

Wiltshire Council Human Resources

Redundancy policy

This policy can be made available in other languages and formats such as large print and audio on [request](#).

What is it?

This policy outlines Wiltshire Council's approach to dealing with staff facing the prospect of redundancy.

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Who does it apply to?

This policy applies to all employees apart from teachers and non teaching staff appointed in accordance with the Schools Standards and Framework Act 1998 and the Education Act 2002.

Where the redundancy involves chief/statutory officers and deputy chief officers (corporate directors and service directors) this policy must be read in conjunction with their terms and conditions of employment and [Wiltshire Council's constitution](#).

What are the main points?

1. Dismissal on grounds of redundancy can only occur if:
 - the business ceases;
 - the employee's normal place of work closes;
 - the number of employees need to do the work reduces because the work required reduces;
 - the number of employees required reduces although the work does not reduce.
2. A redundancy payment can only be paid for dismissals which meet one of the criteria above. It cannot be paid otherwise.
3. Wiltshire Council seeks to avoid redundancies and may adopt some or all of the following measures in order to minimise these:
 - Not filling vacancies within a particular business area.
 - Restricting appointments where a vacancy may provide suitable alternative employment for an employee facing dismissal.
 - Restricting the amount of overtime working.
 - Restricting the engagement of agency staff.
 - Consideration of alternative working arrangements (e.g. job share, part time working).
 - Reviewing the use of those staff employed on a temporary basis (i.e. agency) pending a review of the structure or service.
4. Where, despite these measures being adopted, redundancies are required it is the council's preferred approach to consider applications for voluntary redundancy before making compulsory redundancies.

Consultation

5. When considering reductions in staffing levels the views of both relevant trade unions and employees will be sought.
6. Consultation should include discussion on ways of
 - avoiding dismissals;
 - reducing the number of employees to be dismissed;
 - mitigating the consequences of any dismissals;
 - selection criteria;with a view to reaching agreement.
7. Consultation must take place at the earliest opportunity, even where any redundancies will be made on a voluntary basis.
8. Consultation must take place irrespective of whether or not employees are members of the recognised trade unions, or whether they have less

than 2 years continuous service and therefore do not qualify for redundancy pay.

9. Consultation would normally begin 90 days before the first dismissal is made, regardless of the number of redundancies to be made. In any event it must meet the statutory minimum periods set out below:

Number of redundancies proposed within a 90 day period	Consultation must begin
Up to 19	No statutory minimum period
Between 20 and 99	30 days before first dismissals
100 or more	90 days before first dismissals

The number of proposed redundancies that should be taken into account come from across Wiltshire Council as a whole organisation, not just within one service area or directorate.

10. There must be sufficient meaningful consultation before notices of dismissal are sent to employees, i.e. there must be time for the union representatives who are consulted to consider properly the proposals being made and to formulate constructive responses.
11. The selection pool will be limited to those affected within the team or section where any re-structure is taking place.
12. Consultation with employees should take place at two levels, collective and individual. Employees away from work e.g. on maternity leave and sick leave must also be included in the consultation process.
13. Collective consultation involves having a meeting with a group of affected staff. See ["Guidance on holding a collective consultation meeting"](#).
14. Individual consultation offers the employee an opportunity to discuss their own situation and raise any concerns – see ["Guidance on holding an individual consultation meeting"](#)
15. An [individual consultation meeting record form](#) should be completed at all individual meetings.
16. A representative from the human resources advisory team should be invited to attend both collective and individual consultation meetings.

17. Trade union representatives should be invited to attend collective meetings.
18. Employees have the [right to be accompanied](#) by a trade union representative or work colleague at individual consultation meetings.

Notifications

19. Wiltshire Council is a single employer in law. As such it is essential that the service director of human resources and organisational development is informed about the timing and content of any redundancy consultation to ensure that we submit accurate [HR1 information](#) to the Secretary of State.
20. Prior to consultation the human resources advisory team will be responsible for sending [formal notification](#) to the trade union.
21. All employees at risk of redundancy will be issued with a letter at the start of the consultation process confirming their status.

