



Personnel Sub Committee - 31 August 2010

Draft Redundancy Policy

Summary

Members are asked to approve the draft Redundancy Policy

Attachment(s)

- Annex A - Draft Redundancy Policy
- Annex B - Equality Impact Assessment

1. The attached draft Redundancy Policy sets out how the Council will manage any future staff redundancies. It covers a number of things including:
 - the Council's statutory responsibilities
 - Member, staff and union involvement in the redundancy process
 - how the Council will provide support to staff who are placed at risk of redundancy
 - redundancy payments
 - what the Council will do to try and avoid the need to make staff redundant.

2. Consultation on the draft policy has taken place with all staff and Unison. The policy is required to ensure the Council has a clearly defined process, which meets legislative requirements, that it will follow where redundancy is unavoidable.

3. The Sub-Committee is asked to consider and adopt the draft policy.

Implications:		
Corporate Outcomes or Other Policy/Priority/Strategy		
Good Quality of Life	<input checked="" type="checkbox"/>	Good Reputation <input checked="" type="checkbox"/>
Good Value for Money	<input type="checkbox"/>	High Quality Service Delivery <input checked="" type="checkbox"/>
Effective Partnership Working	<input type="checkbox"/>	Strong Community Leadership <input type="checkbox"/>
Effective Management	<input checked="" type="checkbox"/>	Knowledge of our Customers and Communities <input type="checkbox"/>
Employees and Members with the Right Knowledge, Skills and Behaviours		<input checked="" type="checkbox"/>
Other:		<input type="checkbox"/>
Decision(s) would be outside the budget or policy framework and require full Council approval		<input type="checkbox"/>
Financial	There are no financial implications at this stage <input type="checkbox"/>	
	There will be financial implications – see paragraph <input type="checkbox"/>	
	There is provision within existing budget <input type="checkbox"/>	
	Decisions may give rise to additional expenditure at a later date <input checked="" type="checkbox"/>	
	Decisions may have potential for income generation <input type="checkbox"/>	
Risk Management	An assessment has been carried out and there are no material risks <input checked="" type="checkbox"/>	
	Material risks exist and these are recorded at Risk Register Reference – inherent risk score - <input type="checkbox"/> residual risk score - <input type="checkbox"/>	
Staff	There are no additional staffing implications <input checked="" type="checkbox"/>	
	Additional staff will be required – see paragraph <input type="checkbox"/>	
Equalities and	There will be no impact on equality (race, age, gender, disability, religion/belief, sexual orientation) or human rights implications <input type="checkbox"/>	

Human Rights	There will be an impact on equality (see categories above) or human rights implications – see paragraph <input checked="" type="checkbox"/>				
Legal	Power: Local Government Act 1972, sections 111 112 and 101 .				
	Other considerations:				
Background Papers: None					
Person Originating Report: Katy Everitt, Head of Resources and Organisational Development 01832 742120					
Date: 23 August 2010					
CFO		MO		CX	

(Committee Report Normal Rev. 21)

Redundancy Policy and Procedure

1.0 Introduction

1.1 The Council recognises that sometimes it needs to make changes which can lead to a reduction in the number of people employed and/or the creation of new jobs. That can happen for a number of reasons including technological advancements, financial issues and changes to legislation.

1.2 The Council understands the importance of job security for its employees and the need to retain employees with the right knowledge, skills and behaviours. It will take steps to minimise the need for redundancy through effective planning of its people requirements.

1.3 The Council also recognises that sometimes it cannot prevent redundancy. Where redundancy is unavoidable, the Council will manage it in a fair, consistent and sympathetic manner.

2.0 Statement of intent

2.1 This policy and procedure outlines how the Council will manage redundancy situations. It gives specific details about:

- legal requirements when planning and undertaking redundancies
- measures the Council will take to avoid redundancy situations
- planning and approving change that could lead to redundancy
- the process the Council will follow when undertaking redundancies
- pay and benefit protection arrangements

3.0 Scope

3.1 This policy and procedure applies to all employees of the Council.

4.0 Outcomes

4.1 The outcomes to be delivered by this policy and procedure and the links to the Council's corporate outcomes are as follows:

Redundancy Policy and Procedure outcomes	Links to the Council's corporate outcomes
<p>Employees are treated fairly, consistently and sympathetically</p> <p>Employees understand how redundancy matters will be dealt with by the Council</p> <p>Application of the policy and procedure is non-discriminatory</p>	<p>Effective management</p> <p>Employees with the right knowledge, skills and behaviours</p>

5.0 Definition of redundancy

5.1 For entitlement to redundancy payments under the Employment Rights Act 1996, redundancy arises when employees are dismissed because:

- the Council has ceased, or intends to cease, to carry on the business for the purposes of which the employee was so employed;

or

- the Council has ceased, or intends to cease, to carry on the business in the place where the employee was so employed; or
- 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
- the Council's requirements for the 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.

