

Appendix 1

Organisational Change Policy and Procedure

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1. Context and Policy Statement

- 1.1. This policy sets out the Council's approach to dealing with change initiatives including reorganisation and potential redundancies.
- 1.2. South Cambridgeshire District Council needs to remain responsive and flexible in how it operates in order to provide and deliver excellent service to the Council's residents. This will involve a process of continuous service improvement and innovation which may result in a need for organisational change with an agile and appropriately skilled workforce.
- 1.3. This policy cannot give a guarantee of no compulsory redundancy as the future needs of the Council are paramount. However, the Council aims to avoid compulsory redundancy where possible and managers are required to explore measures to avoid redundancies as far as it is reasonable to do so.
- 1.4. Organisational change 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.

**consider TUPE implications*
- 1.5. Organisational Change does not include minor changes which could be but not limited to changes such as contract variations to working environment or line management which would be administered in a fair, reasonable and consultative matter.
- 1.6. The Council is committed to managing organisational change in a fair, consistent and compliant manner and will be underpinned by the following principles:
 - To protect, wherever possible the Council's workforce from compulsory redundancy, and to mitigate the effect of any such redundancies where they may be unavoidable;
 - To be open and fair, and give regard to equality and consistency in treatment for all council employees;
 - To pay particular regard to statutory obligation with regards to maternity and parental leave employment law provisions
 - To support employees during change and help them to explore opportunities for redeployment and continued employment with the Council;
 - To aim to retain the skills, knowledge and experience that the Council needs to deliver services;
 - To upskill employees to ensure staff are skilled for the future needs of the Council;
 - The aim to deliver change in the most cost effective way;
 - To ensure that appropriate consultations are carried out with recognised trade unions and individual employees in respect of restructuring and redundancy proposals. Consultation will commence at the earliest opportunity and will continue throughout the process.

1.7. **The Council's Commitments to you** - the Council is committed to treating all employees whose jobs are affected by change in a fair and effective manner. To support employees facing change, redundancy or redeployment to minimise adverse impacts of change and to ensure employees are provided with support to cope with change and maintain well-being. The policy is intended to allow flexibility in handling potential redundancy situations whilst maintaining operational efficiency and ensuring the highest possible standards of customer service throughout any periods of change. Where this is necessary, the organisation will ensure that:

- the total number of redundancies made is kept to a minimum;
- Trade Unions are involved during the process;
- employees and, where appropriate, their representatives are fully consulted on any proposals and their implementation;
- selection for redundancy is based on clear criteria that will, as far as possible, be objectively and fairly applied;
- every effort is made to redeploy or find alternative work for employees selected for redundancy; and
- support and advice is provided to employees selected for redundancy to help them find suitable work when their employment has come to an end.

1.8. Communication

The Council will communicate plans for organisational change through various channels available for example this may be via (but not limited to):

- Corporate Briefings
- Team meetings
- Newsletters
- Intranet
- Recognised Trade Unions

1.9. The Council will give regard to the Guidance document on change management produced by the East of England regional council.

2. Eligibility

2.1. This policy & procedure applies to all South Cambridgeshire District Council employees.

2.2. This policy will only apply to employees on secondment if their substantive post is affected by a proposed organisational change or redundancy.

2.3. In order to meet the requirements of Fixed Term Worker Regulations, South Cambridgeshire District Council will ensure fixed term employees are consulted, have the same opportunities and receive redundancy payments where they are due. Fixed term workers may be included in the ring fence for newly created job opportunities if appropriate, this will be considered and discussion with the union on a case by case basis.

3. Links to other policies and guidance

- East of England regional council – Guidance on change management (joint document with trade unions)
- Flexible Retirement policy
- Pay Policy Statement – re-engagement policy
- Acas - Redundancy handling guidance and TUPE transfer guidance
- Maternity and Parental Leave Regulations 1999
- Shared Parental Leave Regulations 2014
- Paternity and Adoption Leave Regulations 2002

4. Equality Impact Assessment

An Equality Impact Assessment Screening form has been completed. No adverse impacts were identified.

The recognised trade unions have been consulted on the policy and procedure. The procedure now follows.

