



SURREY HEATH BOROUGH COUNCIL



ORGANISATIONAL CHANGE POLICY



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Organisational Change - Overview

Who does this policy apply to?

It is the responsibility of Surrey Heath Borough Council to ensure that all employees, regardless of length of service who are affected by reorganisation and/or redundancy are treated fairly and consistently, in line with current legislation.

Where can I get more information?

If you need more information or advice once you have read this document, you should contact:

- A member of the Human Resources Team.
- Or a staff/trade union representative.

Employees responsibilities and entitlements under this procedure

- You have the right to be genuine and meaningful consultation as a team and/or personally ~~and/or~~ through your trade union representative on workforce and organisational changes
- You should engage with the consultation to ensure you are fully aware of any possible implications to you from the start of consultation and noting that changes can be made as a result of feedback during the consultation period.
- You are entitled to be considered for suitable alternative employment, with a statutory four-week trial period
- You are entitled to receive assistance to help find another job, including time off to look for other work or to attend training



- If your post is declared redundant, you have the right to appeal against that decision

Human Resources responsibilities

- Human Resources will provide appropriate support and advice to managers and employees on the procedure and guidance on all related organisational processes such as consultation arrangements, redeployment procedures and requirements so as to ensure that redundancy issues are dealt with appropriately, in accordance with employment legislation and “Best Practice”.
- Attend formal meetings to take notes, ask clarifying questions, provide advice on the procedure and ensure the meeting is conducted fairly.
- Ensure that any records are held in a confidential manner and in accordance with the principles contained within the Data Protection Act 2018.

Management responsibilities

- Provision of information to staff and the staff/union representatives through clear and appropriate communications.
- Consultation with staff and staff/union representatives.
- Actively listen to staff and keep them updated as part of the transformation process. Confirm the outcomes of the consultation to CMT and to the staff impacted before implementing the change proposed.
- Make recommendations relating to selection criteria to be used in the event of compulsory redundancy.
- Presenting the management’s case at the appeal hearing
- In the absence of the above, this responsibility would be delegated to the most senior nominated person. Managers must seek advice before commencing any action under these procedures.

I. Introduction



From time to time it is necessary to review the services that the Council provides and the organisational structure that is required to deliver these services. To ensure that it continues to deliver quality services, changes may sometimes be required.

The Council is committed to avoiding compulsory redundancy, wherever possible, but sometimes it is unavoidable. Where a reduction in the number of employees is necessary, for example due to the re-organisation of departmental structures or budgetary constraints, alternatives to redundancy will be considered. The Council will consult about ways of reducing the numbers of employees to be dismissed and mitigate the consequences of dismissal.

The purpose of this policy and procedure is to provide a framework for ensuring the fair and reasonable treatment of all employees who are potentially affected by reorganisation and/or redundancy. The policy complies with relevant legislation and encompasses the redundancy consultation, selection, redeployment and contract amendment processes.

2. Definitions

Redundancy is a “form of dismissal which happens when an employer needs to reduce the size of its workforce” and occurs when:

- “The employer has ceased, or intends to cease, continuing the business”, or
- “The requirements for employees to perform work of a specific type, or to conduct it at the location in which they are employed, has ceased or diminished, or are expected to do so”.

Situations which may result in the need for redundancies could include:

- Amalgamation of departments
- Budgetary constraints



- Reorganisation of management or departmental structures



3. Objectives

To minimise the uncertainty and anxiety of staff affected by reorganisations and service reductions through consultation with individual staff and trade union representatives when reorganisations and/or service reviews are undertaken;

To minimise compulsory redundancies; and

To ensure that the Council retains the skills and expertise to ensure that it can meet future service needs.

4. Equality Impact Assessment

Equality Impact Assessment (EIA) is a systematic way of taking equal opportunities into consideration when making a decision, thus ensuring the organisation meets the requirements under the Equality Act 2010, and the public sector equality duty.

An EIA would be undertaken at the formative stage, so that it is integral to the restructuring/reorganisation as required. Undertaking an EIA does not delay or prevent managers from taking difficult decisions when restructuring / reorganising. Instead, it provides a record of the decision making process enabling managers to demonstrate their decisions are considered, fair, transparent and take account of the needs and impacts on different groups. For further guidance, please contact the Human Resources Manager.