How does this policy apply to me?

Voluntary redundancy

22. As part of the consultation Wiltshire Council will consider volunteers for redundancy. Applying for voluntary redundancy does not automatically mean you will be accepted.
23. Applications for voluntary redundancy will be invited at the start of the consultation period during the collective consultation meeting and the option will be discussed during individual consultation meetings.
24. A further opportunity to apply for voluntary redundancy will be discussed with you later in the consultation process if you have not matched to a job via ownership or ring fencing, or if no suitable alternative employment is identified.
25. You will be provided with a redundancy and pension quote based on an estimated end date.
26. It is your responsibility to check the information contained within this quote and raise with your manager any concerns or errors that you believe have been made.
27. If, having received this quote, you wish to be considered for voluntary redundancy you must complete the [application for voluntary redundancy](#).

28. A [matrix of selection criteria](#) will be used to determine whether your application for voluntary redundancy is accepted and you will be notified of the decision [in writing](#).
29. If you are selected for voluntary redundancy you will have the opportunity for a final consultation meeting and a consideration period of no less than 5 working days prior to being issued with a notice of dismissal on grounds of redundancy.
30. If you are not selected for voluntary redundancy you have the right to appeal within 5 working days of receiving confirmation of the decision.
31. Your application will be reviewed by an independent manager and you will be informed of the outcome within 10 working days of your appeal being received.

Compulsory redundancy

32. Having taken into account voluntary redundancies the manager will assess their structure and go through the ownership/ring fencing process as laid out in the [appointments process](#).
33. If you are matched to a job via ownership or ring fencing you will be informed that you are no longer at risk.
34. If you are not matched to a role via ownership or ring fencing you will be notified of the decision [in writing](#) and placed in the redeployment pool. You will have the opportunity to appeal in line with the [appointments process](#).
35. At this stage a further opportunity to apply for voluntary redundancy will be discussed with you.
36. Wherever possible you will be redeployed to a suitable alternative role in line with the [redeployment procedure](#).
37. At the end of the consultation period if you have not
 - applied for voluntary redundancy; or
 - been matched to a role via ownership or ring fencing; or
 - found a suitable alternative role via the redeployment procedure;

you will be issued with a notice of dismissal on grounds of compulsory redundancy.

Time off for job hunting

- 38. If you have been given notice of dismissal on the grounds of redundancy you are entitled, during the period of notice, to reasonable time off with pay to look for other employment or to arrange training for future employment.
- 39. You should always check with your manager that it is operationally viable for you to take time off before you arrange or confirm an appointment.
- 40. If you accept an alternative role, either with Wiltshire Council or with a public authority within the [Redundancy Payment Modification Order](#), to start up to or within 4 weeks of termination of employment on grounds of redundancy you will have no entitlement to a redundancy payment.

Employee Assistance Programme (*we will be tendering for a new provider)

- 41. The employee assistance programme offers practical help and personal guidance regarding wellbeing, job search skills, careers guidance, financial benefits, and training opportunities etc. Details will be provided as part of any consultation.

Notice period

- 42. If employment is terminated on the grounds of redundancy you will be entitled to a period of paid notice.
- 43. The period to which you are entitled is whichever is the greater of either the contractual period specified in your statement of particulars or the statutory period shown below:

Period of continuous employment	Notice period
One month or more but less than two years	1 week
Two years or more but less than twelve years	1 week for each completed year of continuous employment
Twelve years or more	12 weeks

- 44. Previous service with any public authority to which the [Redundancy Payment Modification Order](#) applied will count towards length of service for notice periods, providing that all service has been continuous.

45. Wiltshire Council reserves the right to pay employees in lieu of notice.
46. Pay in lieu of notice will amount to the net pay which otherwise would have been payable if the appropriate period of notice had been served.

Redundancy pay

47. The council has two redundancy pay arrangements, one for those employees who volunteer, and are accepted for, voluntary redundancy and one for those who are made compulsorily redundant. Full details can be found in the [redundancy pay policy](#).
48. If you resign prior to being selected for redundancy or once the notice of dismissal has been issued no redundancy payment will be made.

