

# Restructure, Redeployment and Redundancy Policy \*

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POLICY RECORD DETAILS	
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DATE/S	UPDATE VERSIONS
1 May 2011	Updated and streamlined to take in to account details of the new Civil Service Compensation Scheme and key changes that affect staff in terms of salary protections. Review / clarification of some of the processes / procedures for ease and consistency in handling e.g. approval process, early management consultation with TUS, information to be shared with TUS, measures to be discussed to avoid redundancy, terms for suitable alternative employment / ring-fenced posts and clarifying transfer opportunities. NB Previous documents are archived – Pre May 2011 provision is available for information only
12 September 2012	Minor change agreed with TUS in November 2013 under 5.4 Service Review
4 December 2013	Amended to reflect the changes to the Cabinet Office Protocol for handling surplus staff situations
31 March 2015	

\*Restructure, Redeployment and Redundancy Policy not agreed with TUS

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## **1. Purpose**

- 1.1** This policy is intended to deal with areas of managing organisational change, covering a range of change issues, from restructuring and reorganisation, to redeployment and redundancy. The policy is intended to ensure that the Library adopts a timely but consistent and fair approach to issues of change management and that employees are treated equally in the associated processes.
- 1.2** The Library is committed to trying to minimise any adverse aspects of change upon its valued and hard-working workforce. However, this must also be balanced with the need to provide services economically and effectively to all our users. All affected employees therefore are expected to work proactively within the spirit of this policy to minimise the risk to their continued employment.

## **2. Scope**

**2.1** This policy applies to all Library employees.

## **3. Policy Statement**

**3.1** This policy establishes the principles adopted to support the whole organisation through changes that affect staffing and resourcing needs.

**3.2** Organisations need to adjust and change to meet internal and external requirements and to keep their service relevant. Such change can be caused by internal drivers such as changing organisational requirements or technological developments, or from external drivers such as changes in Government leadership, strategy or legislation, or from funding provision.

**3.3** Thus it is the agreed aim of the Library and the Trade Union Side to safeguard the current and future employment of the Library's employees. It is also the aim of the Library to maintain and enhance its efficiency and sustainability.

**3.4** The Library recognises the effect that restructuring and redundancies can have and the following principles will be taken into account:

- to minimise the impact on staff
- to deliver quality services to Library stakeholders
- to have a fair and transparent process in line with the Library's duty as an Equal Opportunities employer.
- to implement measures aimed at avoiding compulsory redundancy
- to ensure that effective meaningful consultation and communication takes place with employees and Trade Union representatives
- to offer support, training and development for affected employees
- to ensure that employees at risk of redundancy will be considered prior to other internal and external candidates for recruitment to vacant posts
- to take account of the Cabinet Office protocols for handling surplus staff situations

**3.5** The Library will act consistently with the statutory provisions relating to redundancy, employment and diversity legislation. Any selection for redeployment or redundancy will be conducted in a manner which avoids any direct or indirect discrimination.

**3.6** Hence when change is needed Library policy is to ensure that as far as possible there is careful and considered forward planning and security of employment with every effort made to avoid, or if inevitable, minimise compulsory redundancies.

**3.7** The Library, in consultation with the Trade Union Side, will seek to minimise the effect of redundancies by providing an appropriate and reasonable amount of time and effort to finding alternative employment for surplus staff. Where compulsory redundancies become inevitable the Library will handle the redundancy in the most fair, consistent and sympathetic manner

possible and seek to minimise as far as possible any hardship that may be suffered by the employees concerned.

#### **4. Awareness of managerial legal responsibilities**

**4.1** Senior managers (SB4 and above) must consult with trade unions on proposed changes and ways in which the changes will be implemented, considering their views before final decisions are made. It is advisable to discuss the key proposals and documentation with TUS at the earliest opportunity.

**4.2** Senior managers must also ensure that employees:-

- are consulted about the proposed change and the ways in which they will be implemented, having their views considered before final decisions are made.
- are treated fairly during any reorganisation.
- are offered suitable alternative employment (where possible) if they are displaced

Failure to do any of these things may render the senior manager liable to challenge at an Employment Tribunal.