5. Procedure

Stage I – Proposals and Consultation

- Informal Consultation



Employees will be informed as early as reasonably practicable that a reorganisation is being considered. [It is essential that there is a clear and appropriate communications plan agreed with Senior Officers and Human Resources \(CMT and HR\) as part of the business case for the consultation process.](#)

- **Formal Consultation – Initial Proposals**
Consultation is a legal requirement and the Council will fully consult with staff where restructures and/or changes are proposed and where there is the potential for staff numbers to be affected. Where it is not possible to hold a face-to-face meetings, we will conduct the consultation process remotely. The Council's policy must be followed. The Trade Union and Labour Relations (Consolidation) Act 1992 provides Trade Union representatives with the opportunity of reasonable time for consultation and sufficient information to understand the requirement to reduce the workforce.

If fewer than 20 staff are at risk of being dismissed there is no statutory requirement on the period of consultation. Best practice is to consult for a period of 30 days although in some instances a shorter period of consultation may be appropriate.

- **Statutory Notification Requirements**

If between 20 and 99 employees may be dismissed as redundant, notification to the Secretary of State for Business, Energy and Industrial Strategy (BEIS) must be made 30 days before the first dismissals take effect.

If 100 or more employees may be dismissed as redundant, at least 45 days notification must be given. These periods are the same as minimum periods permitted for consultation.

The notification form is called a "HRI". It is obtained from the Redundancy Payment Office, or it may found on the internet at www.insolvency.gov.uk. The form is completed and submitted by Human Resources. The notice must be via the form and must be given in the specified manner. Although



there are minimum periods over which formal consultation must take place with employees and [staff](#)/trade union representatives, consultation will begin at the earliest opportunity.

• Consultation document

The consultation stage of the process involves advising all relevant recognised trade unions and staff likely to be affected by any potential redundancies (before decisions which may result in redundancy). The manager, with advice from Human Resources, will then produce a consultation/briefing document which should outline the following:

Background

- [The business case including the reasons for the employer's decision/proposal](#)
- [The number and descriptions of the employees at risk](#)
- [The total number of employees in each category](#)
- [The proposed method for selection for dismissal](#)
- [The proposed method of carrying out the dismissals, having due regard for the relevant notice periods that employees are entitled to](#)
- [The proposed method of calculating redundancy payments. Current and proposed organisational charts](#)
- [The timetable proposed for the consultation and if implemented, the change process](#)
- [Support available for those impacted during the process](#)
- [The communications plan including FAQs and contact information](#)

Impact on budget



If need be, a thorough job analysis should have taken place to identify and determine in detail the particular job duties and requirements.

Timescales will include including formal consultation meetings, private individual consultation meetings, ~~and the proposed 'go live' date of any new structure, date proposed new structure is proposed to come in to effect~~ and the earliest date for redundancies to be effective.

Contact details for consultations

The consultation document ~~must be agreed by will then be presented to~~ the Chief Executive at CMT prior to the start of the consultation period . If it is agreed that consultation can commence, then this should be circulated to the appropriate Staff Representative/Trade Union 5 days prior to the first consultation meeting ~~(s with the manager and Human Resources.~~

The first consultation meeting should include as many staff as possible who will be affected by the changes proposed and also a Staff/Union Representative. The meeting will present re should be a presentation summarising the information in the consultation/briefing document including as a minimum:

- Why there is a proposed change to the team/s
- Current structure and proposed structure
- The consultation process
- Confirming there will be more meetings with staff affected and how they will be conducted i.e. individual team meetings and/or meetings with individual staff
- How staff ask questions and feedback as part of the consultation process
- Any recruitment process proposed to move staff into proposed roles
- When the consultation will end
- Who can support staff during the process
- When the outcomes meeting is anticipated



- [Communications that can be expected during the process](#)

~~As the first consultation meeting ends, the~~ consultation/briefing document should be given to affected staff, employee/trade union representatives so that they [have more in depth information and](#) can make comments on the proposed changes. At [all subsequent](#) the consultation meetings, the manager should outline [how the proposals affect the staff member/s present and](#) consultation/briefing document and address any questions from staff and employee/trade union representatives. [Staff in roles that are affected and could lead to removal or substantial change of their posts should be met with at the earliest opportunity to advise them of this possibility and give an 'at risk of redundancy' letter if applicable and appropriate \(please note that 'at risk' letters may on occasion be delayed until after a recruitment process if appropriate\).](#) Notes from the consultation meetings will be ~~typed~~ [uprecorded](#) by Human Resources and shared with the individual/s within 5 days of the meeting being held.

