



SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

COUNCIL MEETING
THURSDAY, 25 NOVEMBER 2010

SUPPLEMENTARY REPORT

South Cambridgeshire Hall
Cambourne Business Park
Cambourne, Cambridge
CB23 6EA

OUR VISION

- We will make South Cambridgeshire a safe and healthy place where residents are proud to live and where there will be opportunities for employment, enterprise and world-leading innovation.
- We will be a listening Council, providing a voice for rural life and first-class services accessible to all.

OUR VALUES

We will demonstrate our corporate values in all our actions. These are:

- Trust
- Mutual respect
- A commitment to improving services
- Customer service

The law allows Councils to consider a limited range of issues in private session without members of the Press and public being present. Typically, such issues relate to personal details, financial and business affairs, legal privilege and so on. In every case, the public interest in excluding the Press and Public from the meeting room must outweigh the public interest in having the information disclosed to them. The following statement will be proposed, seconded and voted upon.

"I propose that the Press and public be excluded from the meeting during the consideration of the following item number(s) in accordance with Section 100(A) (4) of the Local Government Act 1972 on the grounds that, if present, there would be disclosure to them of exempt information as defined in paragraph(s) of Part 1 of Schedule 12A of the Act (as amended)."

If exempt (confidential) information has been provided as part of the agenda, the Press and public will not be able to view it. There will be an explanation on the website however as to why the information is exempt.

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

TO: The Chairman and Members of the
South Cambridgeshire District Council

NOTICE IS HEREBY GIVEN that the attached report will be discussed at the next meeting of the **COUNCIL** which will be held in the **COUNCIL CHAMBER, FIRST FLOOR** at **2.00 P.M.** on

THURSDAY, 25 NOVEMBER 2010

and I am, therefore to summon you to attend accordingly for the transaction of the business specified below.

DATED this date

JEAN HUNTER
Chief Executive

The Council is committed to improving, for all members of the community, access to its agendas and minutes. We try to take all circumstances into account but, if you have any specific needs, please let us know, and we will do what we can to help you.

AGENDA

- 7 (a) Review of the Organisational Change and Redundancy Policy (Cabinet, 11 November 2010) (Key)**
Cabinet **RECOMMENDED TO COUNCIL** approval of the revised Organisational Change and Redundancy Policy.

The policy is available as part of the 25 November 2010 Council meeting agenda on the Council's website at www.scambs.gov.uk/meetings

Hard copies of the policy will be provided by Democratic Services if requested no later than 48 hours before the Council meeting date.

(Pages 1 - 18)



Organisational Change, Redundancy and Redeployment Policy and Procedures

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Introduction

The Council is committed to treating all staff whose jobs are affected by change in a fair and consistent manner whilst ensuring the highest possible standards of customer service throughout any periods of change.

This procedure applies to all Council employees.

Wherever possible the Council's objective will be to maintain job security and minimise redundancies. There may be, however, occasions when jobs are affected by change to the point of redundancy. In these circumstances the Council is committed to seek to minimise the effect of redundancies through the provision of time and effort to find suitable alternative employment for displaced staff. Compulsory redundancy will be a last resort but where this is unavoidable the Council will seek to handle this in a fair, consistent and sympathetic manner.

This procedure also sets out the processes to be followed with the redeployment of staff affected by change or redundancy into suitable alternative employment within the Council. The Council will take all reasonable steps to secure alternative employment.

The recognised trade unions have been consulted on this policy and procedure.

Principles

The commitments in this policy will be underpinned by the following principles:

- Openness, fairness, equality and consistency in treatment for all Council employees;
- Employees have the maximum opportunity to secure continuing employment with the Council;
- The Council can retain the skills knowledge and experience it needs to deliver services;
- The Council can avoid the costs associated with enhanced pensions and redundancy;
- The Council complies with its legal requirements;
- Compulsory redundancies are viewed as a last resort;
- Consultation with recognised trade unions and non-represented employees will commence at the earliest opportunity and will continue throughout this process.

Definitions

Organisational Change

This may include one or more of the following:

- Closure, transfer or restructuring of a specific service or facility;
- Decision to accept a tender for a service previously in-house;
- Specific programme designed to achieve efficiency savings;
- Response to a statutory requirement.