#### **5. Restructuring and Reorganisation**

##### **Introduction**

**5.1** As part of the Library's on-going development of its services, from time to time there is a need to restructure parts of the organisation.

**5.2** The Library is committed to a positive and flexible approach to managing change which could involve restructuring either a service or area of work which will improve services to customers, develop employees and enable effective management of the service area.

**5.3** In any reorganisation, employees are likely to become anxious and demotivated, which may result in lowering of performance standards. In order to maintain employees' morale and performance at as high a level as possible, senior managers should make every effort to ensure there is regular communication between themselves and employees (and their representatives) even to advise if there is no update on progress. Senior managers should therefore ensure that employees and the relevant trade unions have been fully consulted on the detail of the restructuring prior to its implementation and, within the context, ensure that reorganisations are implemented effectively and as quickly as possible.

##### **Service Review**

**5.4** If a Head of Service can clearly identify that there are problems with the

service that is being provided and is therefore clear on the reasons why a service review needs to take place, they should follow the stages outlined in Section 5.8 to gaining approval.

**5.5** However, if a Head of Service has concerns that the current structure is not as effective as it perhaps could be but is not aware of the reason for this, they may need to consider utilising one or more of the following methods to reach a conclusion :-

- Undertake an analysis of the area to identify any deficiencies
- Undertake a review in conjunction with employees and trade union representatives
- Commission other internal/external resources to undertake the review in accordance to Library policy and procedures
- Undertake client/user surveys to identify areas of improvement
- Undertake benchmarking exercises to identify the strengths and weaknesses of the service

**5.6** Once the decision has been made to review a service area and it is likely that an outcome may involve a restructuring of the service then the employees affected by the review and the trade unions should be advised in writing that a review is taking place. This notification should involve details on the scale and timescales to be worked to: the method of analysis to be used; employees' involvement and potential consequences (if known).

**5.7** Questions for consideration during the review will include:

- What will the impact be on staff?
- Will the proposed changes have any direct impact on the nature of the services delivered?
- Will the proposed changes lead to an improvement in services delivered\_or achievement of efficiency savings?
- Will the changes require any redirection of resources?
- Are the proposals within budget?

### **Approval Process**

**5.8** If the review recommends a restructure/ change to the service or area of work, there must be a business case detailing business reasons and budgetary implications and Equality Analysis:-

- To support the change proposed
- For consultation purposes
- For Audit monitoring purposes
- For sharing with Cabinet Office

The standard set of documents to be shared as part of the consultation process with staff and TUS would normally include:

- Business case and any supporting documents
- Current and proposed structure charts

- Equality Analysis
- Current and proposed job profiles
- Example letters to staff (notifying of restructure, for Confirmed In Post, for ring-fencing)
- Proposals for Confirmed In Post and ring-fencing
- Timeline of key events
- Frequently Asked Questions
- Grade profile table

**5.9** Consultation with the TUS and staff will be undertaken prior to the restructuring proposals being finalised and agreed by the Director of the service area, Finance Manager and Human Resources Business Partner.

## **6. Permanent staff in limited funded posts**

**6.1** Where a limited funded post is due to end which is occupied by a permanent employee and no further funding has been identified, the line manager of the post(s) affected will notify the TUS and employees affected 6 weeks prior to the end of funding. As part of the consultation process, line managers will consider with TUS the measures to avoid compulsory redundancy detailed in section 7.2

## **7. Stage One - Implementation of the changes**

**7.1** Prior to **formal Meaningful Consultation** (see Section 9 – Stage 2) senior managers will initiate consultation with TUS and affected staff regarding the proposed changes to the service area and implementation plans. The timescale for a restructure will depend on the number of posts affected and the complexity of the changes proposed.

**7.2** At this stage the senior manager will identify if there is a risk of a surplus of staff and following discussions with TUS will introduce measures designed to minimise recourse to compulsory redundancies. These measures will include as many of the following as practicable at this stage and throughout the restructuring process or redeployment of permanent staff:

- Reduction of recruitment and/or promotion
- Implications of extension to temporary and fixed term contracts
- Review use of agency workers and consultants
- Reduction or elimination of overtime
- Overbearing for limited periods
- Voluntary exit/redundancy
- Seeking voluntary solutions e.g. job share, reduced hours, annualised hours etc.
- Natural turnover
- Transfer of surplus staff to other areas of work, in the Library or other government departments, fringe bodies and agencies. Transfer to other areas of work within the Library should be in accordance with the procedures described in sections 7.26 - 7.29.