- **Timeline**

At the start of the consultation process, a timetable must be devised by Human Resources and the manager setting out prospective dates for the required stages of the [change and](#) redundancy process (e.g. end of consultation process, selection for redundancy meeting, redundancy appeal meetings). See Appendix 2. [It should be noted that there could be changes to this as a result of consultation periods changing or absences.](#)

- **During Consultation:**

Meaningful consultation will be undertaken with a view to reaching agreement as to:

- ways of avoiding dismissals;



- ways of reducing the numbers to be dismissed; and ways of mitigating the consequence of any dismissals, which may include:
 - natural wastage;
 - restrictions on recruitment;
 - consideration for voluntary redundancy;
 - retraining and redeployment to other parts of the Council;
 - reduction or elimination of overtime;
 - job-sharing;
 - reduction in hours;
 - termination of temporary or agency staff contracts.

Consultation with individuals should be taken throughout the reorganisation/ service review. At the end of the consultation period, the manager will consider any additional proposals and comments and an updated/final consultation document should be circulated to the affected staff and Staff/Trade Union Representatives. Care should be taken to ensure staff understand the timetable and process which would be followed.

Absent employees

All affected staff should be invited to the consultation meetings. Staff who are absent due to secondments, long term sickness, maternity/adoption/shared parental leave or career breaks should be included in redundancy consultation and selection processes in the same way as other affected employees, although it may be necessary to change how they are consulted if they are absent from work. Failure to properly consult these groups of staff about possible redundancy is likely to be unlawful discrimination.

Keeping Records



Copies of all letters sent during redundancy process should be retained and full notes of all formal meetings should be taken and retained on file for reference at later stages of the procedure.

5.2 Stage 2 – Measures to Avoid Compulsory Redundancies

The Council has a responsibility to its workforce to avoid compulsory redundancies wherever possible. Opportunities for redeployment and retraining should be utilised in line with guidelines in this policy and the financial implication of these initiatives. Examples of minimising compulsory redundancies are listed above under “during consultation”. Discussions with employees, sStaff and ttrade unions can also include the following consideration:

- Seeking vVolunteers for rRedundancy

If appropriate, staff should be asked to consider volunteering for redundancy before any method of selection for compulsory redundancy is put in to operation.

The Council must mitigate against the risk of losing workers with key skills and must ensure the retention of a balanced workforce, which is appropriate to meet the Council’s future needs. Staff will not be disadvantaged on the grounds of any protected characteristic.

5.3 Stage 3 – Application of Selection Criteria

Below are examples of selection criteria that can be applied:

Assimilation

There are two categories of assimilation: direct assimilation and competitive assimilation.



Direct Assimilation

Where a review has taken place and a job remains the same or is only marginally different, the post holder should be assimilated without assessment. Staff will have assimilation rights, where there is a high match between the post in the current structure and the post proposed in the new structure.

Competitive Assimilation

This is where there [are is](#) more staff than jobs available. Selection in these circumstances is by competitive interview between staff with assimilation rights. Appointment/s must be made to all posts as a result of this exercise.

Ring-Fenced Interview

This occurs when the essential requirements of the new and old job do not match but there are some similarities in the new job. All staff within the affected group should be interviewed. There is no requirement for appointments to be made to the new posts.

An [affected](#) employee [in the ring-fenced pool of staff put at risk](#) may be offered an interview for all posts which could be deemed to constitute suitable alternative employment. [These roles will not be offered to a wider selection pool until all staff within the ring-fenced pool of affected staff have had the opportunity to ~~compete~~ be considered for the role or roles.](#)

Commented [JS1]: Compete?

There is no right of appeal against the outcome of a redeployment interview but employees may request a feedback.

