

Redundancy Policy

1. Introduction

It is the aim of the organisation is to maintain and enhance the efficiency and financial sustainability of the organisation which will, as far as possible, safeguard the current and future employment of all staff.

However, as the organisation is grant aided and funding may not be guaranteed. It is recognised there may be changes in service or organisational requirements which may affect staffing needs. In such circumstances, the organisation will seek to minimise the effect of redundancies through the provisions made in this policy.

The organisation is committed to ensuring this policy does not discriminate directly or indirectly on grounds of age, disability, gender reassignment, pregnancy or maternity, marriage or civil partnership, race, religion or belief, sex, sexual orientation or trade union membership and activity.

Part-time staff and those working under fixed-term contracts, shall under no circumstances be singled out for selection on different criteria to those applied to (comparable) full-time staff. While the Part-time Workers Regulations 2000 and Fixed-term Employees Regulations 2002 state the 'comparable' factor, best practice is to treat all staff equally and fairly.

Where it is not possible to hold a face-to-face meeting under this procedure, the process will be conducted remotely. The organisation will ensure staff and their representatives have access to the necessary technology for participating. Staff rights will not be affected, and the organisation will ensure the procedure remains fair and reasonable.

This document does not form part of a contract of employment and may be changed from time to time in line with current best practice and statutory requirements, and to ensure business needs are met. Staff will be consulted and advised of any changes as far in advance as possible of the change being made, unless the change is required by law.

We're committed to doing everything we can to keep people employed and avoid redundancy wherever possible. That includes actively looking for alternatives that allow staff to stay with the organisation, even in challenging circumstances. We do not support 'fire and rehire' practices whilst ensuring fair treatment for all staff.

2. Definition of Redundancy

A redundancy situation arises where there is either:

- No longer a requirement for work of a particular kind to be carried out, or
- No longer a requirement for work of a particular kind to be carried out at a particular location, or
- A reduction in the requirement for the existing number of people to carry out work of a particular kind.
- No longer funding available to enable the role to continue

3. Preventative Measures

Where the need for redundancies has been identified and in order to avoid these, one or more of the following measures may be taken: -

- A salary freeze for a specified period.
- Suspending advertising and recruitment.
- Discontinuing temporary/agency staff.
- Natural wastage.
- Review of existing workloads and overtime.
- Possible job-sharing, part-time employment and/or other flexible arrangements.
- Discontinuing the engagement of consultants.

Any such measure will need to ensure it does not adversely affect service delivery and development, causes the organisation to default on contracts or fail its obligations to funders.

The organisation will seek voluntary redundancies wherever possible. The category of staff will be made known and volunteers will be sought at least two weeks before any compulsory notices are issued.

4. Compulsory Redundancy Selection Criteria

When selecting staff for redundancy, the following objective criteria will be taken into account. This list is not exhaustive and is not necessarily in order of priority:

- Loss of contract based work or funding for the post
- Attendance and disciplinary records
- Appraisal/review records
- Relevant experience, qualifications, capability and adaptability
- Further social criteria relevant to affected staff such as poor employment prospects due to disability, age, etc...

No staff will be selected for redundancy for any of the following reasons:

- Union-related reasons
- Health and safety-related reasons
- For asserting a statutory right
- Pregnancy or maternity-related reasons
- For carrying out the function of or standing as a staff representative
- On grounds of age, disability, gender reassignment, marital status, race, religion or belief, sex or sexual orientation.

5. Suitable Alternative Employment

Staff under notice of redundancy shall be informed of all actual and expected vacancies at organisation during the period of their notice.

For each vacancy available at the time, organisation will determine whether any staff declared redundant should be job-matched into the vacant post or offered a redeployment (ring-fenced) interview for it.

5.1 Job Matching

Job Matching will occur when a vacancy occurs which is very similar to a job to be made redundant. The organisation will determine this by comparing the two job descriptions and person specifications and assessing similarity on the basis of 90% or more match will be decided at the start of the redundancy process.

Where one member of staff has met the criteria for job matching for a vacant post, they will be matched into that post.

Where more than one member of staff is eligible for job matching to a particular post, they will be invited to an interview.

5.2 Redeployment

Where the vacancy does not justify job matching, but there is a 70%-89% match, the member of staff will be invited to a redeployment interview. They may have a trade union representative or a work colleague of their choice present at the interview in an advisory capacity.

The purpose of the interview is to:

- Establish whether, with a reasonable amount of training if necessary, the member of staff is able to undertake satisfactorily the tasks detailed in the job description for the alternative post. This will be done by:
 - Considering their work experience to date
 - The skills acquired over time
 - Whether these constitute at least 90% of the essential requirements for the vacant post.
- Establish whether the member of staff considers the post to be a suitable alternative and is willing to accept it.

Where two members of staff are equally successful in applying for the same post, the post can be offered to both as a job-share, if an additional alternative post cannot be found.