PROCEDURE

5. Procedure Phase 1 – Establishing the Need for Change

- 5.1. The first step is to establish whether change is necessary and then the scale of the change that might be required.
- 5.2. If a need for change is identified then a lead manager/s for the proposed organisational change must be identified who will meet with a member of the HR team to carry out a scoping meeting prior to any action being taken. The scoping meeting will include guidance on this policy's application and will cover matters such as the scope and impact of the change, engagement with staff, communication strategy, business case proposal, job description audit, consideration for voluntary redundancy and more.
- 5.3. In assessing the need for change the Council will wherever possible take all reasonable steps to minimise compulsory redundancy including:
 - Restrictions on external recruitment;
 - Not filling vacancies to allow natural wastage;
 - Seeking applicants for flexible retirement or voluntary redundancy subject to the resourcing needs of the Council;
 - Maximising opportunities for retraining or redeployment to other roles;
 - Reducing temporary agency staff, consultants and the use of overtime;
 - Voluntary reductions in working time
 - Alternative working patterns.

6. Procedure Phase 2 - Making the Case

- 6.1. After a review of the need for change the next steps will be for the lead manager to prepare a written business case setting out the rationale of the proposed organisational change for Executive Management Team approval. Templates and guidance available from the HR team.
- 6.2. It would be advisable that early informal discussion with the trade unions and staff directly affected by the proposed options for change should occur prior to formal consultation begins. Proposed consultation documents will be shared with Trade Unions in advance of a formal consultation.

7. Procedure Phase 3 - Consultation

- 7.1.1. The Council will consult with recognised trade unions (GMB and Unison) and individual employees at the earliest practical opportunity where there is a proposal to make one or more staff redundant.
- 7.1.2. Consultation will begin in good time prior to the proposed changes taking place. The statutory minimum consultation periods for proposed redundancies will always be observed. These are:
 - Where an organisation is proposing to make changes where redundancy may occur and, where these changes affect 20 to 99 employees at one establishment over a period of 90 days or less, consultation will commence at least 30 days before the first dismissal takes effect;

OR

- Where an organisation is proposing to make changes where redundancy may occur and where these changes affect 100 or more employees at one establishment over a period of 90 days or less, consultation will commence at least 45 days before the first dismissal takes effect.

- 7.1.3. Proposed redundancies of 100 or more employees at one establishment in a 90 day period or less must be notified to the Secretary of State, Department for Business, Innovation and Skills. Notice must be given, in writing on Form HR1, at least 45 days before the first dismissal takes place.
- 7.1.4. Where an employer is proposing to dismiss 20 to 99 employees, the Secretary of State must be notified at least 30 days before the first dismissal takes effect.
- 7.1.5. 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.
- 7.1.6. During the 30-day consultation period the lead manager or line or delegated manager and a member of the HR team will meet with affected individual employees to discuss the proposed change and how the proposed changes will affect 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.
- 7.1.7. All staff affected by the proposed change will be communicated to in writing that they are affected by the change.
- 7.1.8. Individual employees or staff as a group 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 organisational change.
- 7.1.9. The Council will make reasonable adjustments for employees who are unable to deal with written correspondence and requirements due to disability.
- 7.1.10. Absent Staff
- 7.1.11. If a staff member is absent during the consultation period the staff member should be contacted in line with staff who are in attendance at work; a decision will be made on the best approach to contact employees absent by reason of being on annual leave, parental leave, sickness, maternity, paternity, shared parental leave, sabbatical. If the staff member is absent for a long period of time then communication will be provided in writing.
- 7.1.12. Should the trade unions or a non-represented employee have reached an agreement before the end of the statutory period then this can constitute completion of consultation period.
- 7.1.13. An outcome report will be published or presented to detail the outcome of the consultation.

8. Procedure Phase 4 - Implementation Period

8.1. The implementation period starts following the conclusion of the formal consultation period upon publication of the outcome report.

8.1.1. The following information explains the various ways in which employees can be matched and allocated to roles that will exist after the change.

8.2. Assimilation

8.2.1. The Council will identify within the new structure any posts which can be deemed as near equivalent posts via a job matching exercise. Employees will be assimilated where the job remains at least 80% unchanged taking account that the level of responsibility, skills, tasks and terms and conditions of the new post are substantially the same as the current post and there is no other 'at risk' or 'affected by change' member of staff who qualifies for consideration by virtue of holding a broadly similar post.

8.2.2. Employees who are assimilated will not be served notice of redundancy and will not have a trial period. The employee is automatically appointed to the role due to the fact that the role is substantially similar in the new structure as in the old structure therefore there is no assessment process or trial period. If the employee declines the role then there is no entitlement to redundancy pay.