Qualitative Criteria/Exercise

Where the number of jobs in the new structure is less than the number of existing employees, objective criteria will be used to select for redundancies and may include, among other things, skills and qualifications,



in addition to qualitative criteria, for example work performance (as identified through the Council's appraisal process); flexibility and attitude; attendance; timekeeping and disciplinary record. In using attendance as a selection criterion, it is essential that the reasons for, and extent of any, absences are clearly understood and discretion would be applied to those covered by the Equality Act 2010

In the case of any qualitative criteria being used, a comparative analysis of the information relating to all those in the area at risk will be undertaken.

Competitive Interview

In some cases, it will be appropriate for new posts to be advertised internally and externally. In this event, staff who have not been considered for the post initially may apply and be considered competitively with other internal and/or external candidates.

Outcome of Selection Criteria

Once the change has been implemented, the manager will write to each member of staff letting them know the outcome as it affects them and any further information to support them (for example whether they are still at risk of redundancy or not and what their options are). In some cases, this may be a contractual change and therefore a copy should be placed on the Individual's Personnel/HR file confirming the variation to the contract of employment.

At this point of the process, staff who have received an 'at risk of redundancy letter' should have either received a letter stating they are no longer at risk and why or a letter stating they remain at risk of redundancy and what their options are.

6 Notice Periods

Depending on length of service the Council must meet the statutory minimum periods of notice which are:



The Council will give the -minimum notice in termination of employment as detailed in your Terms and Conditions of Employment. However, depending on length of service the Council must also meet the statutory minimum periods of notice which are:

| Period of Continuous Employment | Minimum Notice |
|--|---|
| Four weeks or more but less than 2 years | 1 week |
| Two years or more but less than 12 years | 1 week for each year of continuous employment |
| Twelve years or more | Not less than 12 weeks of notice |

6.1 Working during notice of dismissal

Staff who have not been successful in being appointed to new posts in the reorganisation will need to be given notice of termination and informed of their rights.

- Employees will normally remain at work during their notice periods but will be asked to book any outstanding leave as part of their notice period.
- The Council may ask employees to carry out alternative duties during their notice period and this may be for a different part of the Council. Typically, this will be required where a post has been deleted but the employee’s notice period has not expired. The Council will consult with the employee and will take individual circumstances into consideration.



- In exceptional circumstances, the council may agree for an employee to leave the organisation with pay in lieu of the notice period and without a redeployment search, where it is in the interests of both parties.
- In exceptional circumstances, the Council may require employees not to attend work during their notice period but to be on call should their services be required. This is known as garden leave.
- If an employee requests to leave prior to the expiry of the notice period (even though there may be a possibility of redeployment), they will not be entitled to receive pay in lieu of the remaining period. Depending on the circumstances, the right to a redundancy payment could also be affected.
- During the notice period, the employee is entitled to reasonable time off to look for other employment, attend external interviews or training for future employment. The employee should follow normal processes for notifying their manager of planned time-off.



7 Suitable Alternative Employment

7.1 Offers of Alternative Work

Any reasonable alternative job offer should be put in writing, even where it is believed that it may be rejected. The offer should detail how the new employment differs from the old and must be made before the previous contract ends. The offer must be for the new job to start either immediately after the end of the old job, or after an interval of not more than four weeks, and include provision for a statutory four-week trial period. (Where the termination takes effect on a Friday, Saturday or Sunday, four weeks commences from the following Monday).

When determining if an alternative role within the organisation is 'suitable alternative employment' the following factors should be considered:

- the training, qualifications of the employee;
- previous experience
- whether the new job would represent a drop in earnings / status
- any problems involved for the employee if the employment is in a different place
- any evidence that similar offers had previously been regarded as suitable for the nature of employees affected.

It should be made clear to the employee that an alternative job offer is considered by the Council to be 'a suitable alternative job offer' and that refusal to accept the offer [maywell](#) lead to the loss of redundancy and severance entitlements. Only if the employee has reasonable grounds for refusing the alternative post will redundancy entitlements be retained.