At Risk

Where a permanent post has been identified as being substantially altered, has disappeared or is one of a number of similar posts which will reduce as a result of organisational change, 'At Risk' will be the term used to describe the employment status of the individual employee.

Redundancy

Redundancy arises where employees are dismissed in these circumstances:

- The employer has ceased or intends to cease to carry out the business or services for the purposes of which the employee was employed,

- The employer ceases to carry out the business at a particular place where the employee was employed,
- The requirement to carry out work of a particular kind in the place where the employee was employed have ceased or diminished or are expected to cease or diminish,
- Where work has not diminished, but the employer needs fewer employees (IT efficiencies or budget savings).

TUPE will apply when a function or service within the Council is transferred to another organisation.

Collective Consultation

The Council will consult with recognised trade unions and staff representatives at the earliest practical opportunity where there is a proposal to make one or more staff redundant.

The statutory minimum consultation periods for proposed redundancies will always be observed. These are:

- Where the Council is proposing to make changes where redundancy may occur and where these changes affect 100 or more employees at one establishment within a period of 90 days or less, consultation will commence at least 90 days before the first dismissal takes effect;

OR

- Where the Council is proposing to make changes where redundancy may occur and where these changes affect 20 - 99 employees at one establishment within a period of 30 days or less, consultation will commence at least 30 days before the first dismissal takes effect.

For redundancies involving less than 20 employees, the Council will consult with affected employees and their representatives for a minimum of 30 days. This is not a statutory requirement but is regarded as best practice.

No dismissal will take place until the statutory consultation period with the Trade Unions has been completed, or unless the Unions or a non-represented employee have reached an agreement before the end of the statutory period.

The Council will disclose in writing to the recognised trade unions the basic information as follows:

- The reason for the proposals;
- The number and description of the employees affected by the changes;
- The total number of employees of that description at the establishment;
- The proposed method of selecting the employees and the procedure for carrying out the redundancies;
- The proposed methods of calculating redundancy pay.

As part of the consultation process the Council will seek to find ways to:

- Avoid the redundancy
- Reduce the number of employees to be made compulsorily redundant;
- Mitigate the consequences of any redundancies.

Individual Consultation

Line managers and a member of the HR team will meet with individual employees to discuss the restructure and how this affects the individual. The meeting must be a genuine opportunity to hear the views of the employee; to answer questions and to discuss/explore alternatives to redundancy. The employee has the right to be represented by a trade union or accompanied by a work colleague at this meeting.

Individual employees can request to have further opportunities to meet with their line manager and/or HR to discuss their concerns or questions in relation to the restructure.

The Council will make reasonable adjustments for employees who are unable to deal with written correspondence and requirements due to disability.

Communication

The Council will communicate plans for organisational change through:

- Corporate Briefings
- Team meetings
- Newsletters

Senior Management Team, Corporate Managers and Line managers are responsible for ensuring that individuals and teams are provided with regular briefings and information about how the changes affect them.

Selection Criteria

There may be circumstances where selection will not be relevant, such as:

- when there is only one employee or;
- where an entire group of employees are to be declared redundant.

In these cases redeployment will be sought and where this is not possible then redundancy will apply.

Where it is necessary to make a selection, from the workforce, of employees to be made redundant, volunteers for redeployment or redundancy will be sought from amongst the group at risk of redundancy.

The Council reserves the right to refuse a request by any employee for voluntary redundancy. Such requests will not be unreasonably refused.

Where the request is refused it will normally relate to the needs of the service or the loss of key skills to the Council.

Where there are more volunteers than required a selection process will be agreed with the Corporate Manager and trade unions.

The selection criteria for redundancy will be based on:

- Skills;
- Experience;
- Work performance;
- Attendance record and timekeeping, discounting any disability-related absence;
- Disciplinary record;
- Ability to undertake the duties and responsibilities of the posts which are retained.

The Council will ensure that the aims of selection criteria will:

- Ensure the Council retains an appropriately skilled workforce for the future;
- Ensure the Council manages its resources in the most efficient way taking into account the costs of achieving change.

Before a formal selection process commences there will be steps taken to fill available posts. This will include “slotting in”, recruitment processes and opportunities for redeployment.