- Retraining to enable staff to be redeployed to other posts with the Library.

**7.3** HR will inform Civil Service Resourcing of an overview of situations that could result in compulsory redundancy (numbers, grade, location and timing) as soon as they are forecast, This may require a meeting with Civil Service Resourcing to discuss mitigation measures in place.

**7.4** Once the structure has been finalised and formally approved the senior manager, in association with HR, will take forward the plans to implement the proposals. This includes maintaining meaningful consultation with TUS and affected staff. The following process will then be followed:-

#### **Confirmed in post**

**7.5** Senior Managers will need to determine which members of staff have the right to be confirmed in post in the new structure as detailed below and providing there is no reduction in the number of posts available at that grade:-

- The original post(s) clearly continue in the new structure.
- Staff are working in a post which is at least an 80% match to the proposed role and they meet the essential criteria.
- Staff have a skill set and experience matching the requirements of the role(s), as with some project roles.

**7.6** Senior managers will consult with staff and the trade unions on the details of who is considered to have the right to be confirmed in post.

**7.7** All placements will be made on the basis of current terms and conditions unless agreed otherwise.

**7.8** Individual members of staff and TUS will have a set period of time, which will be determined by management, to register if they consider that the staff member should be confirmed in post. Each case will be considered as part of the consultation process and responded to prior to any formal notification on the final position by management.

**7.9** Individual members of staff will be advised if they are to be confirmed in post. Staff who are confirmed in post will then not form part of the ring fencing exercise. If a member of staff has not been confirmed in post wishes to appeal this decision they may do so within 2 working days of this stage being completed. Any appeal will be heard immediately by the senior manager.

#### **Ring fencing**

**7.10** Ring fencing applies to the service area which is under review. Posts in the new structure which have not been filled by Confirmed in Post will be available to staff within the ring-fenced area only, in the first instance.

- 7.11** Members of staff who have not been confirmed in post will be advised in writing of what the next steps will be and what support will be offered to them. These members of staff and the trade unions will be consulted with respect of which members of staff will be ring fenced (i.e. considered as a specific group) for which posts/grades in the proposed new structure.
- 7.12** The process for filling posts in the ring fence will vary according to the nature and type of restructure. However, this will normally mean that ring fencing is at their substantive grade unless agreed otherwise as part of the consultation process.
- 7.13** People currently temporarily promoted will participate in the ring fencing exercise at their substantive grade unless they have been on temporary promotion for a period exceeding one year, in which case they will be considered at the higher grade first. Alternatively, if they wish they will be matched at their substantive grade. If unsuccessful at the higher grade, they will be considered at their substantive grade. Any anomalies will be the subject to consultation with the TUS with a view to reaching agreement.
- 7.14** Any internal/external advertising for these particular posts will only normally take place after all ring-fenced candidates have been interviewed and a decision as to their suitability has been made. Exceptionally, for example where there are more posts than internal people, internal (and external) advertising may take place at the same time as the internal ring-fencing. Employees and trade unions will be consulted on posts in the new structure which are to be advertised externally.
- 7.15** If a member of staff has not been appointed to a role at their substantive grade, overbearing may be considered. This would mean that 7.30 - 7.31 below would apply.

### **Selection Process**

- 7.16** The principles which underpin the selection process are:
- The approach aims to ensure minimum disruption to work and individuals and to appoint as many people as quickly as possible.
  - Selection will be carried out in a transparent and equitable manner in line with the Library's duty as an equal opportunities employer.
  - If there is no suitable person available to fill the post, the role will be advertised and filled via the normal recruitment process.
  - All employees in the departments affected will be part of this process e.g. those on maternity leave, sick absence, career break or secondment. Individuals' rights on maternity leave will not be affected.
- 7.17** Ring fenced employees will be invited to submit a letter of interest/application detailing which posts they are interested in, demonstrating their capabilities, skills and experience for the roles they wish to be considered for.