If the employment offered is considered to be 'suitable alternative employment' and the employee refuses the offer, the manager, in consultation with the Human Resources Manager will consider the employees reasons for refusing the offer. If it is considered that the employee



has reasonable grounds to refuse the offer, alternative employment will continue to be sought and the employee will retain their entitlement to redundancy payments. If the employee's reasons for refusal are not considered to be reasonable, the employee will be informed and entitlement to redundancy and severance payments will be lost.

Should an employee refuse an offer of employment that is not considered to be 'suitable alternative employment', they will retain their right to a redundancy payment and further redeployment opportunities will continue to be sought.

The Council, as in all areas of its employment practices, will seek to make reasonable adjustments for employees with disabilities in relation to redeployment.

7.2 Statutory Trial Period

An employee who is under notice of redundancy has a statutory right to a trial period of four weeks in an alternative job where the provisions of the new contract are materially different from the original. During the trial, the employee can assess the suitability of the job and the line manager can assess the suitability of the employee.

A formal job offer made through redeployment initiatives, which includes a statutory trial period, should either accompany the formal notice of redundancy or be sent as soon as possible thereafter.

This trial period can be extended to a maximum of 8 weeks, for retraining purposes only, by written agreement of both parties, setting out the date on which the trial period ends and the employee's terms and conditions after it ends. Agreement to a longer trial must be reached before any trial period begins and specific reference should be made to the retraining aspects of the post that lead to the requirement for an extended trial. At least four weeks of the trial period must be performed after the expiry of the original contract to meet statutory requirements.



If the trial period is successful, employment in the new job will continue and the employee will have no further entitlement to a redundancy payment.

7.2.1 Unsuccessful Trial

If the employee commences a trial period but consideration is being given to terminating the new contract within or at the end of the four weeks, by the employer or the employee, the employee will be invited to a meeting with the appropriate manager and a Human Resources representative to discuss the implications. Whether or not the employee will retain their entitlement to redundancy and severance payments will depend upon, as a minimum, the following factors:

- the suitability of the alternative post offered
- any reasons put forward by the employee as to why the post offered may not be a suitable alternative
- any failure by the employee to fully co-operate during the trial

The outcome of the discussions and decisions taken at this meeting will be confirmed in writing.

If the termination was due to a reason unconnected with redundancy, e.g. misconduct, there will be no entitlement to redundancy or severance payments. Full contractual notice will have been given to coincide with the day on which the previous contract ended. No further notice will therefore be due if the employment is terminated during or at the end of the four week trial period.

8. Salary Protection Arrangements

Where an employee is redeployed to a post which is a lower graded than their previous post, twelve months protection will apply for up to one grade difference only and six months protection only for more than one grade.



The employee will receive pay protection for a period of six or twelve months as detailed above, after which the rate of pay for the lower paid job will apply.

Protection will apply to basic pay for the employee's substantive post only. Additional payments such as overtime or Essential User Car Allowance and any other allowances, enhancements or benefits relating to the employee's previous post or working patterns are excluded from protection.

It is the hourly rate of pay that is protected. If the hours of the new post vary from the old post, the protected salary will be paid for the contracted hours worked in the new post only. For example if the individual's deleted post was for 37 hours and the job holder was on Spinal Column point 4.18 but the new post is for 30 hours on Spinal Column Point ~~34.18~~ the hourly rate of Spinal column 4.18 is protected and the individual will be paid this hourly rate for 30 hours.

Performance related pay awards will be applied as applicable to the post to which the award relates in the year that redeployment takes place. i.e. If an increment is awarded for performance in the old, higher graded post, protection will be recalculated incorporating the higher point on the substantive scale that the employee would have achieved.

9 Agreement to dismissal on the grounds of redundancy

All potential redundancies will be referred to the Human Resources Manager who will co-ordinate and oversee the process. [Staff Representatives or Trade Union Representatives](#) (where appropriate) will be informed of all potential redundancy situations. Redundancy dismissals must be agreed by Chief Executive (or the Chief Executives designate) in consultation with the HR Manager/Head of HR, Performance and Communications before they are actioned.



