



UTTOXETER TOWN COUNCIL

Redundancy Policy

Redundancy Procedure

1. INTRODUCTION

This sets out the policy and procedure in respect of the resolution made by Uttoxeter Town Council on 29 April 2010.

The report reflects current nomenclature and current 2006 ACAS guidance on redundancy handling. It is not in any way to be taken as an authoritative statement of the law and regulations governing this area. In respect of redundancy payments and pension costs then advice may be sought from East Staffordshire Borough Council Human Resources Department who may be able to provide up to date details of these so estimated redundancy and pension costs (including actuarial strain) can be included in any plans.

2. GENERAL AIMS

From time to time the Town Council will for all types of reasons need to review the workforce requirements. Obvious examples which will influence requirements include changes in Council priorities, expenditure cuts, the impact of new ways of working through the introduction of modern technology, shared services and outsourcing. Such reviews may lead to planned reductions in jobs which will place staff at risk of redundancy.

The overall aim is for the Town Council to retain a balanced and flexible workforce capable of responding to the issues and priorities it has set or can foresee.

A prime objective is to minimize the number of compulsory redundancies and so maintain employment for those employees whose jobs are identified as being redundant.

This aim is to be achieved where practicable through the retraining and or redeployment of such employees to other jobs which may arise through a voluntary redundancy programme or other measures that will preserve jobs identified during any consultation. Such measures may include natural turnover, a recruitment freeze, or recruitment restrictions, redeployment to other work, the ring fencing of new jobs, the assimilation of staff into similar posts in any new structure where reorganization occurs.

The Town Council wishes to ensure that care and sensitivity is shown in the handling of such issues and that the fullest consultation occurs with the employees at risk of redundancy and their trade union or other representatives.

3. IDENTIFICATION OF REDUNDANT POSTS

The responsibility for identifying posts to be made redundant will be those services where proposals of the Personnel Committee and approved by the Town Council result in a proposed or certain reduction/adjustment in the numbers employed.

There will not be a need to apply selection criteria where the circumstances constituting the redundancy apply to only one or all employees doing the type of work at risk, or working at the site or in the service which is vulnerable to closure.

In other circumstances where employees are engaged on identical work and from this group a limited number of such posts are at risk of redundancy then the agreed selection criteria must be applied to identify the post and employee(s) to be made redundant.

When applying the selection criteria it is important that it is based on firm factual evidence. The agreed criteria which apply on a sequential basis are:

Performance - output of work/quality of work
Skills - experience/qualifications relevant to the service
Disciplinary record
Attendance record

For the avoidance of doubt where post holders occupy broadly identical jobs and on the evidence available they are equal in terms of the first criterion, the second and subsequent criterion shall be assessed individually until such time as it is possible to fairly discriminate and determine those to be selected for redundancy.

It will be the responsibility of the relevant The Clerk to keep a record of the evidence and information used in arriving at such selection decisions and provide details/copies of such evidence to the Personnel Committee.

4. CONSULTATION

Immediately a decision has been reached on the proposals that identify jobs at risk of compulsory redundancy the employees and their representatives shall be informed of this by the The Clerk and a consultation process will commence.

Disclosure of information to the employee and/or his/her representatives will include:

- The reasons for the proposals
- The numbers of employees it is proposed to dismiss as redundant
- The total number of employees of any such description employed
- The way in which employees will be selected for redundancy
- How the dismissals will be carried out
- The method of calculating the amount of redundancy payments to be made to those who are dismissed

There is no statutory time limit for consultation if less than 20 employees are to be made redundant. The Town Council will allow at least 15 working days for consultation.

Consultation with employees and their Trade Unions or representatives will precede any public announcement of the situation.

Individuals who are in danger of being made redundant will be warned and consulted of impending redundancies at the earliest possible date. The employee will be notified in writing of the circumstances that may result in them being made redundant and be invited to a meeting with representatives of the Personnel Committee to discuss the issue. The employee may be accompanied / represented by a Trade Union Representative or a friend if they so wish. They will be given details of the compensation to be offered.

The Town Council will also ensure there is communication with staff not at risk of redundancy to provide a clear and consistent message and provide accurate information to redress rumours and conjecture.

There may be other changes arising that will require explanation and communication to remaining staff for example reorganising duties and responsibilities.

Job Security:

This is of major importance to employees. At times of organisational change following restructuring arising from legislation, technology or decisions of the Town Council special measures will be applied. There will be communications with employees and the recognised trade union at a high level involving the Mayor and Deputy Mayor so the facts can be made known and rumours or uncertainty reduced.

5. VOLUNTARY REDUNDANCY

An invitation for voluntary redundancy will be open to all employees at all levels in appropriate sectors of the workforce. Initial enquiries and formal applications for voluntary redundancy (which must be made in writing) will be to the Personnel Committee and will only be approved subject to the supporting recommendation of The Office Manager.

6. ALTERNATIVE WORK

It will be the responsibility of The Office Manager together with the employee at risk of redundancy to assess and identify the transferable skills of the employee and match these to such job vacancies that occur in consultation with the Personnel Committee and approval of the Town Council.