8.2.3. Employees cannot be assimilated into a role at a different grade to the current post.

8.3. Ring fenced Competition

8.3.1. Ring fencing applies where there is no change between the role in the old and new structure and there are fewer roles available than employees matched to roles.

8.3.2. An assessment process is required to determine which employee(s) should be appointed to the role(s) but there is no requirement for a trial period. If the appointed employee declines the role, there is no entitlement to redundancy pay.

8.4. Suitable Alternative Employment (SAE)

8.4.1. SAE applies where the role in the new structure is not fundamentally the same as the employee's current role but sufficiently similar to be considered possible alternative employment. These will be identified by the manager as possible alternative roles based on requirements of the employee's current role compared with the duties responsibilities and skills required and grade of the new role. The roles are likely to have:

- similar weekly working hours;
- similar or acceptable duties;
- is within the employee's capability

8.4.2. Roles that are one grade lower than the employee's current role can be considered with appropriate pay protection (see appendix). If an employee unreasonably

refuses an offer of suitable alternative employment there is no entitlement to redundancy pay.

8.4.3. The Council will comply with obligations under relevant legislation with respect to the Council's duty to offer any suitable alternative employment to employees on maternity and other relevant parental leave regulation.

8.4.4. Offer of Suitable Alternative Employment

8.4.5. 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.

8.4.6. Employees with concerns regarding the suitability of the offer should first raise these with their line manager, HR, or lead of the change programme. If the employee still feels that the issue is unresolved the employee has a right to appeal details for which are in Section 12 of the Procedure.

8.4.7. Trial periods and re-training

8.4.8. 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.

8.4.9. 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.

8.4.10. 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.

8.5. **Restricted competition selection**

8.5.1. Restricted competition selection applies where the role is not considered suitable alternative employment for any employees in the affected staff group. In these circumstances, employees from the affected staff group will be given an opportunity to apply for the role before it is advertised more widely in order to retain the employment of affected employees or as an additional way to mitigate redundancies.

8.5.2. A recruitment exercise is required to assess an employee's suitability for the role(s) and the appointment is subject to a probation period.

8.6. **Open Competition**

8.6.1. Open competition applies after employees from the affected staff group have been given an opportunity to apply for the role. Any remaining vacant roles at this stage can be advertised and filled in line with the Council's recruitment policy. Pay

protection may be considered for a post one grade lower when the employee is at risk or under notice of redundancy and is successful in securing another post through open competition.

8.7. At Risk of Redundancy

8.7.1. Individuals potentially at risk of redundancy will be advised during the implementation period and a letter will be issued by the HR team to formally advise the employee of this. See glossary for further guidance of definition of at risk.

8.7.2. 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
- Retirement advice
- Counselling

8.8. Voluntary Redundancy

8.8.1. The consultation with the appropriate trade unions will examine whether there is scope to consider requests for voluntary redundancy. 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.

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

8.8.3. Employees must put their request in writing to their manager with a copy to HR.

8.8.4. The Council has the right to refuse applications from employees whose skills, knowledge and expertise the Council wishes to retain. 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.

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

8.9. Compulsory Redundancy

8.9.1. Where voluntary redundancy or early/flexible retirement has not produced suitable or sufficient volunteers, the Council, in consultation with the trade unions will consider the criteria to be used for compulsory redundancy selection.

8.9.2. 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.

8.9.3. In these cases suitable alternative employment will be sought and where this is not possible then redundancy will apply.

8.9.4. The selection criteria for redundancy may include:

- Specific skills;
- Essential qualifications;
- Experience;
- Work performance/standard of work;
- Attendance record and timekeeping, discounting any disability-related absence;
- Disciplinary record;
- Aptitude for work/ability to undertake the duties and responsibilities of the posts which are retained.

8.9.5. The purpose of the criteria is to ensure that employees are fairly selected for redundancy. The Council will ensure that the aims of selection criteria will:

- Ensure the Council retains a balanced and appropriately skilled workforce for the future which is able to meet customer and service needs;
- Ensure the Council manages its resources in the most efficient way taking into account the costs of achieving change.