6.0 Measures the Council will take to avoid redundancy

6.1 The Council will always attempt to avoid the need for redundancy. Ways of doing that might include:

- restricting recruitment
- natural wastage
- stopping or reducing overtime
- pay freezes
- redeployment to other vacant positions

6.2 Where redundancy is inevitable, the Council will seek to agree voluntary redundancies where possible, and will only make compulsory redundancies as a last resort.

7.0 Planning change that could result in redundancy

7.1 It is important that any change which could result in redundancy is planned in advance of any communication taking place. In all cases the Council's Project Management Framework must be followed to ensure all aspects of the change are considered before deciding if the change is viable.

7.2 Things that should be considered include:

- Is the change necessary?
- What outcomes will the change achieve?
- Who will the change benefit?
- When will the change process start and end?
- Are there any constraints such as resources or costs?

8.0 Approving the change in principle

8.1 Senior managers from the Corporate Management Team (CMT) will initially discuss proposed change that could result in redundancy with Members from the:

- Budget Review Group.
- Personnel Sub Committee.

8.2 Consultation will only take place with recognised trade unions and employees when approval to do so is given by Members.

9.0 Consultation

9.1 After consulting Members, consultation with recognised trade unions and affected employees will begin at the earliest possible date. That includes affected employees who are on maternity leave or who are off work because of illness.

- 9.2 Consultation will take place with recognised trade unions and employees and will follow statutory requirements as detailed below. Consultation will be by various means and could include:
- information being provided on EUNICE
 - team and individual meetings
 - letters or email communications
 - updates to the Council's employee communication and consultation group Xchange.
- 9.3 At the end of the consultation period, CMT will take into account all views and opinions received and will advise the recognised trade unions and employees of any alterations made to the proposed change.
- 9.4 ***Statutory duty to consult***
- 9.5 There is a statutory duty to consult with the recognised trade union(s) about change which is likely to result in a redundancy situation. This applies even where employees concerned are not union members.
- 9.6 Consultation should be in "good time" once there is a proposal which could result in dismissal for redundancies. The minimum statutory consultation periods being as follows:
- at least 90 days before the first dismissal takes effect where 100 or more redundancies are proposed at one establishment, within a 90 day period;
 - at least 30 days before the dismissal takes effect where 20 – 99 redundancies are proposed at one establishment, within a 30 day period.
- 9.7 Where fewer than 20 redundancies are proposed, there is no statutory minimum consultation period, but in line with good practice the Council will consult at least 30 days before the first dismissal takes effect.
- 9.8 If the Council plans to make 20 or more employees redundant in one place of work within a 90-day period they will notify the Department for Business, Innovation and Skills before notice of dismissals are issued. This is a statutory requirement.
- 9.9 Consultation must be meaningful and will occur whilst the redundancies are still at the proposal stage.
- 9.10 The Council will consult any employees affected by the change at the same time as trade union representatives. The Council will provide affected employees and trade union representatives with the following information in writing:
- the reason(s) for the proposals
 - the numbers and descriptions of employees it is proposed to dismiss as redundant
 - the total number of employees of any such description employed by the Council
 - the way in which employees will be selected for redundancy
 - how the dismissals will be carried out, including the period over which the dismissals are to take effect
 - the proposed method of calculating the amount of redundancy payments to be paid to those who are dismissed

9.11 Consultation could include informal discussion about opportunities for:

- early retirement
- voluntary redundancy.

9.12 By sharing information informally it will help management and trade union representatives to understand individual preferences. At any stage during the consultation process there will be opportunities for employees to seek clarification regarding their own situation with management and/or trade union representatives.

10.0 Final approval of the proposed change

10.1 When consultation has finished CMT will submit a report to the Personnel Sub Committee detailing the proposed change. The report will contain the following information:

- the proposed new structure
- the reason for the change
- a summary of feedback received during consultation
- the cost of the proposed restructure
- implementation timescales

10.2 If the Personnel Sub Committee agrees to the change, it will be referred to the Policy and Resources Committee for approval.

10.3 In some cases the Personnel Sub Committee and/or the Policy and Resources Committee may ask for changes to be made to the proposal before they approve it. Where that happens the relevant Committee may request a further period of consultation. If that is necessary, the relevant Committee will agree the extended consultation period which will take into consideration the impact of the extended timescales on those individuals directly affected by the change and the need to ensure consultation is meaningful.

11.0 Communication of the final structure

11.1 The agreed structure will be communicated as soon as possible after it has been approved by Members. All employees directly affected by the change will be invited to attend an informal meeting to discuss how the change impacts on them and what happens next. Where possible the employee will be advised of the options available to them.

11.2 At the end of the informal meeting the employee will receive a letter which explains:

- the outcome of the consultation
- that the employee is at risk of being made redundant
- the options available to the employee
- the next steps (including any deadline dates)
- where the employee can get support.