All offers of alternative work will be made in writing before the redundancy takes effect and include a minimum four week trial period and set out any agreed training that needs to be undertaken. In appropriate cases and with agreement of the employee and the Personnel Committee the trial period can be extended. If the trial period does not prove successful then the employee will receive the appropriate redundancy payments unless other alternative work becomes available.

A refusal of a suitable alternative employment (in terms of pay, grade, job content, place of work and status) could mean the Town Council will have no liability to make any redundancy payment. Employees at risk of redundancy will be advised where an offer of a suitable alternative job is made.

In cases where it is clear that alternative employment with the Council is extremely unlikely or unavailable then help and assistance to find employment with a new employer will be made available including reasonable paid time off to look for work or arrange training. Sources of outplacement counselling and careers guidance services may also be identified.

7. TERMINATION OF EMPLOYMENT

Where compulsory redundancy occurs as well as in all voluntary redundancy cases it will be the responsibility of the Responsible Financial Officer to ensure that the appropriate payments are made in accordance with the Town Council's existing policy as well as to identify any other matters or claims arising from the redundancy for consideration by the Personnel Committee.

The employee has the right of appeal against the dismissal decision. If the employee wishes to appeal against the decision they must do so in writing to the Mayor within 10 days of receiving written notice of the decision setting out the:

- a) General grounds for appeal; and
- b) Whether he/she wishes to be represented/accompanied and, if so, by whom.

The Appeals Committee will consider the appeal within 10 days of it being notified.

8. THE APPEALS PROCEDURE

The Appeals Committee will consider the appeal within 10 days of the appeal being notified and will invite the following to be present:

1. The employee, who may be accompanied by a trade union representative or friend;

2. The Chair of the Appeals Committee to explain the reasons for the decision and to answer any queries. He/she may be accompanied by any special adviser who was present at the original meeting.

The normal procedure will be for the Chair of the Appeals Committee to take appropriate professional advice to enable him/her to advise the meeting. The Office Manager will arrange for a written record to be taken of the meeting.

The procedure for the meeting will be:

1. The Appeals Chair will explain its purpose and the procedure to be followed also explain the reasons for redundancy, referring to any relevant Town Council documents where appropriate.
2. The employee and/or his/her representative will have the opportunity to ask questions.
3. The employee or his/her representative will introduce any alternative proposal in support of his/her position, including any relevant documents or witnesses if previously notified.
4. The Appeals Committee will have the opportunity to ask questions, including direct questions to the witnesses.
5. Both sides will sum up their presentations.

The Appeals Committee will discuss the issue in private. The decision reached will be final. This will normally be given immediately the decision is reached but will in any event be confirmed in writing within five days of the appeal hearing.

9. ENTITLEMENT

An entitlement to redundancy payments arises where employees are dismissed because:

1. The Council ceases or intends to cease to carry on the business for the purposes of which the employee was so employed; or
2. The Council ceases or intends to cease to carry on the business where the employee was so employed; or
3. The Council's requirements for employees to carry out work of a particular kind has ceased or diminished or are expected to cease or diminish; or
4. The Council's requirements for employees to carry out work of a particular kind in the place where they were so employed has ceased or diminished or are expected to cease or diminish; and

The employee has at least two years of continuous service.

10. PAYMENTS AND APPROVALS

With effect from 1st May 2010

The Town Council will exercise its discretion under the Local Government (Early Termination of Employment) (Discretionary Compensation) (England and Wales) Regulations 2006 (S12914). The Town Council policy includes the following recommendations so that it can exercise the discretionary powers provided.

1. The service for calculating the redundancy payment will be based upon continuous Local Government service.
2. The qualifying continuous service for such payment will be 2 years.
3. Employees will have their redundancy payment based upon actual weekly pay.
4. The maximum redundancy payment due will not exceed 66 weeks pay and will be calculated on age and length of continuous service using the formula set out in the attached Appendix A to this report.
5. For employees who are members of the Local Government Pension Scheme, please refer to LG Pension Scheme Policy Statement & Discretionary Policy.

Appendix A

For redundancies made on or after 1st May 2010, the amount will be calculated as

- For service under the age of 22, you will receive half a week's pay for each completed year of service.
- For service between 22 – 40 years of age, you will receive one week's pay for each completed year of service.
- For service 41+ years of age, you will receive 1½ weeks' pay for each completed year of service.

The Town Council will, under the draft discretionary compensation regulations and in accordance with regulation 33 of the age discrimination legislation, apply a multiplier of 2.2 to such weekly payments.

The maximum payment due will not exceed 66 weeks pay.

To qualify you must have a minimum of 2 years continuous service (this will be from time employed with those employers who at the time your employment ceases are listed in the redundancy payments modification order). Only service with such employers, which is continuous and unbroken, will count towards the calculation of the payment.

All payments will be based upon actual weekly earnings.

Approved/adopted by Uttoxeter Town Council (as in accordance with SPF) at its Annual Meetings held on 29 April 2010, 19 May 2015, 10 May 2016, 9 May 2017, 8 May 2018, 14 May 2019, 5 May 2021, 10 May 2022, 16 May 2023, 21 May 2024
Reviewed at Council's Annual Meeting held 13 May 2025