- 7.18** Staff may be automatically placed in a post if there is only one employee who wishes to be considered for a particular post as long as they have the necessary capability, skills and experience required (or who would meet them with training) following discussions between the redeployee and the recruiting manager.
- 7.19** All placements will be made on the basis of current terms and conditions unless agreed otherwise.
- 7.20** There will be a competitive interview if, for a particular job profile:-
- There is more than one employee in the ring-fenced group whose post is affected by the reorganisation and who could be considered a suitable candidate for a post in the new structure.
  - If one individual meets the confirmed in post criteria but the post is of a higher grade they will be invited to an interview in order to assess their ability to undertake the role. This will be carried out before the post is advertised either internally or externally.
- 7.21** Where a ring fenced employee fails to apply for a post which may be considered suitable then the senior manager will consider their suitability based on the PMR records and invite them to attend an interview. If they fail to participate in the interview and the senior manager considers the role to be suitable alternative employment they may offer this to the individual.
- 7.22** Prior to competitive interviews, where there is a surplus of employees, senior managers may wish to consult with staff and TUS on seeking expressions of interest in terms of voluntary exits, subject to Cabinet Office approval.
- 7.23** Staff may appeal non selection decisions using the Recruitment Appeal Process.
- 7.24** Individuals who have been appointed to roles will be advised of this formally in writing by HR. Any member of staff who has been unsuccessful will be advised in writing at the appropriate point that they are “at risk” of redundancy and advised of the support that they will be offered in order to seek redeployment into another suitable alternative role.
- 7.25** If there are staff identified as being displaced and following discussions with TUS, the senior manager and HR will introduce as many of the measures described in section 7.2 as practicable to minimise recourse to compulsory redundancies.

### **Transfer arrangements**

- 7.26** For transfer opportunities at the substantive grade line managers will need to ensure that an up-to-date role profile exists in relation to the duties to be undertaken.

- 7.27** HR will consider if there are any potential opportunities to transfer surplus staff into and will bring this to the attention of appropriate member of staff and line managers.
- 7.28** Suitability will be assessed through a structured discussion with the line manager and a representative from Human Resources, as appropriate. If appointed, this may be on a trial basis depending on how close a match the individual is to the essential criteria of the role.
- 7.29** All placements will be made on the basis of current terms and conditions unless agreed otherwise.

### **Salary Protection Arrangements**

- 7.30** Members of staff may be appointed to or redeployed into posts which are one grade below their substantive grade to avoid redundancy and to allow a further period of time for a permanent post at their substantive grade to be found. This is known as overbearing and is intended to be for a limited time of 3 years. At the end of the 3 year period the member of staff will be placed on the top spine point of the new grade. However, the member of staff will also be required to be proactive and to apply through the internal recruitment process for opportunities that arise.
- 7.31** Overbearing will only take place with the agreement of the individual and the manager concerned and this will then constitute an offer of alternative employment. Whilst staff are being overborne they will continue to receive any appropriate pay awards.

## **8. Redeployment Procedure**

### **Policy statement**

- 8.1** The Library is committed to seeking alternative work where possible, for employees who find themselves in a position where their post is deleted as a result of a restructure or when funding for their post comes to an end. Human Resources will oversee the redeployment process with the appropriate manager. The senior manager will also pursue the avenues described in section 7.2 as appropriate.
- i. For staff displaced following restructuring, the redeployment process will start as soon as staff are identified as being “at risk”.
  - ii. Permanent staff in time limited funded posts will be considered for redeployment 6 weeks before the funding comes to an end and at this point will be notified that their employment could be “at risk”.
- 8.2** Once staff have been informed that they are “at risk” (see Section 7.24 and 8.1.ii), they will be advised by HR that redeployment will be sought for a

period of 6 weeks prior to the commencement of formal Meaningful Consultation on potential compulsory redundancy (see Section 9). Redeployment will continue for the duration of the formal Meaningful Consultation and any compulsory notice periods. Where appropriate and subject to Civil Service Resourcing approval, Voluntary Exit terms (under the best possible terms) will be offered to these staff during this initial 6 week stage in the process.

