period is to enable both the employee and the relevant line manager to decide upon the suitability of the job. The trial period will comply with the statutory minimum of 4 weeks but can be increased according to the circumstances, up to a maximum of 12 weeks. During the trial period the employee will be given reasonable assistance, with a particular focus on training and development if necessary, to reach the required standard of competence. The employee may terminate the trial period at any time. An employee who is not appointed to a post following a trial period or who decides to terminate a trial period will be treated as follows:

i) Request Alternative Voluntary Redeployment

The employee may seek alternative voluntary redeployment if the prescribed deadline for achieving this has not passed. Otherwise the Council will move to the next stage of the proposal and the employee will be treated in the same way as other employees affected.

ii) Compulsory Redundancy

The employee's contract will be terminated in accordance with any redundancy notice already issued. Otherwise notice in accordance with the employee's statutory or contractual entitlement will be issued.

Compensation will also be paid in accordance with paragraph 2.12. The provision regarding non-payment of compensation (paragraph 2.12 (e) ) is applicable.

However, if it is considered that an employee has 'unreasonably resigned' during the Trial Period, they may lose their right to a statutory redundancy payment.

### *2.8.2 Written Reasons for Non-Appointment*

If it is proposed by the recruiting manager not to interview an applicant who is under notice of redundancy, not to offer them a trial period or not to appoint them following a trial period, the circumstances should be discussed with a Human Resources Adviser.

Should the line manager's final decision be not to interview or appoint, this must be approved by the Director. The employee must then be provided with written reasons, with a Human Resources Adviser giving advice and guidance.

### *2.8.3 Pay Provisions*

An employee redeployed into a post one grade below will have their superannuable earnings protected as outlined in paragraph 2.5.5 under "Protection of Pay". This definition and application of earnings will also apply to those employees not in the pension scheme.

### *2.8.4 Travelling Expenses*

No additional travel expenses will be reimbursed by the Council should an employee be redeployed into a post at another location. This is in accordance with current terms and conditions enabling a change of location.

## **2.9 Retraining**

Consideration will always be given to reasonable retraining of employees under notice of redundancy. Retraining may take place during the notice period, in order to equip an employee to apply for potential vacancies, or during a trial period in a new post. The purpose of retraining will normally be to enhance an employee's existing skills rather than to facilitate a complete change of career direction.

## **2.10 Time Off**

Employees under notice of redundancy will be allowed reasonable time off with pay to look for alternative employment, to arrange training or to take advantage of the assistance outlined in Section 2.11. Such time off should be agreed in advance with the Line Manager.

## **2.11 Assistance**

The Council will endeavour to offer, in conjunction with external agencies where necessary, additional advice/assistance to 'at risk' and or 'on notice' of redundancy employees which may include:-

- ◆ identification of suitable vacancies outside the County Council
- ◆ training in job-hunting skills e.g. completion of application forms, letter writing
- ◆ advice on retraining
- ◆ advice on self-employment
- ◆ advice on pension benefits (if applicable)
- ◆ advice on, and assistance to apply for, state benefits
- ◆ financial counselling
- ◆ stress counselling.

## 2.12 Compulsory Redundancy Compensation

Compensation will be as follows:-

(a) Employees Aged Under 55 – not in LGPS

- ◆ A redundancy payment, in accordance with the Employment Rights Act 1996 (Section 162) and the Local Government (Early Termination of Employment) (Discretionary Compensation) Regulations 2006.

(b) Employees Aged Under 55 – in LGPS

- ◆ A redundancy payment, as above
- ◆ Deferred pension benefits.

(c) Employees Aged 55 and Over – not in LGPS

- ◆ A redundancy payment, as above

(d) Employees Aged 55 and Over – in LGPS

- ◆ A redundancy payment, as above,
- ◆ Payment of an immediate pension.

- (e) No redundancy payment will be made if an employee unreasonably refuses an offer of, suitable alternative employment. The employee must be advised in writing of the decision and will have the right to appeal against the decision to the Chief Executive. The appeal must be lodged within 5 days of receipt of the above written confirmation.

### **2.13 Re-employment**

Up to a maximum of 4 weeks after employment has ended due to compulsory redundancy, should a vacancy arise which is suitable for the ex employee, and the individual wishes to be considered for the post, they will be given preferential treatment in line with Section 2.3.

The Modification order states that if an employee who is under notice of redundancy receives an offer of a job from another Modification Order body before the termination of his or her employment and takes it up within 4 weeks of the end of the old employment, there will be no dismissal for redundancy payment purposes.