12.0 Selecting for redundancy

12.1 In some cases it will not be necessary for the Council to use selection criteria to identify which posts will be made redundant because it will be obvious. For example, where there is only one employee and their job is to be made redundant.

12.2 However, where it is necessary to reduce the number of employees who all do the same job by a certain number it will be necessary to select which employees will be made redundant.

12.3 As far as possible, objective criteria precisely defined and capable of being applied in an independent way will be used when determining which employees are to be selected for redundancy. The purpose of having objective criteria is to ensure that employees are not unfairly selected.

12.4 Objective criteria can include:

- an assessment centre (a mixture of relevant tests, interviews and exercises)
- interviews
- knowledge and skills
- performance (there should be objective evidence to support selection on this basis e.g. current Performance and Development Review)

12.5 Trade union representatives and employees will be advised as soon as possible of the selection process and implementation timetable.

13.0 Voluntary redundancy

13.1 Voluntary redundancy may be offered on a limited basis to specific service areas or teams. All applications for voluntary redundancy will be considered by CMT.

13.2 When considering applications for voluntary redundancy CMT will take into account the job held by the employee, the cost of the voluntary redundancy and the Council's need for a balance of key knowledge, skills and behaviours.

13.3 Not all applications for voluntary redundancy will be approved and the decision made by CMT is final. The Council is under no obligation to discuss its reason(s) for refusal with the applicant.

13.4 Where a voluntary redundancy application is accepted, an employment termination date will be agreed with the employee. Where the employee accepts voluntary redundancy, the statutory consultation period will not apply.

14.0 Early retirement

14.1 Where an individual is entitled to receive early retirement, full details of their pension will be provided to them to enable them to make an informed decision about what they want to do.

15.0 Suitable alternative work

15.1 To minimise the need to make redundancies, the Council will make every reasonable effort to redeploy employees who are at risk of redundancy to a job that matches grade, knowledge, skills and behaviours. However, this may not always be possible and employees at risk of redundancy may be able to, and want to, do work that is substantially different from their current job. The suitability of other roles will be assessed in a number of ways including:

- all aspects of pay are taken into account when comparing one job against another; wherever possible suitable alternative employment will be to a job where the pay level/grade are the same
- location of the job and the level of disruption caused by a change in location
- the working environment in relation to any health-related or disability issues
- hours of work and any changes in an employee's hours of work that may have an adverse impact on an individual's personal circumstances

- the job content and level of complexity of the work involved

- 15.2 Suitable alternative employment is therefore a role that is considered to closely match the employee's current role in regards to the above. In assessing suitability, each employee's individual circumstances have to be taken into account because what is "suitable" to one person may not be for another. However, if an employee unreasonably refuses to accept a role that the Council considers to be suitable they may forfeit their right to a redundancy payment.
- 15.3 If an employee does not want to accept an offer of suitable alternative employment they will need to demonstrate their reasons for that decision.
- 15.4 Employees will be asked to put in writing an "expression of interest" for the post(s) identified as suitable alternative work. Employees will be appointed by a formal interview process at which their suitability to undertake the new role will be fully explored and agreement reached on what, if any, training may be required in order to maximise their chances of success.
- 15.5 Human Resources (HR) will hold the details of any employee who this applies to and will ensure recruiting managers are advised before jobs are advertised.
- 15.6 The assessment as to whether a post is considered suitable alternative work will be made by a relevant manager and a representative from HR. Consideration will be given to the knowledge, skills, behaviours and experience required by the old and new role. All assessments will be documented.
- 15.7 If the post is regarded as suitable alternative work it will be made available to those employees who are "at risk" of redundancy in the first instance.
- 15.8 If, after assessment, an offer of suitable alternative work is not made to the employee, the normal recruitment procedure can continue. The reason why an employee is not offered a job must be documented and placed on their personnel file. Consideration must be given to the risks of each situation before declining a job to an employee who is at risk of redundancy.
- 15.9 A woman on maternity leave has a statutory right to be offered any suitable alternative job in the Council. This is even if there are other employees that might be more suitable for the job. Further information about redundancy during maternity leave can be found in section 24.0.
- 15.10 The Council will continue to look for suitable alternative work up until and including the employee's last day of employment.

16.0 Offer of suitable alternative work

- 16.1 Any offer of suitable alternative work will be put into writing to the employee. The offer will document how the new employment differs from the old and will be made before the employee's employment under their existing contract ends.

17.0 Trial periods

- 17.1 Offers of suitable alternative work are subject to a statutory four week trial period. The trial period will begin when the previous contract has ended and will finish four weeks after the date on which the employee starts work under the new contract.
- 17.2 The purpose of the trial period is to give the employee a chance to decide whether the new job is suitable without necessarily losing their right to a redundancy payment.
- 17.3 It also gives the Council the opportunity to assess the employee's suitability to the

job. Should the Council wish to end the new contract within the four week trial period, the employee will retain the right to a redundancy payment under their old contract.