10. Redundancy Payments

Where an employee is made redundant and has over 2 years continuous local government service, the following conditions shall apply:

- (i) ~~(i)~~ The redundancy payment shall be based on all continuous Local Government Service up to a maximum of 20 years.
- (ii) ~~(ii)~~ All redundancy pay will be calculated on age, the contractual weeks' pay (except where the statutory redundancy pay limit is greater) and number of years Local Government Continuous Service as detailed in point 10 (i). ~~The calculations are based on your actual weekly pay x1, the enhanced multiplier of 1.5 ended on 31st March 2023. You can calculate your statutory redundancy pay here.~~
- (iii) ~~(iii)~~ Contractual entitlement or statutory provision, whichever is the greater, up to a maximum of twelve weeks pay will be paid

~~Your age dictates the number of weeks redundancy you are entitled to and you can calculate your statutory redundancy pay here. The number of weeks that shows on your statutory redundancy pay will help you calculate a Surrey Heath Borough Council redundancy payment. For example if your statutory redundancy calculator states you are entitled to 12 weeks pay you can calculate your Surrey Heath Borough Council redundancy pay as annual salary / 52 weeks x 12 weeks = redundancy payment.~~

Any redundancy payments made under this scheme which are related to length of Local Government service shall exclude any period of service in respect of which a redundancy payment has already been made.

Any requirement for repayment of training, upon the termination of employment with the Council will be waived in respect of staff being made redundant

~~Agreement at Employment Committee on 6th April 2022 authorised the payment of x1.5 multiplier will be applied until 31st March 2023, thereafter the calculation will be x1 multiplier.~~



II. Pension payments

When the employee who is being made redundant is 55 years of age or over and has been a member of the Local Government Pension Scheme for two years or more, they will receive the current value of their pension immediately, on the termination of their employment.

This applies in the case of both voluntary and compulsory redundancies.

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| Redundancy Payments | Regulation 5, Compensation Regulation 2006 | Whether to base redundancy pay on actual pay where actual pay exceeds the statutory maximum under the Employment Rights Act 1996 (£508.00 from April 2018). | Surrey Heath Borough Council will base the calculation of a week's pay for redundancy on actual pay if it is higher than the statutory limit. | Both the Executive Head of Transformation and the Head of Paid Service. |
| Compensation for loss of Employment | Regulation 6, Compensation Regulations 2006 | Whether to pay compensation to a person whose employment ceases <ul style="list-style-type: none"> • by reason of redundancy; • in the interest of the efficient exercise of the employing | Surrey Heath Borough Council will only award compensation for loss of employment in exceptional circumstances. | Both the Executive Head of Transformation and the Head of Paid Service. |



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| | | authority's functions; or in the case of a joint appointment, because the other holder of the appointment leaves. | | |
|--|--|---|--|--|

Please refer to the [Pensions Discretion Policy](#) for further information.

12 Stage 4 - Appeals procedure

There will be a right of appeal against redundancy decisions to the Chief Executive (or the Chief Executives designate). Appeals must be lodged within 10 working days, of the decision being confirmed in writing, setting out the grounds for the appeal.

Grounds of appeal can either be the following:

The employee appealing against the decision; to be made redundant has to submit an appeal in writing based on either the following grounds:

- The Organisational Change procedure was not followed and applied properly.
- The employee's post should not be deleted as it is not a redundancy situation.
- The selection criteria has not been applied fairly or objectively.

Possible outcomes of an appeal are:

- Appeal rejected and no change to the decision to dismiss on grounds of redundancy



- Appeal successful, in which case the manager may have to return to stage I of the procedures.

13 Support for redundant employees/staff “at risk”

Additional assistance

All employees should speak to Human Resources if they have further queries. Redundancy can be traumatic experience for employees especially for staff who have worked for many years in a stable environment. The Council has an employee assistance service, which is provided by [Employee Assistance Helpline](#).