- 8.3** During their period of redeployment members of staff will be advised of posts via the Office notice that are being advertised internally and externally and will be advised to complete an application for each post. Members of staff who are considered “at risk” and meet the essential criteria (or who would meet them with training) will be given preferential treatment, that is, they will be considered prior to other internal and external candidates. Staff may be automatically placed in a post if there is only one employee who wishes to be considered for a particular post as long as they have the necessary capability, skills and experience required (or who would meet them with training) following discussions between the redeployee and the recruiting manager. Paragraph 6.17 of the Recruitment Policy can therefore be relaxed for redeployees only. All placements will be made on the basis of current terms and conditions unless agreed otherwise.
- 8.4** Suitable alternative employment is considered to be where the “at risk” member of staff’s current terms and conditions meet the terms and conditions of the post being applied for. In general terms this means that: the grade, pay, location, working hours, and contractual benefits are the same; the status and skill levels of the post are generally comparable. Offers will only be deemed reasonable where they can guarantee continuity of employment.
- 8.5** If a member of staff “at risk” applies for an alternative post which is at a lower grade than their substantive post and that may not have comparable terms and conditions (for example where there is a difference in grade, hours or allowances), this may be considered. An element of protection may be agreed by the Director, Finance Manager and Human Resource Business Partner, where an appropriate business case supports this as alternative employment agreed by all parties.
- 8.6** If an employee unreasonably refuses the offer of suitable alternative employment and their employment is terminated they will not be entitled to redundancy pay. However, the onus is on the Library to show that the job is suitable and the employee is being unreasonable in refusing it.
- 8.7** Corporate redeployment meetings will take place with TUS. As part of this, an up-to-date list of staff whose posts are currently or are due to be unfunded will be shared as appropriate, giving details of location, grade, and whether full time or part time, for discussion, as well as discussing any actions in relation to the measures in 7.2..

## **9. Stage 2 - Formal Meaningful Consultation of potential compulsory redundancies**

### **Definition of Redundancy**

**9.1** According to the Employment Rights Act 1996 Section 139, redundancy arises when employees are dismissed because:

- the employer has ceased, or intends to cease, to carry on the business for the purposes of which the employee was so employed  
Or;
- the employer has ceased, or intends to cease, to carry on the business in the place where the employee was so employed  
Or;
- the requirements of the business for employees to carry out work of a particular kind has ceased or diminished or are expected to cease or diminish  
Or:
- the requirements of the business for employees to carry out work of a particular kind in the place where they were so employed has ceased or diminished or are expected to cease or diminish.

### **Process**

**9.2** Formal Meaningful Consultation will take place with TUS and “at risk” staff during the above process at least 45 days before the first compulsory redundancy notice is issued. This can be varied if necessary by agreement between management and the trade unions. During this consultation period redeployment for staff affected will continue to be sought.

**9.3** The Library has a legal obligation to consult formally and in writing with trade unions and members of staff affected on the following:-

- The reasons for the requirement to implement redundancies.
- The numbers and grades of those employees that are affected.
- The total number of employees from whom those to be declared as redundant are drawn.
- The proposed method of selection ensuring no discriminatory criteria are used.
- How dismissals are to be carried out taking account of agreed procedure including the period over which the dismissals are to take effect.
- The period during which the dismissals for redundancy will take place.
- The basis for the calculation of redundancy or severance payments.
- Proposals are subject to equality assessments and that monitoring is on-going.

**9.4** Managers will continue to consult with trade unions on the alternatives to compulsory redundancy throughout the consultation process as detailed in Section 7.2.

- 9.5** The purpose of the consultation will be to discuss ways to avoid the dismissals, reduce the numbers to be dismissed or to mitigate the circumstances of the dismissal with a view to reaching agreement. In the course of consultation, the manager must consider representations from affected staff/TUS and respond to them.
- 9.6** The Library will notify Civil Service Resourcing at the earliest opportunity where compulsory redundancies appear to be unavoidable. Civil Service Resourcing will provide and agree what evidence is required for a Redundancy Mitigation Review.
- 9.7** Robust efforts must continue to avoid issuing compulsory notices during this period and voluntary redundancy offered to all those at risk as set out in the guidance on the CS Compensation Scheme.
- 9.8** Following the issue of any compulsory redundancy notices the Library should continue to help those people try and find a position within the Library.
- 10. Assistance to be offered to staff**
- 10.1** The Library will take all reasonable steps to assist staff during the consultation period. HR will offer to meet affected staff regularly to discuss options and opportunities. A union representative may be present, if the staff member wishes it.