17.4 The trial period can be extended for the purpose of retraining only. If this happens it must:

- be in writing and made before the start of the new contract
- set out a date on which the period of retraining will end
- set out the terms and conditions that will apply to the employee at the end of the retraining period.

17.5 If the employee works beyond the end of the four week period, or the jointly agreed extended period, any redundancy entitlement will be lost because the employee will be deemed to have accepted the new employment. The Council will advise the employee of this when the alternative job offer is made.

17.6 If the trial period is not successful and the new work isn't suitable, the employee will be treated as having been dismissed by reason of redundancy on the date the old contract ended. The employee will be paid for any work done but their employment termination date will be the date the old contract ended.

17.7 Where the new work is deemed suitable and the employee acts unreasonably by terminating their contract, they will lose their right to redundancy pay.

18.0 Refusal of suitable alternative employment

18.1 If an employee unreasonably refuses an offer of suitable alternative employment, they may lose any entitlement to redundancy pay. Unreasonable refusal could occur when the differences between the new and old jobs are negligible. Refusal may be reasonable if the new job would cause domestic upheaval, for example, if there was a considerable change in working hours.

19.0 Pay and benefit protection

19.1 If the pay and benefits of the new post are lower than the employee's current pay and benefit package, pay protection will be applied. Further information about pay and benefit protection can be found in **Appendix A**.

20.0 Prior consideration

20.1 When an employee is at risk of redundancy, or is working their notice period after being notified that they are to be dismissed for reasons of redundancy, they will be given prior consideration for job vacancies.

20.2 That means provided they have the required knowledge, skills and experience for the job (or the gap can be bridged with training within three months) they will be selected for the job above another employee. Candidates must still attend an interview so that the recruiting manager and a representative from HR can assess the employee's knowledge, skills and experience against the job.

20.3 Where there is more than one employee at risk of redundancy, the appointment will be based on the best person for the job following selection by a formal interview process.

21.0 Dismissal on the grounds of redundancy

21.1 When an employee is selected for redundancy and all other options have been considered, they will be invited in writing to attend a formal meeting; this is required in law. The letter should:

- inform the employee of the grounds on which dismissal is being considered and tell them they are now formally at risk of being made redundant
- provide at least 3 working days notice of the meeting
- advise the employee that they are entitled to be accompanied to the meeting by either a trade union representative or a work colleague
- provide as much information as possible so that the employee can put their case forward. Information could include the proposed structure and any score they achieved if a selection matrix was used
- advise the employee that an outcome of the meeting could be that they are dismissed for reasons of redundancy
- let the employee know where they can get support.

21.2 The decision made at the meeting will be confirmed verbally and in writing to the employee. If the employee is dismissed for reasons of redundancy the letter will include:

- the grounds on which the employee is to be dismissed
- the employee's right of appeal against the decision
- details of requirements under Schedule 2 of The Redundancy Payments (Continuity of Employment in Local Government) (Modification) Order 1999 – see section 26.0 for further information
- confirmation of the employee's redundancy pay
- confirmation that the Council will continue to look for suitable alternative employment up until the employee's employment termination date
- where the employee can get support.

22.0 Appeals against dismissal for reasons of redundancy

22.1 Employees who are dismissed because of redundancy have the right to appeal if they feel any aspect of the decision is unfair.

22.2 The employee must write to the Chief Executive within five working days of receipt of the letter confirming the employee is being dismissed because of redundancy. The letter must clearly explain the grounds of the employee's appeal.

23.0 Appeal Hearings

23.1 The employee will be given at least five working days' notice in writing of the appeal hearing. The letter will include the following information:

- date, time and place of the hearing
- name of the individual(s) conducting the hearing
- name of the HR representative who will attend the appeal hearing
- name of any witnesses to be called
- copies of all written statements to be considered at the hearing
- consequence of non-attendance by the employee
- the employee's right to be accompanied by either a work colleague or a trade union representative.

23.2 Statements in support of the appeal must be submitted by the employee at least three working days before the appeal hearing.

23.3 The appeal panel will consist of:

- two Members
- a representative from HR who will provide advice on the process being followed.

23.4 The decision made by the appeal panel will be communicated to the employee in writing within two working days of the appeal taking place.

23.5 The decision made by the appeal panel is final.

24.0 Redundancy during maternity leave

24.1 When dealing with potential redundancy situations managers must ensure that all employees, including those who may be absent from work due to maternity leave, are consulted and kept informed.

24.2 It is automatically unfair and automatic sex discrimination to select or dismiss someone for redundancy for a reason connected with their pregnancy.

24.3 An individual on maternity leave has special rights. They have the right to be offered any suitable alternative job in the Council even if there are other employees that might be more suitable for the job. If they are offered another job they are still entitled to the four week trial period which should start when they return to work from maternity leave. Pregnant employees who have not yet commenced their maternity leave by the time a redundancy situation arises are not entitled to special protection.