Measures to avoid Redundancies

The Council will wherever possible take all reasonable steps to minimise redundancy including:

- Restrictions on recruitment;
- Not filling vacancies to allow natural wastage;
- Seeking applicants for flexible retirement or voluntary redundancy subject to staffing needs of the Council;
- Maximising opportunities for retraining or redeployment to other roles;
- Reducing temporary and agency staffing and the use of overtime.

Redeployment

At Risk

Staff identified as being at risk of redundancy will have a meeting with the appropriate service manager and a Human Resources representative. Individuals will have the right to be represented by a trade union rep or accompanied by a work colleague at this meeting.

The employee will be advised that support will be provided, subject to the individual's needs, this may include, but is not limited to, the following:

- Coaching in job application and interview skills

- Weekly copies of the Councils current vacancy list
- Information about redundancy figures and, where appropriate, pension estimates

Redeployment List

A record of all staff who have been identified as 'at risk' will be held by the HR Team. Employees will be asked to complete a redeployment questionnaire (Appendix 1).

HR Support

A member of the HR team will be identified to provide support and advice to individuals and line managers throughout this process. Details of the Council's employee assistance helpline will also be provided.

Vacancies

All vacancies will be restricted to employees who are at risk in the first instance. If the post is considered to be suitable alternative employment then these will become "potential redeployment opportunities" and will be made available to 'at risk' staff. Suitable alternative employment is defined as a post which provides:

- similar earnings - at levels above or below (this must be suitably similar to the employee's current salary) the employee's present grade
- similar status;
- similar weekly working hours;
- similar or acceptable duties;
- is within the employee's capability
- does not involve unreasonable additional inconvenience to the employee.

If there are no 'at risk' individuals who could be considered suitable then the normal recruitment processes can continue.

If a post becomes vacant and is deemed suitable alternative employment the individual will be informed and an informal meeting will be arranged with the manager to discuss redeployment into that post. The consequences of refusing alternative work will also be discussed.

Suitable Alternative Employment

The offer of alternative employment will be in writing and it will explain any differences between the original post and the alternative offer. The offer will be made and communicated to the employee prior to the end of their old contract. The alternative job must start no later than four weeks after the end of the old contract. The employee's acceptance of the offer should be in writing to the recruiting manager. A trial period of four weeks will be offered.

If the employee does not accept the offer they must put this in writing to Human Resources Manager and to their Executive Director and state why the

offer is not accepted. Where a reasonable offer of alternative employment is made and rejected unreasonably, the employee will be informed that this could result in the employee forfeiting their redundancy payment. In such cases where there is no other employment in the time period then dismissal would be for redundancy but the employer has the legal right not to pay any redundancy payment. The employee will be asked to give written reasons for rejection. Factors such as pay, hours, location, status, environment and responsibilities will be taken into account by the Head of the Paid Service when making any decision in this regard.

Trial periods and re-training

A trial period will be offered where an employee moves to suitable alternative employment. This will be for a period of 4 weeks but can be extended by agreement of both parties. An extended trial period may be offered to enable further training, which may be necessary to provide the employee with the skills and knowledge to undertake the full range of duties and responsibilities.

If during the trial period the individual reasonably decides to reject the post or the Council feels the employee is unsuitable for the post then the employee will not forfeit their right to a redundancy payment.

If during the trial period the individual unreasonably decides to reject the post and, the Council feels the employee is suitable for the post then the employee could forfeit their redundancy payment.

Voluntary Redundancy

Consultation will commence with the appropriate trade unions at the earliest opportunity. In defining the categories of employees from whom it is prepared to accept volunteers, the Council will apply fair and objective criteria. Applications will then be invited from all relevant employees. A closing date for applications will be applied.

If an employee expresses an interest in accepting this option, he/she will be provided with an estimate of redundancy figures and, where appropriate, pension estimates.

Employees must put their request in writing to their Service Head or Corporate Manager, copy to HR.

If enough volunteers are not forthcoming from the defined categories of employees then the Council may extend the invitation for volunteers to other areas of the Council after consultation with the trade unions.

The Council has the right to refuse applications from employees whose services the Council wishes to retain.

Appeal process

Employees, whose application for voluntary redundancy has been refused, have the right to one level of appeal to their Chief Officer (this will be your Executive Director).

Appeals must be submitted in writing, within 10 working days of the decision, to your Executive Director. A meeting between the employee and Executive Director will then be arranged to discuss the reason for the appeal.