8.9.6. Care will be taken to ensure that the selection process is not directly or indirectly discriminatory. Records will be kept throughout the selection process. Attendance records, disciplinary records, performance and development reviews, work quality records and personnel files will be used. Appendix 3 – Selection Criteria Assessment Form

9. Procedure Phase 5 – Concluding the Change Period

9.1. Notice of Redundancy

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

9.1.2. Throughout the notice period efforts to secure alternative work will continue to avoid the redundancy. The HR team will help the employee to identify any new vacancies or opportunities that may be suitable for them. The employee is also expected to regularly check job vacancies on the Council's intranet site and emailed list of vacancies from HR team.

9.1.3. During the last 1/3rd of the redundancy notice period the Council will give proper and fair consideration to an employee's refusal of suitable alternative employment in light of the short length of time remaining in employment as a possible reasonable ground of employee's refusal.

9.1.4. The Head of the Paid Service (normally the Chief Executive), in consultation with the Executive Director/Director must authorise all redundancies prior to the issue of the notice.

9.1.5. 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.

9.2. **Pay in Lieu of Notice (PILON)**

9.2.1. Pay in Lieu of Notice (PILON) will not normally be paid. However, consideration will be made in exceptional circumstances, and where this is supported by a business case (Appendix 5 – proforma) and, with the authorisation of the Executive Director/Director. PILON is a taxable payment.

9.3. **Redundancy Payments**

9.3.1. 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.

9.3.2. Redundancy compensation will be payable to employees who are dismissed by reason of redundancy in line with statutory redundancy payments. To be eligible for a redundancy payment the employee must have been continuously employed in local government for 2 years or more at the effective date of termination.

9.3.3. In the event of redundancy, whether voluntary or compulsory, it is necessary to determine the length of an individual's continuous service in order to establish whether they are entitled to a redundancy payment and the amount of redundancy payment. Service accrued via successive employment contracts, without a break of a statutory week¹ with certain other employers covered by the Modification Order, counts in determining length of continuous service.

9.3.4. 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 6 – Redundancy Payment Examples

9.3.5. 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

9.3.6. Weekly Pay* - Where an employee's actual weekly pay is less than the statutory redundancy weekly pay (check with HR for the current amount), then this amount will be used to calculate the redundancy figure.

9.3.7. 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

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

¹ Statutory weeks are counted from Sunday to Saturday

9.3.9. 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.

9.3.10. Modification Order. Employees who are offered and accept employment with another organisation listed on the Modification Order before the date of redundancy, and where the start date for 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. Employees should check the relevant rules applicable to them if they are seeking or are offered such a job – the exact timescale involved will depend on the day of the week they are made redundant and when that offer is received.

9.4. LGPS redundancy benefits

9.4.1. Eligibility for redundancy benefits from the LGPS is separate to eligibility for a redundancy payment. If the employee is a member of the LGPS, is aged 55 or over, and has the required duration of membership they will be entitled to immediate payment of pension

10. Re-engagement of ex-South Cambridgeshire District Council Employees

10.1. Please refer to the Council's Pay Policy Statement

10.2. Chief Executive, Executive Director and Directors; the Council will not normally re-engage under a contract of services or re-employ any individual who has previously been employed by the Council and, on ceasing to be employed, is in receipt of a severance or redundancy payment. Only in exceptional circumstances* will re-engagement be considered.

10.3. All other grades of employee; the Council will not normally re-engage under a contract of services or re-employ any individual who has previously been employed by the Council and, on ceasing to be employed, is in receipt of a severance or redundancy payment within three years from cessation of employment, this includes casual bank assignments. Only in exceptional circumstances* will earlier re-engagement be considered.

10.4. *Exceptional circumstances. There are very few circumstances in which the council will consider re-engagement of former employees who have been previously made redundant as outlined above. Exceptional circumstances are defined as imminent risk of service failure.

11. Support

11.1. Support Services are available for all staff during organisational change such as;

- Staff counselling services
- Redeployment support
- ACAS guide – how to manage change

11.2. 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 for staff under notice of redundancy:

- Paid 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

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

11.4. **Redeployment**

11.4.1. Employees have a shared responsibility with the Council in seeking redeployment and should adopt a reasonable and flexible approach when considering alternative jobs.

11.4.2. Where the employee is disabled the Council will take all reasonable steps and consider reasonable adjustments to support the employee in securing redeployment.