A repayment arrangement and timescale will be agreed as part of the reinstatement or redeployment agreement.

### **2.14 Right Of Appeal**

An employee who is dismissed on grounds of redundancy will have a right of appeal to the County Council Employment Appeals Panel. The Appeal must be lodged within five days of receipt of formal notice, and should be addressed to the Chief Executive.

The reason(s) for dismissal, details of the appeals process and timescales will be provided in a formal letter to the individual, at the time the dismissal is confirmed in writing.

# APPENDIX A

## STATUTORY DEFINITION OF REDUNDANCY

An employee who is dismissed will have been dismissed for redundancy if the dismissal is attributable wholly or mainly to the fact that:

- a) The employer has ceased, or intends to cease:
  - i) to carry on the business for the purposes of which the employee was employed by him; or
  - ii) to carry on the business in the place where the employee was so employed; or
  
- b) The requirements of the business for employees:
  - i) to carry out work of a particular kind; or
  - ii) to carry out work of a particular kind in the place where the employee was employed;

have ceased or diminished, or are expected to cease or diminish.

S139 (1) (b) ERA 1996

# APPENDIX B

CONFIDENTIAL

## REVIEW OF xxxxxxxxxx

### Background and context

#### Proposed structure

The proposal impacts the xxxxx Service within the xxxxxxx Team situated in the xxxxe Directorate. This currently comprises the following roles

The functions of the current team include:

The proposed structure will comprise:

Therefore the impact will be xxxxxxxxxxxxxx

#### Staffing Implications

Will be managed in accordance with the Council's Restructure Policy and in consultation with the recognised Trade Unions and staff.

The Council wishes to avoid disruption to staff and service users and work closely with all involved to enable a smooth transition. We would therefore seek to adopt ring-fencing to individuals directly affected by any proposed changes to minimise any unnecessary displacement within this team. In addition, we will follow 'partial amends' where a new job is at least 50% or more the same as an existing job and at the same grade. Staff will be placed at risk if we identify that their existing post will not exist in the new structure; where there are suitable alternatives available, every effort will be made to redeploy them and they will have preferential consideration

#### Proposed timescales

We propose a timetable as follows:

- Consultation with recognised Trade Unions
- Consultation with staff
- Staff placed 'at risk' if necessary
- Consideration of alternative proposals and options (30 day consultation)
- Confirmation of new structure/posts

#### Target date for completion:

## Xxxx Service - TIMETABLE

### Based on a Service review likely to lead to staffing reductions

Action	Timeline	By Whom
Service review conducted – Proposal developed		Head of Service
Proposal agreed by (as applicable): - DMT -SMT - Members		Head of Service
Informal meeting with Trade Union		Head of Service/HR Adviser/Trade Union
Staff meeting/s		Head of Service/HR Adviser
JE completed on new Job Descriptions		Head of Service
Commence Formal Consultation on proposals - Trade Unions - Individuals		Head of Service/HR Adviser
Staff placed 'at risk' (if proposed staffing reductions)	30 day consultation period	Head of Service/HR Adviser
Feedback requested on outline proposals		All Staff
Consideration of alternative proposals; responses provided		Head of Service
Consideration of preliminary measures to avoid redundancies (if applicable)		Head of Service
Proposed closure of consultation/extension of consultation period. <b><i>This and the following timescales are indicative only and will be reviewed in order to allow for further consultation if necessary; alternatively timescales can be brought forward in consultation and agreement with staff and Trade Unions.</i></b>		Head of Service/HR Adviser
Consideration and offer of partial amends	After consultation period ends	Head of Service
Posts advertised internally	After consultation period ends	Head of Service

Requests for partial amends to be received	<i>3 working days</i>	
Partial amends decision made	<i>2 working days</i>	Head of Service
Appeals re partial amends received by	<i>3 working days</i>	
Applications for new posts received by	<i>10 working days (from advert)</i>	
Interviews for new posts	<i>10 working days (from closing date)</i>	Head of Service
Decisions on appointments – notified to staff	<i>2 working days (from interview)</i>	Head of Service
Meetings with unsuccessful staff to give notice of redundancy	<i>5 working days</i>	Head of Service

# APPENDIX C

## **EMPLOYEES ENTITLED TO REDUNDANCY PAYMENT**

To be entitled to a redundancy payment an employee must have worked, or been contracted to work, for at least 2 years continuously in local government or certain related employment.

Service before age 18 does not count.

With the exception of the sections relating to payments, this Policy applies to employees with less than two years' service.