24.4 If an employee is made redundant or dismissed during their maternity leave they must be given a written statement explaining the reasons for the decision.

24.5 Redundancy during maternity leave will end the contractual obligations to both maternity pay and the right to return to work. Statutory Maternity Payments are not affected and will continue until the end of the Maternity Pay Period.

24.6 Any payments made to the employee in respect of occupational maternity pay go towards meeting the Council's obligation in respect of notice pay.

25.0 Fixed term employees

25.1 The expiry and non-renewal of a fixed-term contract normally constitutes a dismissal on the grounds of redundancy or for 'some other substantial reason'. For further advice please contact HR.

25.2 Where the redundancy of a fixed-term employee is proposed:

- fixed term employees are in principle treated the same as other employees, except where for example the fixed-term employee has been recruited specifically as an interim measure pending a reorganisation. It would normally be assumed that this employee would be made redundant before others on open-ended contracts.

25.3 Fixed Term Contracts of 3 months or less

25.4 For employees with a fixed term contract of less than 3 months, the contract will expire at its specified time, after the following steps have been taken:

- the employee has received written confirmation of the decision not to renew the fixed term contract and has been given the opportunity to meet with his/her immediate manager to discuss the decision and if necessary, has been offered the right to appeal the decision.

- whilst the relevant supervisor/manager has an obligation to invite the employee to a meeting at a reasonable time and place, and to inform them of their right to appeal, such meetings do not necessarily have to actually take place if the fixed term employee does not wish to meet regarding the decision not to renew the contract or to meet for an appeal hearing. Notes should be kept regarding any correspondence between manager and employee to show that these steps have been followed.

25.5 Fixed Term Contracts lasting 3 months or more

25.6 The Council's Redundancy Policy and Procedure will be followed for employees with a fixed term contract of more than 3 months or with sequential contracts which total more than 3 months.

25.7 If the contract lasts two years or more and the contract is not renewed due to redundancy, the employee has the right to receive a redundancy payment.

26.0 Offer of a new job with a modification order body

26.1 If the Council gives the employee notice of redundancy and before the dismissal takes effect the employee receives an offer of employment from another body specified in Schedule 2 of The Redundancy Payments (Continuity of Employment in Local Government) (Modification) Order 1999, the individual will lose entitlement to a redundancy payment.

26.2 This applies where the relevant body makes the offer of a new job before the end date of the old contract and the employment starts within four weeks of the date of redundancy.

26.3 The Council will advise employees under notice of redundancy of this requirement.

26.4 Further information about the Modification Order can be found in here:

<http://www.lge.gov.uk/lge/core/page.do?pagelD=119733>

27.0 Redundancy payments

27.1 Under the Employment Rights Act 1996, employees who have two years or more continuous service with the same employer qualify for a redundancy payment.

27.2 For each full years service, up to a maximum of 20 years, the entitlement to redundancy pay is currently calculated as follows:

- aged 21 or less: ½ week's pay
- between the ages of 22 and 40: 1 week's pay
- age 41 and over: 1½week's pay.

27.3 The statutory redundancy pay ready reckoner is contained in **Appendix B**.

27.4 The Council defines a week's pay as contractual gross pay, rather than the statutory minimum.

27.5 Overtime does not count unless the Council is contractually bound to provide it, and the employee is bound to work it.

27.6 If the employee has no normal working hours i.e. the hours vary from week to week, a week's pay would be the average weekly remuneration for the 12 weeks prior to the calculation date. If the employee receives no pay for any of those 12 weeks, the 12-week period would be extended to include the weeks where pay was made.

27.7 An employee who has been identified as being at-risk, or who is considering making an application for voluntary redundancy, may seek a redundancy calculation at any time during the change process. Redundancy calculations can be obtained from Organisational Development.

27.8 Employees will not be entitled to a redundancy payment if they unreasonably refuse an offer of suitable alternative employment.

28.0 Loss of entitlement to a redundancy payment

28.1 An employee who would normally be entitled to a redundancy payment may lose their entitlement where:

- the employee commits an act of gross misconduct and is dismissed for it
- they leave before the notice period has expired without the Council's agreement
- the employee unreasonably refuses an offer of suitable alternative employment

29.0 Notice periods

29.1 The amount of notice which an employee is entitled to receive is set out below unless their contract of employment provides for a greater period.