11.4.3. Redeployment List

11.4.4. A record of all staff who have been identified as 'at risk' will be held by the HR Team. Employees should complete a redeployment questionnaire. Appendix 4 – Redeployment Questionnaire & Guidance Notes.

11.4.5. The employee is responsible for submitting the completed form to HR in good time.

11.4.6. **HR Support**

11.4.7. The HR team will provide support and advice to individuals and line managers throughout this process. You can discuss any redeployment, re-training, interview skills training or job opportunities queries that you may have. Other redundancy support may also be provided.

11.4.8. **Vacancies**

11.4.9. All vacancies in a new organisational structure will be restricted to staff affected by change in the first instance.

11.4.10. Priority and/or guaranteeing interviews for all other vacancies in the Council whilst at risk or under notice of redundancy will depend on whether the employee meets essential criteria of the advertised post and the similarity of the current and new post.

11.4.11. Vacancies will be advertised on the council's intranet - Insite. Employees, who are 'At Risk', must ensure that they regularly check for job opportunities.

11.4.12. Link with Pay Protection

11.4.13. All employees on pay protection are responsible to seek and apply for vacancies to enhance their career development. If a vacancy arises and all essential criteria are met by the candidate on pay protection then the employee will be guaranteed an interview.

12. Appeals

12.1. Appeals can only take place once the consultation has closed and implementation period has started.

Stage of procedure	When	Who can appeal?	Address appeal to	On what ground	Timescales	Process
Phase 4/5 on notice of redundancy	On issue of notice of redundancy	Employee issued with notice of redundancy	Director of Service Area Cc HR	Reasonable grounds – not just unhappy with a decision. For example, unfair selection for redundancy or failure to consult him/her about the redundancy situation.	Submitted within 5 working days of the letter issuing notice or dismissing by reason of redundancy	A meeting will then be arranged with the Service Director who will consider the case and determine whether or not to confirm the decision. The outcome of the appeal will be communicated to the employee in writing within five days of the meeting. The decision of the appeal hearing will be final.
Phase 4/5 refusal of suitable alternative employment	After raising informally with line manager	Employees deployed to SAE post after receiving offer in writing.	Director of Service Area Cc HR	Reasonable grounds why not accepting the offer. Factors such as pay, hours, location, status, environment and responsibilities will be taken in account by a Service Director.	Submitted within 5 working days of the letter of suitable alternative employment.	As above.
Phase 4 – Voluntary Redundancy	If voluntary redundancy application is refused	Applicants for voluntary redundancy	Director of Service Area Cc HR	Reasonable grounds as to why believe decision should be reviewed	Submitted in writing within 5 working days of the decision.	As above

Appendix 1 Glossary of Terms

Term	Definition
At risk	Where a 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
Under notice	If no suitable alternative employment has been found then notice of redundancy will be issued in line with the employee's contract of employment.
Redeployment	Appointment to a post in the new structure following a member of staff being at risk of redundancy which may have different terms and conditions to the prior post.
Redeployment List	A list of staff members at risk of redundancy held by the HR team with a view to being given priority to job vacancies dependent on skill suitability.
Assimilation	When a post in the new structure is 80% unchanged compared with the existing post an employee would move into the new post by virtue of the posts being 80% the same. If more than one staff member is in a suitable post the posts will be ring-fenced. This used to be referred to as 'slotting in'.
Restricted Competition	Staff affected by the organisational change /restructuring are given priority for the selection and appointment to posts in the new structure.
Ring-fenced	Ring fencing applies where there is no change between the role in the old and new structure and there are fewer roles available than employees matched to roles.
Expression of Interest	An application form which allows a staff member to apply for a role when on the redeployment list.
Suitable Alternative Employment	A post offered to a member of staff in the new structure which is of similar status, weekly working hours, and duties as the existing post.
Selection Criteria	Criteria used to appoint to posts in the new structure.
Affected by Change	During the consultation process any posts that are affected by the proposed change will be identified. Staff in these posts will be advised in writing how the proposed change affects their post.

Appendix 2 Pay Protection

Pay protection will apply only where a South Cambridgeshire District Council employee moves to a new post which is no more than one grade lower than the existing post.