Appendix I – Summary of Stages

| Stages | Summary of actions |
|---|--|
| Informal Stage | Commence consultation with staff Brief staff on background and reasons for change. |
| Senior Manager to Liaise with HR with draft formal | The Manager, with support from Human Resources, investigate ways of avoiding compulsory |
| Stage 1 - Proposals and Formal | Natural Wastage / Job Sharing / Reduction in hours / Restriction on recruitment / Reduction or elimination of overtime / Termination of temporary or agency staff contracts Proposal considered by Chief Executive at CMT; if approved then consultation commences with the following outlined: Number and description of roles (current job profile analysis) Current and proposed organisation charts Proposed method of selection Proposed method of carrying out dismissals Proposed method of calculating payments |
| Stage 2 – Investigate methods of avoiding compulsory redundancy | The Manager, with support from Human Resources, investigate ways of avoiding compulsory redundancy following any information received during the consultation ; including: Natural Wastage / Job Sharing / Reduction in hours / Restriction on recruitment / Reduction or elimination of overtime / Termination of temporary or agency staff contracts |
| Stage 3 – Application of criteria | Revises criteria if necessary following consultation Snr Manager updates the report following consultation to include: Adopts criteria for selection Informs affected staff about the result of selection (in writing). This may be advising staff they are no longer at risk of redundancy or they remain at risk and their options now moving forward, including information on the redundancy payment and how it has been |
| Stage 4 – Appeal | Employee appeals against dismissal. Appeal Hearing Manager/ Chief Executive:Chair Makes its decision – which is final Notifies decision to employee in writing. |



Appendix 2 – Sample Timetable

| Start Date | Actions | Responsibility |
|---|--|---|
| As early as possible | Initial consultation with recognised trade union and staff on potential redundancies, where possible. Manager identifies number of posts but not names. <u>Initial proposal considered by Chief Executive at CMT; if approved then consultation commences.</u> | Senior Manager/ <u>Human Resources Manager</u> |
| Date | Formal consultation starts | |
| Follow statutory timeline if more than 20 staff | <u>Initial proposal considered by Chief Executive at CMT; if approved then consultation commences:</u> Conducts meeting with <u>staff/trade union representative</u> and staff in impacted area(s) Proposed consultation document circulated Proposed method of selection Proposed method of carrying out dismissals Proposed method of calculating payments and estimates for impacted staff <u>Discussions on pension implications</u> | Chief Executive, Senior Manager and Human Resources |
| During consultation | Further joint meetings if necessary and 121 meetings. Encourages questioning <u>-Staff who are in posts where they could potentially be made redundant, will be met with the Manager and given an 'at risk letter' confirming their position and why.</u> | Senior Manager and Human Resources |
| After consultation (30 days) | Conclusion of formal consultation | |
| 1 week after consultation ends | Chief Executive takes final decisions on restructure and, if appropriate, posts to be lost Consider selection criteria and methods to be used, taking account of matters raised by staff and trade union during consultation Letters to trade union and staff informing them of the outcome of the consultation period and the chosen selection criteria | Chief Executive, Senior Manager with support from Human Resources |
| 1 week after conclusion of | Administering selection criteria | Senior Manager |



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|---------------------------------|--|-------------------------------------|
| consultation letter is sent out | | |
| 1 week after selection tests | Staff are notified of selection criteria | Senior Manager |
| 1 week after outcome of tests | Issue of notice of termination due to redundancy <u>and options or a letter stating they are no longer at risk of redundancy</u> | Senior Manager and Human Resources |
| Date: | Search for suitable role in the Council – redeployment opportunities | Senior Manager and Human Resources |
| Date: | Appeal | Chief Executive and Human Resources |
| Date: | Outcome of appeal sent in writing | Chief Executive |
| Date: | Implementation of new structure | Senior Manager and Human Resources |



Appendix 3 – Authorisations

Authority to Act – Organisational Change Policy and Procedure

| <u>Stage</u> | <u>Proposal</u> | <u>Responsibility</u> | <u>Appeals</u> |
|---|---|---|---|
| All assimilations and suitable alternative employment | Immediate Manager (or nominated manager) in consultation with HR | HR Manager or Head of Human Resources, Performance and Communications | Surrey Heath Grievance Policy and Procedure to be adopted |
| Voluntary Redundancy requests | Immediate Manager (or nominated manager) in consultation with HR. | Chief Executive and Head of Paid Service | |
| Compulsory Redundancy | Immediate Manager (or nominated manager) in consultation with HR | Chief Executive and Head of Paid Service signing off the costs. | Individual appeals from staff member/s on the decision to make their post redundant to be considered by Statutory Officers. If the appeal relates to the process then Surrey Heath Grievance Policy and Procedure is to be followed. |
| | | | |

NB: For Senior and Statutory Officers (CMT) please refer to the Terms of Reference for Employment Committee



Appendix 4 - Frequently Asked Questions

What is the correct procedure for managing change?