Length of continuous service	Number of weeks notice
One month – two years	One
Two – three years	Two
Each additional year	One
Twelve years plus	Twelve

29.3 The Council would normally require employees to work their notice period.

30.0 Pensions Information

30.1 General information for Local Government Pension Scheme (LGPS) members on the effect of redundancy or early retirement can be obtained from the Council's pension fund administrators who are in Northamptonshire County Council's:

- PO Box 136, County Hall, Guildhall Road, Northampton, NN1 1AT
- telephone 01604 236527
- fax 01604 236533; or
- email pensions@northamptonshire.gov.uk

31.0 Support available to employees

31.1 The Council understands that employees may need help and support during a redundancy process. The Council will make every reasonable attempt to make sure support is available to affected employees. Sources of support could include:

- the employee's line manager
- the Council's free and confidential counselling provider Peter Piranti and Associates who can be contacted on telephone number 01604 259770
- HR who can offer support and provide advice on the process being followed - they can also provide guidance on producing a curriculum vitae, completing job applications, interview skills and redundancy

- payments
- nominated managers who will be identified during communication briefings
- career counselling.

32.0 Time off to look for work/undergo training

32.1 Any employee placed at risk of redundancy who has at least two years' continuous service will be given reasonable time-off to look for alternative work with another employer. This will also include time-off to attend interviews or to undergo training for alternative work. The employee should agree any time-off needed with their line manager.

33.0 Car Loans and Qualification Course Fees

33.1 An employee who is being made redundant will not be asked to repay any fees the Council has already paid towards a qualification course.

33.2 Outstanding car loan agreements will be discussed with the employee and an individual agreement will be reached with them for repayment of the loan.

33.0 Policy Review

33.1 This policy will be reviewed once every two years.

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Appendix A

Protection of pay and benefits

1.0 Introduction

1.1 This document provides information about pay and benefit protection arrangements for employees of East Northamptonshire Council which result from organisational change. It applies to all employees of the Council covered by Green Book NJC terms and conditions.

2.0 What's covered?

2.1 The protection arrangements detailed in this document cover:

- Transfer to an alternative post (including where a job changes and is re-graded)
- Removal of essential car user status

2.2 The document does not provide an automatic entitlement to a lower graded job with pay and benefit protection as an alternative to redundancy. Suitability of an alternative job will be at the sole discretion of the Council.

3.0 Protection arrangements

3.1 An employee whose pay and benefit package changes as a result of organisational change will receive protection as follows:

3.2 Transfer to an alternative post

3.3 Where an employee is transferred into an alternative post and is downgraded as a result of the move their current pay and benefit package will be protected for 18 months from the date of transfer as follows:

Period	Protection
0 – 12 months	100%
12 – 18 months	50%

3.4 At the end of the period of protection the employee's pay and benefit package will reduce to that applicable to the new post. Salary will be at the top of the new grade.

3.5 Pay and benefit protection will normally be confined to a transfer to a post one grade below the level of the previous post.

3.6 During the protection period the employee will not receive any increments or pay awards until the salary of their new post exceeds the amount at which their pay has been frozen.

3.7 Protection will continue until such time as:

- i) The protection period ends.
- ii) The new posts basic pay permanently exceeds that of the old post.
- iii) The employee moves on their own accord to a new post.

3.10 Removal of essential car user status

- 3.11 Employees who have their essential car user status removed will have their essential car user allowance or council car protected for a period of 6 months from the date the change takes place.
- 3.12 If an employee has a council car which is due for renewal during the protection period the contract for their existing car will be extended until the end of the protection period. They will not be able to order a new vehicle during the protection period.
- 3.13 Protection will continue until such time as:
- i) The protection period ends.
 - ii) The employee moves on their own accord to a new post.

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Ready Reckoner for calculating the number of week's pay due under the statutory redundancy pay scheme

The amount is calculated as follows:

- * Up to the age of 21 - ½ week's pay for each completed year of service (maximum 20 years)
- * 22 - 40 years of age - 1 week's pay for each completed year of service (maximum 20 years)
- * 41+ years of age - 1½ week's pay for each completed year of service (maximum 20 years)

Read off your age and number of complete years' service. The table will then show how many week's pay you are entitled to.

Service (years)	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20
Age (years)																			
17	1																		
18	1																		
19	1	1½																	
20	1	1½	2																
21	1	1½	2	2½															
22	1	1½	2	2½	3														
23	1½	2	2½	3	3½	4													
24	2	2½	3	3½	4	4½	5												
25	2	3	3½	4	4½	5	5½	6											
26	2	3	4	4½	5	5½	6	6½	7										
27	2	3	4	5	5½	6	6½	7	7½	8									
28	2	3	4	5	6	6½	7	7½	8	8½	9								
29	2	3	4	5	6	7	7½	8	8½	9	9½	10							
30	2	3	4	5	6	7	8	8½	9	9½	10	10½	11						
31	2	3	4	5	6	7	8	9	9½	10	10½	11	11½	12					
32	2	3	4	5	6	7	8	9	10	10½	11	11½	12	12½	13				
33	2	3	4	5	6	7	8	9	10	11	11½	12	12½	13	13½	14			
34	2	3	4	5	6	7	8	9	10	11	12	12½	13	13½	14	14½	15		
35	2	3	4	5	6	7	8	9	10	11	12	13	13½	14	14½	15	15½	16	
36	2	3	4	5	6	7	8	9	10	11	12	13	14	14½	15	15½	16	16½	17
37	2	3	4	5	6	7	8	9	10	11	12	13	14	15	15½	16	16½	17	17½
38	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	16½	17	17½	18