Pay Protection Scope

The Council's policy on pay protection provides protection for an employee's basic pay where it is reduced as a result of:

- Organisational restructuring;
- Redeployment into a post one grade lower than current post holding where an employee is at risk or under notice of redundancy

Aim

The purpose of pay protection is to reduce the number of staff leaving the Council by reason of redundancy and to retain the skills and experience of employees who have been identified as redundant by alleviating the immediate salary impact of this and provide a period of time for staff to adjust to their lower salary. It is also aimed to encourage employees to accept redeployment at lower salary levels where appropriate to retain their services.

The Council recognises the need to ensure that pay protection arrangements do not directly or indirectly lead to inequalities in pay and this guidance is in line with current legislation.

Entitlement

Pay protection will apply to redeployment and assimilation only where an employee has over 2 years continuous service with South Cambridgeshire District Council and where the new post is no more than one grade lower than the existing post.

Basic Pay

The pay protected will be the current pay rate for the job as defined by the pay and grading structure at the time of appointment to the new post.

Where an employee applies for and is offered a post as 'redeployment' if the new pay rate is lower than the existing pay rate, '**pay protection**' will apply (pay protection is the difference between the old and new pay rates from date of appointment in new post:

- For the first 12 months in post - 100% protection

Pay not protected includes additional hours worked (over-time), pay-related allowances, non-pay related allowances (e.g. annual leave), adjustments to the hourly rate due to standardisation of the working week, market supplements.

There will be no annual increment progression on the protected grade. If entitled to cost of living then this will be applied.

Changes to pay protection

If during the 12 month period the employee voluntarily changes job then the pay protection will normally cease upon appointment to the new post. Consideration may be given on a case by case basis for portability of pay protection if it is agreed that the new job is a realistic career opportunity and the same grade as the current grade. On these occasions the pay protection would continue until the original 12 month expiry date – i.e. it cannot be extended past 12 months in total.

Pay protection may end within the 12 month period if the new current grade catches up with the protected basic salary.

At the end of the 12 month pay protected period, salary will be adjusted to the nearest equivalent salary scale point within the current grade according to protected salary.

There is no right to appeal at the end of pay protection.

Where pay protection applies, the additional cost will be funded from the originating area's budget.

Example Pay Protection for Suitable Alternative Employment and Redeployment through open competition

If the Council identifies a post as 'suitable alternative employment' and offer the post to the redundant employee, pay protection will be offered. Where the new post is a lower grade and the employee's current spinal column point is higher than the grade maximum, pay will be reduced to the maximum in the new band and the difference paid as 'protection' pay. As follows:

Example: (The salary change takes effect at the end of successful completion of the 4 week trial period).

Employee's current salary is £39,105

New post – grade 5 - Salary range for new post: £28,329 - £32,947

New Salary: £32,947 *

Pay Protection element: £6,158**

*Employee is at the top SCP point so would only receive appropriate increases on the new salary at pay progression relating to cost of living.

**The pay protection element will remain at £6,158 for 12 months (subject to single status guidance and/or changes to hours/post)

Appendix 3 – Selection Criteria Assessment Form

Selection Criteria Assessment Form

Name	
Section/Service area	
Job title	
Grade	
Start date at SCDC	

	Weighting	Score
Specific skills		
Essential qualifications		
Experience		

Work performance/standard of work		
Attendance record and timekeeping		
Disciplinary record		
Aptitude for work/ability to undertake the duties and responsibilities of the posts which are retained		

Selection Criteria Assessment Form

Guidance notes

- The proposed selection criteria and weightings will be subject to consultation with the trade unions
- The criteria and their relative weightings will be determined by the current and future needs of the organization. Weightings will take into account the council's service delivery requirements and need to maintain a balanced workforce.
- To achieve a total score for each employee, criteria should be weighted by a factor to reflect its relative importance.
- Assessments must be objective and supported by documented and verifiable evidence wherever possible. Managers should not allow preconceived opinions to influence the assessment process.
- Scoring should be carried out independently by two managers who know all the employees in the selection pool.
- Detailed notes should be kept at all stages of the assessment process, in order that they can be referred to in the case of an appeal.

Appendix 4 – Redeployment Questionnaire

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.

Section A	
First name(s)	Surname
Department	Section
Work phone	Home phone
Current job title	Grade
Current working hours	Location
Section B	
Transferable skills (skills you use in your current job or outside work, which you could use in a different job)	

Describe the kind of job you believe is suitable for you

Would consider changing your work location, altering your working hours, accepting a fixed-term contract, accepting a lower graded post, and/or move to a different staff category?