# APPENDIX D

## RUTLAND COUNTY COUNCIL

### APPEALS PROCESS FOR A REQUEST TO BE SLOTTED INTO A ROLE (PARTIAL AMEND)

During the restructuring process, the Council has advised you that your existing post is at risk of redundancy and that there is no appropriate post as a partial amend. However, you may wish to appeal against this decision and demonstrate that your existing job constitutes at least 50% or more of any new job and this is at the same grade. There is no appeal in the event of a reduction in the number of job holders within the same job.

In order to appeal, you should follow the process detailed below.

#### Stage One

Within 5 working days from the date when you have been formally advised that you are not eligible for a partial amend, you should lodge a written appeal with the relevant Head of Service (or equivalent) with a copy to Human Resources.

Your written appeal should outline your reasons and evidence as to (a) the post you consider you should receive as a partial amend and (b) the rationale. This should include the fact that the post is at least 50% the same and at the same grade.

The Head of Service (or equivalent) will consider your appeal, with support from Human Resources and will write to you outlining the decision. This decision will be either:

(a) if it is agreed that you have demonstrated that your existing job constitutes at least 50% or more of a new job and is at the same grade, you will be offered a partial amend. This will therefore remove the 'at risk' status. You will receive confirmation in writing of the partial amend together with the effective date for the new role.

(b) if it is considered that your existing job does not constitute at least 50% or more of a new role or is not at the same grade, you will be advised in writing that your appeal has not been successful.

#### Stage Two

You may appeal against the decision at Stage One by writing to the relevant Director, to be received within 5 working days of receipt of the outcome of Stage One.

Appeals at Stage Two will be considered by the Director and a representative from Human Resources. Both parties, ie. the Head of Service (or equivalent) at Stage One and the appellant will be invited to a meeting to give information and respond to questions from the Director.

At this stage, you have the right to be accompanied by a recognised trade union representative or workplace colleague.

The Director will consider your appeal and write to you outlining the decision. This decision will be either:

(a) if it is agreed that Stage One did not fully consider the evidence presented to it and that you have therefore demonstrated that your existing job constitutes at least 50% or more of a new job and is at the same grade, you will be offered a partial amend. This will therefore, remove the 'at risk' status. You will receive confirmation in writing of the partial and together with the effective date for the new role.

(b) if it is considered that the outcome of Stage One is correct and justifies that your existing job does not constitute at least 50% or more of a new role or is not at the same grade, you will be advised in writing that your appeal has not been successful.

The decision at Stage Two is final and will be confirmed in writing.

## **RUTLAND COUNTY COUNCIL**

### **APPEALS PROCESS AGAINST A PARTIAL AMEND**

During the restructuring process, the Council will have determined and advised you in writing, that your existing post constitutes a match to a new post as a suitable alternative based on the following criteria:

- your existing job constitutes at least 50% or more of the new job, and
- your current post is at the same grade as the new post (or equivalent if on different Conditions of Service)

You will have been given the opportunity to accept the post by signing the acceptance form on the letter by the date given.

However, you may wish to appeal against the decision that your current post has been partially amended, and that you consider the post you are being offered represents a more substantial change.

In order to appeal you should follow the process detailed below.

#### **Stage One**

Within 5 working days from the date on the letter you should lodge a written appeal with your Head of Service (or equivalent) with a copy to Human Resources.

Your written appeal should outline your reasons in detail, for why you believe the new post being offered to you represents a change to your current post of more than 50% and is therefore not a Partial Amend.

The Head of Service (or equivalent) will consider your written argument and will write to you outlining their decision. This decision will be either:

- (a) the Partial Amend offer will stand, or
- (b) your argument is accepted – you should be aware that this may mean you will be placed 'at risk' of redundancy (please refer to the Council's Restructuring Policy for more information).

#### **Stage Two**

If the decision at Stage One is confirmation of the Partial Amend, you may appeal further against this decision.

In order to appeal, you should write to the relevant Director, to be received within 5 working days of the date of the written decision of Stage One above.

Appeals at Stage Two will be considered by the Director and a representative of Human Resources. Both parties, i.e. the Head of Service at Stage One and the appellant will be invited to a meeting to give information and respond to questions from the Director.

You have the right to be accompanied by a recognised trade union representative or workplace colleague.

The decision at Stage Two will be final and will be conveyed in writing. The decision will be either

- (a) the Partial Amend offer will stand, or
- (b) your argument is accepted - you should be aware that this may mean you will be placed 'at risk' of redundancy.

# APPENDIX E

Flowchart of Process