39	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	17½	18	18½
40	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	18½	19
41	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	18	18	19	19½

Ready Reckoner for calculating the number of week's pay due (continued)

Service (years)	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20
Age (years)																			
42	2½	3½	4½	5½	6½	7½	8½	9½	10½	11½	12½	13½	14½	15½	16½	17½	18½	19½	20½
43	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21
44	3	4½	5½	6½	7½	8½	9½	10½	11½	12½	13½	14½	15½	16½	17½	18½	19½	20½	21½
45	3	4½	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22
46	3	4½	6	7½	8½	9½	10½	11½	12½	13½	14½	15½	16½	17½	18½	19½	20½	21½	22½
47	3	4½	6	7½	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23
48	3	4½	6	7½	9	10½	11½	12½	13½	14½	15½	16½	17½	18½	19½	20½	21½	22½	23½
49	3	4½	6	7½	9	10½	12	13	14	15	16	17	18	19	20	21	22	23	24
50	3	4½	6	7½	9	10½	12	13½	14½	15½	16½	17½	18½	19½	20½	21½	22½	23½	24½
51	3	4½	6	7½	9	10½	12	13½	15	16	17	18	19	20	21	22	23	24	25
52	3	4½	6	7½	9	10½	12	13½	15	16½	17½	18½	19½	20½	21½	22½	23½	24½	25½
53	3	4½	6	7½	9	10½	12	13½	15	16½	18	19	20	21	22	23	24	25	26
54	3	4½	6	7½	9	10½	12	13½	15	16½	18	19½	20½	21½	22½	23½	24½	25½	26½
55	3	4½	6	7½	9	10½	12	13½	15	16½	18	19½	21	22	23	24	25	26	27
56	3	4½	6	7½	9	10½	12	13½	15	16½	18	19½	21	22½	23½	24½	25½	26½	27½
57	3	4½	6	7½	9	10½	12	13½	15	16½	18	19½	21	22½	24	25	26	27	28
58	3	4½	6	7½	9	10½	12	13½	15	16½	18	19½	21	22½	24	25½	26½	27½	28½
59	3	4½	6	7½	9	10½	12	13½	15	16½	18	19½	21	22½	24	25½	27	28	29
60	3	4½	6	7½	9	10½	12	13½	15	16½	18	19½	21	22½	24	25½	27	28½	29½
61	3	4½	6	7½	9	10½	12	13½	15	16½	18	19½	21	22½	24	25½	27	28½	30
62	3	4½	6	7½	9	10½	12	13½	15	16½	18	19½	21	22½	24	25½	27	28½	30
63	3	4½	6	7½	9	10½	12	13½	15	16½	18	19½	21	22½	24	25½	27	28½	30
64	3	4½	6	7½	9	10½	12	13½	15	16½	18	19½	21	22½	24	25½	27	28½	30
65+	3	4½	6	7½	9	10½	12	13½	15	16½	18	19½	21	22½	24	25½	27	28½	30

For example:

- an employee earning £500 per week with 12 years service aged 46 would receive 14.5 weeks pay = £7,250
- an employee earning £500 per week with 23 years service aged 60 would receive 29.5 weeks pay = £14,750

DRAFT



EIA Initial Screening Form – Committee decision

1. Decision being taken:	
2. Name and Job title / role of person completing Initial Screening:	Katy Everitt – Head of Resources and Organisational Development
3. What is the main purpose of the Service or Policy under discussion?	To set out the Council's policy on how it will manage redundancy situations.
4. List the main activities of the Service or Policy under discussion	<ul style="list-style-type: none"> - to provide guidance on the process the Council will follow when managing redundancy situations - to ensure legislation is followed - to document the Council's agreed policy on redundancy payments and notice periods
5. Who are the main beneficiaries of the Service or Policy under discussion?	Staff – because the policy sets out a clear policy on how any redundancies will be managed to ensure fairness and equity.
6. How is the success of the Service or Policy under discussion measured?	<p>Decisions in relation to redundancy are made fairly and equitably and follow legislative requirements.</p> <p>Any member of staff being made redundant feels they are treated with respect and equity and fairness is achieved.</p>
7. Are equality monitoring systems for the Service or Policy under discussion in place?	Yes – all redundancy situations will be reviewed individually to ensure equity and fairness are achieved – all reports to committee that make recommendations for redundancy will require a EIA to be completed.