Restructuring Process

The following principles will be followed where a restructuring is taking place:

- Slotting in (Assimilation) - The Council will have the right to identify within the new structure any posts which can be deemed as near equivalent posts. Employees will be slotted in where the job remains at least 80% unchanged taking account that the level of responsibility, breadth and terms and conditions of the new post are substantially the same as the current post and there is no other 'at risk' member of staff who qualifies for consideration by virtue of holding a broadly similar post. If more than one employee meets the 80% rule there will be ring fenced competition to determine who will be slotted into the post. Employees who are 'slotted in' will not be served notice of redundancy and will not have a trial period.

- Restricted competition - The Council will have the right to identify posts within the new structure, which are open to restricted competition. These posts will be available only to those staff in the service area affected by the restructuring in the first instance. These will be posts where:
 - It is a post which is new in content – the duties are substantially different from any current post therefore less than 80% remains the same.
 - A post which carries increased weight in responsibility.
 - Where more than one 'at risk' employee could be regarded as a suitable candidate.

Following these steps posts remaining unfilled can be recruited in the normal way.

Notice of Redundancy

If no suitable alternative employment has been found then notice of redundancy will be issued in line with the contract of employment. This will confirm the date at which employment with the Council will cease.

Throughout the notice period efforts to secure alternative work will continue to avoid the redundancy. The HR team will identify any new vacancies or opportunities that may be suitable for the employee.

The Head of the Paid Service, in consultation with the Leader and Portfolio Holder with responsibility for staffing, must authorise all redundancies prior to the issue of the notice.

No dismissal will take place until the statutory consultation period with the Trade Unions has been completed unless the Unions or a non represented employee have reached an agreement before the end of the statutory period.

Pay in Lieu of Notice

Pay in Lieu of Notice (PILON) will not be paid unless exceptional circumstances exist, and are supported by a business case (Appendix 3 – proforma) and with the express authorisation of the Head of the Paid Service, in consultation with the Leader and Portfolio Holder with responsibility for staffing.

Assistance for Employees under Notice of Redundancy

The Council recognises the anxiety suffered by employees who are under notice of redundancy. The Council will provide as much support as possible during the formal consultation and notice period. This will include:

- Time off to look for work
- Assistance in finding alternative work elsewhere including practical assistance writing CVs, attending interviews etc.
- Redundancy counselling
- Reasonable paid time off work to look for other work or to attend a meeting with the Benefits Agency
- Unpaid time off to undertake training for alternative employment outside the Council or to consult a *bone fide* financial advisor

Requests for time off should be made in the first instance to the relevant line manager and will not be unreasonably refused.

Redundancy Payments

The Council will make redundancy payments in accordance with the Council's policy and the Employee Relations Act 1996 as amended from time to time.

Redundancy compensation will be payable to employees who are dismissed by reason of redundancy in line with statutory redundancy payments. Employees with two or more years continuous local government service at the date of redundancy.

Where an individual is declared redundant, and is entitled to a redundancy payment, a statement will be prepared setting out details of the redundancy payments to which they are entitled (Appendix 2 - calculation matrix).

Service to be taken into account

The amount of any statutory redundancy payment will be based on length of continuous (unbroken) service, with an organisation listed on the Modification

Order at the date of redundancy, the employee's age and actual weekly pay. * see below

In exceptional circumstances, and with the approval of the Leader and Portfolio holder with responsibility for Staffing, an employee who was previously employed by SCDC immediately prior to a short break in service (maximum of 3 months), and who then returns to SCDC after the short break, will have their SCDC service counted as continuous, this will be recorded on the employee's contract at the point of their re-engagement with the Council.

Weekly Pay*

Where an employee's actual weekly pay is less than the statutory redundancy weekly pay (currently £380 pro rata as at 1st October 2009), then this amount will be used to calculate the redundancy figure.

The employee is entitled to receive:

- Half a week's pay for each year of employment in which the employee was aged 21 or under;
- One week's pay for each year of employment in which the employee was aged between 22 and 40; and
- One and a half weeks pay for each year of employment in which the employee was aged 41 or over

The maximum number of years of employment that can be taken into account is 20.

Employees on a variable hours contract and therefore no mutual obligation established regarding offering or accepting work, will have entitlement calculated on an individual basis over a continuous twelve-week period and in line with the number of hours worked.