Where there is a risk of compulsory redundancy, HR will regularly send “at risk” staff and TUS up-to-date vacancy lists, as well as continuing consideration for redeployment, and the activities described in section 7.2. Other examples of support may include:

### **Retraining**

HR and management will work with the staff affected to identify possible training support to enable them to be better equipped for redeployment within the Library or opportunities elsewhere.

Line managers should organise regular meetings with staff requiring redeployment, in order to identify areas for development and aid their redeployment into a suitable post. The HR Adviser may be asked to be present in these meetings to provide professional guidance.

The line manager and HR Adviser will actively monitor the training and development support provided to staff requiring redeployment.

### **Career Transition support**

In-house career transition modules/workshops will be offered.

## **Trial periods**

There is a statutory right to a trial period of four weeks in a suitable alternative post; this can be in an overborne post. During the trial period the right to a redundancy payment will not be lost if the job proves to be unsuitable. The four week period can be extended for retraining purposes by agreement in writing between the staff member and the line manager for up to three months. If staff work beyond the four week period or the jointly agreed extended period, then they will be deemed to have accepted the new job and lose any entitlement to redundancy payment.

## **External Opportunities**

HR will explore with other organisations employment opportunities that may be suitable for staff affected. This will include the facilitation of opportunities with the Civil Service jobs site.

If individuals are considering secondment opportunities they should refer to the Library's Secondment Policy.

## **Reasonable time off on full pay to look for alternative employment (only for staff "at risk" of compulsory redundancy)**

Time off would normally be no more than one day a week but requests for more time will be considered where necessary by prior agreement.

## **11. Voluntary Exit/Redundancy Criteria**

Expressing an interest in VE/VR is not a guarantee that it will be accepted. Volunteering for VE/VR is on a no prejudice basis and staff do not put themselves at a disadvantage by doing so. The Selection Panel will consist of a Head of Service and HR

**11.1** The following criteria are not hierarchical and will be considered as a whole.

Is the employee in a redeployment situation and/or in an unfunded position?	Consider
Is the employee in a post which is shortly to be unfunded?	Consider
Is the employee performing a specialist role which would be difficult to fill or train a successor at a reasonable cost?	Do not consider
Does the employee have key skills, experience, knowledge which would be difficult to train a successor in the short term?	Do not consider
Can the post be lost and the work cease or be covered by other service delivery models?	Consider

Has the employee got transferable skills?	Consider whether the Library would retain the balance of skills/competencies required in the area for future business delivery
The Library is able to release the member of staff and achieve the savings required within an affordable cost	Consider

**11.2** TUS will be advised of the proposed numbers, who have volunteered, of the numbers who will be made an offer of VE/VR and the numbers who have accepted VE/VR.

**11.3** Selection decisions will be validated by an independent director (if possible) and HR. The role of the validation panel is to ensure that the selection criteria has been fairly applied in line with the Library's diversity policies including the Equality and Diversity Policy.

**12. Stage 3 – Issue of Compulsory Redundancies**

**12.1** The Library must notify Civil Service Resourcing at the earliest opportunity if compulsory redundancies appear to be unavoidable. The redundancy mitigation review will take place after completion of the Formal Meaningful Consultation Period (see section 9.2).

**12.2** Unless otherwise agreed by Civil Service Resourcing and the NTUC, the redundancy mitigation review is a series of at least two meetings designed to review the individual cases in question and examine if there are any further options to avoid compulsory redundancy.

**12.3** It is attended by senior HR staff and trade union representatives, with Civil Service Resourcing and NTUC oversight to ensure that the Protocols have been fully applied.

**12.4** These meetings may take place face to face, or via teleconference as appropriate to the size and complexity of the situation.

**12.5** For each case HR will explain what efforts have been taken to avoid unnecessary redundancies, and the group will discuss whether there are any feasible options to avoid using public money to issue compulsory notices.