The correct procedure for managing change includes consultation with staff and unions, advising of the proposed structure, proposed selection criteria and consideration of alternatives proposals put forward by staff.

What should the consultation be about?

Consultation must be undertaken 'with a view to reaching an agreement' and must cover ways of avoiding dismissals, reducing the numbers to be dismissed and setting out the consequences of the dismissals. Therefore during consultation employees are asked to put forward proposals/ideas for the new structure. However the organisation is not obliged to adopt all or any of the proposals put forward by the employees.

Can I volunteer to be made redundant?

You can, and it will be considered. This is normally requested by the employee during the consultation period and there is no automatic right to this. Request for voluntary redundancy would be approved as per management discretion and service needs but would not be considered until after the consultation has concluded.

When will I know if I'm being made redundant?

At the end of the consultation period staff will be provided with a copy of the final consultation document which will state the new structure and implementation date. Following the selection process, staff that are at risk of redundancy will be given formal notice of redundancy in writing; at this point they will be considered as a redeployee until the end of their notice period.

What selection process will be used?

Direct assimilation will occur where there is a high match between the post in the current structure and the post proposed in the new structure. If, however there are more staff than jobs available then competitive assimilation will take place and all staff with assimilation rights will be interviewed for the post and the appropriate appointment will be made.



What options are available if I don't have assimilation rights?

When the essential requirements of the new and old job do not match but there are similarities in the new job, all staff that are at risk of redundancy, who are at a similar grade should be interviewed to determine suitability to post. This is called ring-fenced interviewing.

If there are new posts in the structure will they be advertised externally?

It may be appropriate to advertise internally and externally. Staff not considered for the post initially as part of the selection process will still have the option to apply.

What right do employees who are under notice of redundancy have to take time off work?

Staff that are at risk of redundancy have the right to take reasonable paid time off work to look for new employment or make arrangements for training for future employment. What is 'reasonable' will depend on the individual circumstances of the case and will also be down to the discretion of the line manager.

Will I be offered alternative employment?

Employers should, where possible, make an offer of suitable alternative employment. The employee should also actively seek employment.

If more than one staff (in the redeployed pool) are interested in a suitable alternative vacant role, you will still be required to complete an application form and be interviewed to determine suitability to post.

Under the Employment Rights Act 1996, the employee will not be entitled to a redundancy payment if they unreasonably refuse a suitable alternative offer or unreasonably terminate the contract during the trial period in the new role.

If alternative employment is found, will I be able to try out the new job?



Yes, the employee is entitled to a four-week trial period in the new job. The trial period may be extended for the purposes of retraining (if appropriate), but only if the agreement is made in writing before the employee starts work under the new contract and it specifies the date on which the period of retraining will end and the terms and conditions that will then apply.

If during the trial period the employee or employer terminates the new contract, the employment will still be ended by reason of redundancy on the date on which employment on the old contract ended.

Can there be more than one trial period regarding suitable alternative work?

Yes. If it becomes apparent during a trial period that the new job is unsuitable, the employer can offer an alternative, if available.

In a redundancy situation can I refuse an offer of suitable alternative employment?

An employee can't be forced to accept an offer of alternative employment; however if the offer is not taken the right to a redundancy payment will be lost.

Also if alternative employment is found which you take and there is no break in service, the right to a redundancy payment will be lost.

If I'm offered a less paid position, will the organisation be obliged to continue paying me at the same level?

Pay protection is for a maximum of 12 months in line with your terms and conditions of employment.

If I am made redundant will I be offered a redundancy payment?

To be eligible for a redundancy payment, an employee must be continuously employed for a period of not less than two years.

How is redundancy calculated?



Redundancy is calculated according to a person's age & length of service at the intended last day of service. This provides the number of week's redundancy a member of staff is entitled to which is then multiplied by the current weekly salary. Note, only current hours worked & salary earned is taken in to consideration for redundancy purposes. [See section xx](#)