Is there anything that we need to take account of in terms of redeployment?

(physical restrictions, family needs, location etc)

Do you wish to apply for vacancies on a Job Share basis

Yes / No

Signature

Date

Guidance Notes: Redeployment Questionnaire

These guidance notes have been provided to assist you in the completion of the relevant sections of the Redeployment questionnaire.

You must complete the Redeployment questionnaire to be placed on the Redeployment list. This is your opportunity to tell us about your skills and experience so take time to complete the form providing examples to demonstrate any skills and experience (what you did, how you did this, the outcome).

This Profile will be used to initially assess whether vacant posts could be suitable alternative/alternative employment for you. It will form part of your application for any alternative posts which you express an interest in so you should include information from your current role but also any transferable skills, training, achievements, knowledge or abilities from previous roles or past experience. There is also the opportunity to add any additional information that you think would be relevant.

You should look on the Council's [Intranet - Insite](#) for details of any new vacancies. The link to this page will be emailed to you on a weekly basis.

Employees have a shared responsibility with the council in seeking redeployment and should adopt a reasonable and flexible approach when considering alternative jobs.

Where you wish to be considered for a vacancy which has not been flagged to you as potentially being Suitable Alternative Employment, you will be required to complete a regular application form to indicate your interest. You will need to do this for each specific vacancy that you wish to be considered for. The Redeployment questionnaire will then be used to assess your suitability for the post, particularly in terms of determining similarities between your current role and the redeployment opportunity and also assessing your key skills and experience against the essential criteria.

At the time of application, you may, however, upload additional information such as a supporting statement or CV, along with your application form. This will give you the opportunity to provide information about your skills and experience in relation to the person specification for that particular vacancy which is not already adequately covered within the Skills Profile.

Completing the Skills Profile:

Section A: Personal Details

Please ensure that all fields in Section A are fully completed.

HR will be able to assist you with any details or dates that you are not sure about.

Section B: Transferable skills

Please think about the main duties and responsibilities for your role, what skills and abilities that you use and how these could be applied to other job roles.

You may also have other skills, knowledge and abilities which do not form part of your current work role, they may have been gained through outside activities, personal interests and responsibilities you have become involved in for personal interest or development.

These may include the skills under headings such as: communication (oral and written), interpersonal, customer service, financial awareness, technical, planning and organising skills, creativity and innovation, initiative and problem-solving, your ability to work for and with others and your knowledge of the council's services. These are only examples, and you may categorise your skills base as you consider appropriate.

You may wish to use extracts from your PDR.

Section C: Qualifications, training, study, personal development

Please tell us about any qualifications, training, study or personal development that you have undertaken. These may have been gained at college, university, home learning or through another organisation or body that you are connected with.

Section D: Experience

Please tell us about any experience that you have had. This may be work related (previous jobs or work experience) or voluntary experience (volunteering, local community groups, school governor, coaching or mentoring).

Section E: This covers the type of job role that you may be interested in

Please describe the type of role that you are interested in being redeployed to. For example, you may wish to move from a back office role to a customer facing position, or you may wish to only be considered for office based roles.

You will need to tell us if there is anything, such as location, hours of work, family care needs or physical restriction that we need to take into account.

It also allows you to confirm whether you would consider changing your work location, altering your working hours, accepting a fixed-term contract, accepting a lower graded post, and/or moving to a different staff category.

Appendix 5 – PILON business case form

Pay in lieu of notice (PILON) business case form

Name of employee being made redundant	
Job role	
Service area	
Manager/Service Head	
Date of notice of redundancy	
Contractual notice period	
Business case for recommending PILON	
Business impact including any impact on customer service	