8. Use the following table to indicate using a ✓:

- a) Where you think that the decision being taken could have a positive impact on any of the groups or contribute to promoting equality of opportunity or improving relations within equality groups.
- b) Where you think that the decision being taken could have a negative impact on any of the equality groups i.e. it could disadvantage them.
- c) Where you think that the decision being taken could have a neutral impact on any of the equality group i.e. no impact

Equality Group	Positive Impact	Negative Impact	Neutral Impact	Reason
Gender:				
Women/Girls			x	
Men/Boys			x	
Transgender people			x	
Sexual Orientation:				
Lesbians, gay men and bisexuals			x	
Race/Ethnicity:				
White British people			x	
White non-British people (including Irish people)			x	
Asian or Asian British people			x	
Black or Black British people			x	
People of mixed heritage			x	
Chinese people			x	
Travellers (Gypsy/Roma/Irish heritage)			x	
People from other ethnic groups			x	
People who do not have English as their first language			x	

Annex B

Equality Group	Positive Impact	Negative Impact	Neutral Impact	Reason
Disability:				
Physical impairment, e.g mobility issues which mean using a wheelchair or crutches.			x	
Sensory impairment, e.g blind/having a serious visual impairment, deaf/having a serious hearing impairment.			x	
Mental health condition, e.g depression or schizophrenia			x	
Learning disability/difficulty, e.g. Down's syndrome or dyslexia, or cognitive impairment such as autistic spectrum disorder			x	
Long-standing illness or health condition, e.g. cancer, HIV. Diabetes, chronic heart disease or epilepsy			x	
Other health problems or impairments (<i>please specify if appropriate</i>)			x	
Age:				
Older People (60+)			x	
Children and Young People (see guidance for definition)			x	
Religion/Belief:				
Christian			x	
Buddhist			x	
Hindu			x	
Jewish			x	
Muslim			x	
Sikh			x	
Other religion (including holding no belief)			x	

Annex B

Equality Group	Positive Impact	Negative Impact	Neutral Impact	Reason
Other Potentially Affected Groups				
Rural Isolation - People who live in rural areas e.g isolated geographically, lack of internet access			x	
Socio-economic Exclusion – e.g. people who are on benefits, have low educational attainment, single parents, people living in poor quality housing, people who have poor access to services, the unemployed or any combination of these and the other protected strands			x	
Any other potentially affected groups (<i>please specify</i>)				
9. If you have indicated that there is a negative impact on any group, is that impact:				
a) Justified?	Yes		No	
b) Level of impact	High		Low	
10. Could you minimise or remove any negative impact that is of low significance?	How?			
11. Could you improve a positive impact of the decision?	How?			
12. If there is no evidence that the decision promotes equality of opportunity or improved relations, could it be adapted so that it does?	How?			
Head of Service signature				
Date of Initial Screening:	16 August 2010			



NOTE

If a negative impact has been highlighted and it is possibly discriminatory and not intended and/or of high impact you must complete a Full EIA.

If not, you should still consider if completing a Full EIA would be helpful in making a thorough assessment.

Full EIA Assessment Form

13. Decision being taken:	
14. Looking back at the Initial Screening Form, in what area(s) are there concerns that the decision being taken could have a negative impact? (✓ all that apply)	
Gender:	
Sexual orientation:	
Race/Ethnicity	
Disability:	
Age	
Religion/Belief	
Rural isolation	
Socio-economic exclusion	
Any other affected groups:	
15. Summarise the likely negative impacts:	
16. What consultation on this decision has already taken place with groups/individuals from equality target groups?	
17. What does it indicate about the negative impact of this decision?	

Annex B

18. What consultation will be conducted/is planned on this decision with equality target groups?	
19. Once this consultation activity has taken place, indicate the outcomes:	
20. What consultation on this decision has already taken place with staff - including those that have, or will have direct experience of implementing the Policy?	
21. What does it indicate about the negative impact of this decision?	
22. What consultation will be conducted/is planned on this decision with staff?	
23. Once this consultation activity has taken place, indicate the outcomes:	
24. What relevant research/data/reports concerning the equality target groups have been used in the planning of this decision and what does it tell us about the negative impact?	
25. What research concerning the equality target groups needs to be conducted in relation to this decision?	
26. Once this has been carried out, what does it tell us about the negative impact?	
27. If there are any research gaps, are there any experts/relevant groups that can be contacted to obtain views and evidence on the issues?	
28. Once they have been contacted, what information have we found out?	

Annex B

29. Is it important that we conduct/commission specific research on this issue? Explain the research required:	
30. If we need to conduct /commission research what are the likely timescales and resource implications / costs involved?	
31. If you require further information, what will you do in the interim to address the negative impact?	
32. List the changes that have been identified which will ensure that the negative impact is addressed:	
33. Have you introduced changes you planned, with any necessary training?	Give details :
34. Does everyone involved in implementing the decision know and understand what you have done?	
<p>Now complete the action planning form which will detail the changes that need to be made to this decision.</p>	

Equality Impact Assessment Action Plan

Action identified	Key activity	How will we know this has been achieved? (measures, milestones and dates)	Officer responsible	Quarterly progress update

Planned date for next EIA exercise _____