**12.6** If it can be evidenced to Civil Service Resourcing and the NTUC the Protocols have been followed and redeployment is still not forthcoming, the decision to issue a notice can be made at the consultation of the process. If enforced compulsory redundancy notices are required this will be noted by NTUC. Issues to be covered during redundancy mitigation review meeting(s) include: Introduction by Civil Service Resourcing and scene setting:

- a) Context and efforts made by the department across the Civil Service and relevant NDPB's to avoid recourse to compulsory redundancies
- b) TU response, including suggestions for further action as appropriate
- c) Discussion (all parties) on relevant people issues to develop appropriate processes that will help in avoiding compulsory redundancies
- d) Clarity on the way forward including an agreement to further actions and ongoing discussions to avoid compulsory redundancy
- e) Summary by Civil Service Resourcing.

**12.7** An acceptable outcome, as seen by management, Civil Service Resourcing and the trade unions, to the redundancy mitigation review process might be:

- 1. The redundancy issue has been resolved through one of the following:
  - a) People accepting voluntary terms within the rules of the Civil Service Compensation Scheme
  - b) Being posted within their contractual obligations
  - c) Being redeployed, within the Library
  - d) Being offered what are agreed as reasonable offers
  - e) People acquiescing to being made compulsory redundant.
- 2. All steps have been undertaken under the protocol to avoid the issue of notices of compulsory redundancy and therefore issuance of a notice is required.

**12.8** Refusal by a member of staff, at risk of receiving notice of compulsory redundancy, of what is seen by the Library, Civil Service Resourcing and the trade unions as a reasonable offer may lead to conclusions which could include that the individual has acquiesced to the acceptance of compulsory redundancy.

**12.9** If notices are to be issued the Library should commence administrative procedures that include informing the Accounting Officer, trade unions and affected staff. This will take at least 7 days.

**12.10** Staff to be made compulsorily redundant who have declined an offer of voluntary redundancy will not be able to reverse their decision to leave on voluntary terms.

### **13. Notice Periods**

**13.1** Voluntary Exit/Redundancy – All staff will be given three months notice which, subject to mutual agreement between the employer and employee, may be paid in lieu of working through the notice period.

**13.2** Compulsory Redundancy –

- a. For staff below pension age – 6 months' notice (or a period equal to the unexpired part of their fixed period of employment specified in their

contract, where this is less).

- b. For staff above pension age – certain staff over age 60 will be given 12 months' notice if they have less than 10 years' service or 9 months' notice if they have 10-25 years' service provided that this notice does not extend beyond their 65<sup>th</sup> birthday (Refer to CSCS Guide). If the Library does not give full notice, they must pay the member of staff compensation in lieu of notice (CILON).

- 13.3** If staff choose to issue notice of their intention to leave earlier than the Library's notice period this is called counter notice and will be regarded as a resignation. It is called counter notice because they are resigning whilst already under notice. Their notice will be in accordance with their contract of employment.
- 13.4** In exceptional circumstances there may be instances where it may be in the Library's interest to mutually agree other arrangements.
- 13.5** During the period of notice, management will seek to identify and offer short term work where this is available. If this has not proved possible then they may not be required to attend during their full notice period. Attempts at redeployment will continue during the notice period whether they are at work or not. All the assistance listed in Section 9 will continue to be offered. If staff do not agree to "gardening" leave and there is no short term work available the Library may issue pay in lieu of notice which is subject to tax and NI deductions.

#### **14. Compensation**

- 14.1** Compensation payments will be as set out in the Civil Service Compensation Scheme PCSPS

#### **15. Appeals against Compulsory Redundancy Dismissals**

- 15.1** Appeals can be made in writing to the Head of HR and will be considered on the grounds of any element of the process not being followed fairly and consistently.
- 15.2** An independent appeal panel will be convened and consist of a Director and a member of HR.
- 15.3** The appellant will be given the opportunity to appear in person before the Appeal Panel and has the right to be accompanied by a Trade Union representative or work companion.
- 15.4** The appeal will be heard within ten working days of receipt of appeal unless agreed otherwise.
- 15.5** The decision of the Appeal Panel and the reasons for the decision will be given in writing within five working days of the hearing.

**Appendix 1 – RRR Policy  
Flow Chart**