OR

Case on Compassionate grounds

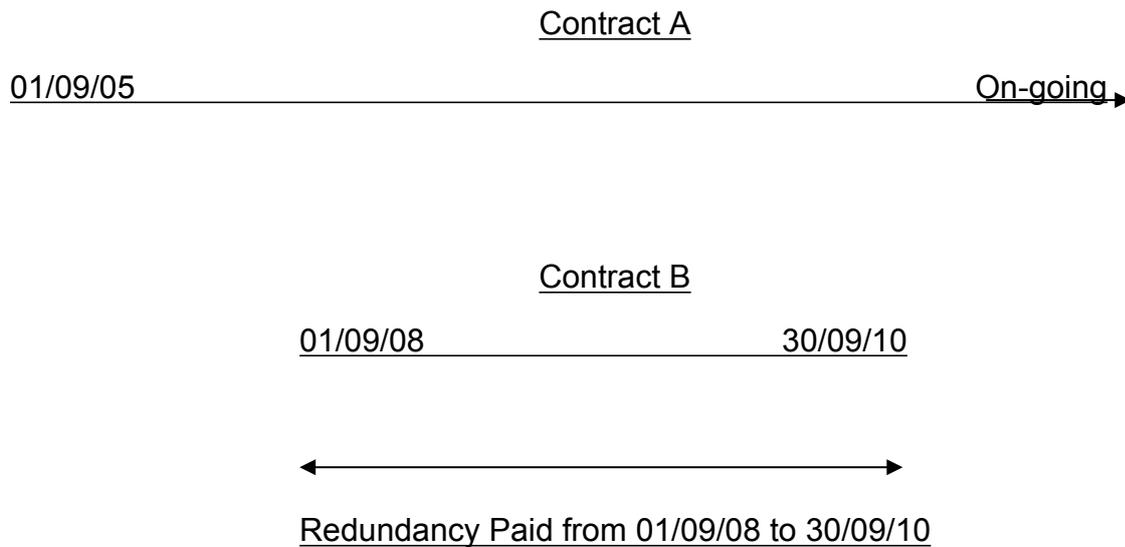
Pay in Lieu of Notice (PILON) will not be paid unless authorised by the Executive Director/Director

Signature: _____ **Date:** _____

Appendix 6 – Illustrative Redundancy Payment

Example A

An employee is employed in a part-time position starting 01 September 2005 (contract A). On 01 September 2008, he/she accepts an additional part-time post (contract B) and is employed on simultaneous contracts. Contract B is made redundant with effect from 30 September 2010. The employee's length of service in contract B exceeds 2 years. This means that he/she is eligible for a redundancy payment based on the employee's continuous service start date for that contract, i.e. 01 September 2008 to 30 September 2010



Example B

An employee is employed in a part-time position starting 01 September 2005 (contract A). On 01 September 2008, he/she accepts an additional part-time post (contract B) and is employed on simultaneous contracts. Contract B is made redundant with effect from 01 August 2010. The employee is not eligible for redundancy pay in respect of this contract because he/she has less than 2 years continuous service in that contract.

Statutory weeks are counted from Sunday to Saturday

Appendix 7 Individual Consultation Checklist

Name:		Job Title:	
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Date:		Location:	
Representative	Yes/No: Name:	If no, are they happy to continue alone:	
How are you feeling?			
Explain the purpose of the meeting			
Discuss current situation and what this means or might mean to the individual			
What are your initial thoughts, questions?			

Appendix 8 – TUPE FAQ

What does TUPE mean?

TUPE stands for Transfer of Undertakings (Protection of Employment) Regulations. Where a service transfers to a new organisation, or into the organisation, staff will be transferred to the new organisation under the TUPE regulations.

What happens to my existing terms and conditions?

Under the TUPE regulations you will maintain the terms and conditions you currently have unless the terms and conditions of the new employer are more favourable in which case you can elect to be employed under their terms and conditions.

Is continuous service protected under TUPE?

Yes.

How long will my terms and conditions be protected?

The answer is, as with many legal queries, "it depends". TUPE applies to all employees who were employed in the grouping immediately before the transfer, or who would have been so employed if they had not been dismissed by reason of the transfer, unless that reason was for an "economic, technical or organisational reason entailing changes in the workforce ("ETO").

All of the transferor's rights, powers, duties and liabilities under or in connection with the transferring employees' employment contracts pass to the transferee and any acts or omissions of the transferor before the transfer are treated as having been done by the transferee.

The transferee takes on the transferring employees on their existing terms and conditions of employment.

Changes to terms and conditions will be void if the sole or principal reason for the change is the transfer itself unless (i) the reason for the variation is an ETO, or (ii) the reason for the variation is the transfer but the terms of the employment contract permit the employer to make the variation.

An employer cannot change terms and conditions (even by agreement) where the reason for the change is the transfer itself and there is no economic, technical or organisational reason for the change. Under TUPE the contract of employment transfers.

What happens if I don't want to transfer to the new employer?

If you do not want to transfer to the new organisation this would be deemed a resignation from your position.