Where a member of staff under notice of redundancy is to be redeployed, organisation will use its best endeavours to provide retraining which is compatible with the work and business of organisation so far as is reasonably practicable, having regard to both the cost of retraining and the requirement for them to carry out the duties of the redundant post during the notice period.

5.3 General Recruitment

Where a vacancy is not similar to justify job matching or redeployment, organisation at their discretion, shall be entitled to invite staff to apply for any suitable alternative post. Affected staff will be shortlisted and interviewed prior to other applicants for the post.

A member of staff who is successful in being job matched, redeployed or successful in applying for an alternative post, shall have their redundancy notice withdrawn.

5.4 Trial Period

Redundancy rights will not be lost if the staff member or organisation decides after a trial period of up to four weeks, the new job or the staff member's performance in that post is not suitable.

In such case either party may terminate or give notice and on termination the staff member shall be treated as though they had been made redundant on the date the old job ended.

The trial period may be extended for up to three months for the purpose of training for the new post, provided the trial period and terms and conditions of appointment applying after training are agreed in writing prior to the commencement of the new job.

6. Consultation

Where there are 20 or more redundancies at the same time, the collective redundancy rules apply. The consultation will take place between the organisation and a representative (rep). This will [either] be:

- a trade union rep (if you're represented by a trade union)
- an elected employee rep

Where there are less than 20 redundancies at the same time, collective redundancy rules will not apply

Length of consultation

The consultation process will start 30 days before any dismissals take effect.

Electing employee reps

If you're an employee affected by the proposed redundancies you can:

- stand for election as an employee rep
- vote for other reps

Fixed-term contract employees

Fixed-term staff will not be invited to collective consultation unless their contract is coming to an end early because of redundancy.

6.1 Group Consultation

Where 20 or more staff may be subject to redundancy, they will be invited to a group consultation. The organisation will inform affected employees (either in person or through representatives as appropriate) of the circumstances led to a potential redundancy situation. The consultation process and selection criteria will be explained. An opportunity will be given to comment on the proposals (including selection criteria) and to provide alternative suggestions which may avoid the need for redundancies.

Any comments and suggestions will be taken into consideration. In the event it is decided to proceed with the redundancy process, staff will be selected in accordance with the objective criteria adopted.

6.2 Individual Consultation

Following group consultation, staff will be invited to at least two 1:1 consultation meetings.

At the first 1:1 meeting, staff will be informed of the objective criteria used for selection and their scoring will be explained. Staff will be given the opportunity to raise any objections to their selection, for example by discussing the application of the selection criteria. They will be advised they have the right to receive feedback and challenge the scoring. These meetings

will normally be led by the Line Manager and another manager or Board member may be present.

Staff will be informed of the redundancy package at the second 1:1 meeting and how the notice period will operate, such as whether they will work some or all notice or receive payment in lieu of notice (PILON).

The staff member's Line Manager is responsible for ensuring the process is carried out correctly and the individual receives all reasonable support

Staff have the right to bring a trade union representative or work colleague with them to formal 1:1 meetings, if they wish to do so.

7. Appeals

Staff to be made redundant are entitled to appeal against this decision if they feel that the selection criteria has been unfairly applied in their case.

Staff who have not been offered suitable alternative employment following the interview process, are entitled to appeal against this decision.

Staff who appeal are entitled to be accompanied at the appeal hearing by a trade union representative or a work colleague of their choice.

Appeals must be submitted within five working days of the decision in either of the above being communicated to staff.

In order to hear any appeals, organisation will set up an Appeal Panel. The decision of the Panel is final and shall be communicated to staff within five working days of the Appeal Hearing.

8. Staff Entitlements

Staff may opt for redundancy if they are in a post where termination would enable organisation to avoid a compulsory redundancy and if their voluntary redundancy is accepted by organisation.

Staff are not obliged to offer voluntary redundancy but it may be a useful option to consider in some instances. In order to attract volunteers, the organisation will consider enhancing any redundancy package offered under compulsory redundancy compatible with financial viability.

Without prejudice to any entitlement to payment in lieu of notice, staff with two or more years' continuous service with organisation, at the date notice of redundancy becomes effective, shall receive statutory redundancy payments, calculated as follows:

- Half a week's pay for each full year aged <22
- One week's pay for each full year aged 22 to 41
- One and half week's pay for each full year aged >41

(Length of service is capped at 20 years)

Staff with less than two year's continuous employment with organisation, at the date their notice of redundancy becomes effective are not eligible for redundancy payment.

Payment in respect of outstanding accrued annual leave entitlement shall be made if it is not reasonably practicable for such entitlement to be taken during the notice period.

During the notice period, staff are entitled to time off without loss of pay for the purpose of attending interviews/training.

The Management Committee (Board) will aim to develop a contingency plan to deal with either the closure of organisation or some other event which could lead to multiple redundancies. This might include, but will not be limited to, placing a percentage of the total payroll in reserve each year until said time when there are sufficient funds to address such a situation.

9. Data Protection Act 2018

The organisation will treat all personal data in line with obligations under the current data protection regulations.