Modification Order

Employees who are offered and accept employment with another organisation listed on the Modification Order before the date of redundancy, and the new job commences within four weeks of the date of termination, will not be entitled to their redundancy payment. Their continuity of service will be preserved.

Appeals and Grievance Procedures

An employee who feels aggrieved about the operation of this procedure may lodge a grievance in accordance with the Council's Grievance Procedure. An employee who is dismissed by reason of redundancy has the right to appeal the decision and will be informed of their rights of appeal.

Appendix 1

Redeployment Questionnaire

All employees who are at risk of redundancy will need to complete this form to help the Council to find suitable alternative employment. Please complete the form and return it to Human Resources (Cambourne). Please attach separate sheets if used.

First name(s)	Surname
Department	Section
Work phone	Home phone
Current job title	Grade
Current working hours	Location
Transferable skills (skills you use in your current job or outside work, which you could use in a different job)	
Education (list qualifications gained from age 11 onwards, including grades and the dates)	
Qualifications	Date
Vocational qualifications (list the qualifications and dates)	
Qualifications	Date

<p>Experience (can include experience gained in your current job, any other job, voluntary work, domestic work, study, etc)</p>	
<p>Describe the kind of job you are interested in</p>	
<p>Describe the kind of job you believe is suitable for you</p>	
<p>Do you wish to apply for vacancies on a Job Share basis Yes No</p>	
<p>Signature</p>	<p>Date</p>

APPENDIX 2 – REDUNDANCY PAYMENTS

Ready Reckoner for calculating the number of weeks' pay due

This ready reckoner is to assist the calculation of the number of weeks' redundancy pay due under this scheme. The table reflects the introduction of the Employment Equality (Age Regulations) in October 2006.

17* - The table starts at age 17, as it is possible for a 17 year old to have 2 years' service. Compulsory school leaving age can be 15^{3/4} or 15^{4/5} where a child is 16 before 1 September. Particular care should be taken when calculating an individual's redundancy pay when they joined as an employee below the age of 16.

61* - The table stops at age 61 because for employees age 61 and over, the payment remains the same as for age 61.

The statutory redundancy payment is determined in accordance with the Employment Rights Act 1996 scheme.

This page is intended only as a guide and shows how statutory redundancy pay is calculated for people who are entitled to receive it. Whether or not you are entitled to redundancy pay will depend on your individual circumstances.

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	1½																		
19	1	1½	2																	
20	1	1½	2	2½	-															
21	1	1½	2	2½	3	-														
22	1	1½	2	2½	3	3½	-													
23	1½	2	2½	3	3½	4	4½	-												
24	2	2½	3	3½	4	4½	5	5½	-											
25	2	3	3½	4	4½	5	5½	6	6½	-										
26	2	3	4	4½	5	5½	6	6½	7	7½	-									
27	2	3	4	5	5½	6	6½	7	7½	8	8½	-								
28	2	3	4	5	6	6½	7	7½	8	8½	9	9½	-							
29	2	3	4	5	6	7	7½	8	8½	9	9½	10	10½	-						
30	2	3	4	5	6	7	8	8½	9	9½	10	10½	11	11½	-					
31	2	3	4	5	6	7	8	9	9½	10	10½	11	11½	12	12½	-				
32	2	3	4	5	6	7	8	9	10	10½	11	11½	12	12½	13	13½	-			
33	2	3	4	5	6	7	8	9	10	11	11½	12	12½	13	13½	14	14½	-		
34	2	3	4	5	6	7	8	9	10	11	12	12½	13	13½	14	14½	15	15½	-	
35	2	3	4	5	6	7	8	9	10	11	12	13	13½	14	14½	15	15½	16	16½	-
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	17	18	19	19½
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

Appendix 3

Business case for recommending Payment In Lieu of Notice

Service Area:

Name of Employee:

Corporate Manager/Service Head:

Date of redundancy:

Contractual Notice period:

Business case for recommending PILON:

Cost:

Business impact:

Affect on customer service:

Business risk (i.e. security of data, property)

Compassionate grounds:

Pay in Lieu of Notice (PILON) will not be paid unless authorized by the Head of the Paid Service, in consultation with the Leader and Portfolio Holder with responsibility for staffing

Head of the Paid Service signature: _____

Date: _____