Letter of dismissal

49. A [standard letter](#) of dismissal should be issued where employment is being terminated on grounds of redundancy.
50. This letter must be issued by the Chief Executive or a nominated manager authorised for that purpose.

Appeals

51. You have the right to appeal against termination of your employment on grounds of compulsory redundancy. See the [appeals procedure](#) for further information.

Annual leave

52. If you have been given notice of dismissal on the grounds of redundancy you will be expected to use any annual leave entitlement, accrued up to the end date of employment, during your notice period. If this is not possible you will be entitled to payment in lieu of untaken leave entitlement.
53. Any annual leave taken or authorised to be taken before notice is issued, and which exceeds the entitlement at the date of termination of employment, will not be recovered.
54. Any leave which has been “banked” in accordance with the [annual leave policy](#) may either be taken during the notice period or will be paid.

Repayment of expenses

55. Where employment is terminated on grounds of redundancy you will not be required to repay any:
- monies received under the moving home allowance scheme;
 - mortgage subsidy payment;
 - training expenses.

Re-employment by Wiltshire Council

56. If you were dismissed on redundancy grounds you may be considered for re-employment to posts within Wiltshire Council after the minimum statutory period of four weeks has elapsed subject to the following conditions:
- The post did not exist or was not foreseeable at the time of the dismissal.
 - The vacancy has been advertised in accordance with Wiltshire Council policy and procedures.
 - The appointment was made on the basis of the best person for the job with regard to the usual selection procedures.
 - The appointment has corporate director approval.

What are my responsibilities as a line manager?

57. To work with your HR business partner to plan any organisational changes which may include redundancies.
58. To produce accurate projections of numbers of redundancies within your service area, considering both short and long term requirements.
59. To issue appropriate letters at each point within the process, using the template letters provided, and to send a copy of these letters to your HR advisor.
60. To conduct collective and individual consultation meetings with appropriate support from your HR advisor.
61. To ensure that at individual consultation meetings, and prior to ownership or ring fencing taking place, any ex-district staff who are subject to TUPE regulations are aware of their Wiltshire Council evaluated grade.
62. To complete the selection criteria matrix to determine whether voluntary applications can be accepted.
63. To ensure that the [consultation timeline](#) is met.

Definitions

Redundancy Payment Modification Order

This sets out which organisations are “associated employers”. If you move from one associated employer to another you carry with you continuous service. This is important when calculating redundancy payments.

It is also important as, if you take up employment with another associated employer either whilst at risk of redundancy or within 4 weeks of being made redundant you would not be entitled to any redundancy payment.

For further information about which organisations are “associated employers” look at this page on the [LGE website](#) or contact your human resources adviser.

More Information

There are a number of related documents and policies which you should be aware of. These include:

Redundancy Pay
Appointments
Annual Leave
Redundancy Payment Modification Order

Frequently Asked Questions

I volunteered for redundancy but my application was turned down. If my post is subsequently made redundant what package will I receive?

If you completed a formal application for voluntary redundancy and are turned down a record of this will be retained.

If your post is subsequently made redundant as part of the same process of redundancies you will be entitled to the voluntary redundancy payment.

However if volunteers are subsequently sought, either as part of the same or a future redundancy process, and you do not volunteer you will receive a compulsory redundancy payment if your post is then made redundant.

I volunteered for redundancy but now want to change my mind – what should I do?

In making your decision to accept voluntary redundancy you will have been provided with all of the information needed to make that decision and it is

expected that employees will have taken all the advice required in order to make a firm decision.

If your circumstances have changed you would need to speak to your manager as soon as possible to discuss your options.

I volunteered for redundancy but have now applied for another role within a different area of the council – will I still get my redundancy payment?

No. If you secure alternative employment either within the council, or another organisation where you would retain your continuous service, you will not be eligible to receive a redundancy payment.

This applies if your start date in the new role is before or within 4 weeks of the date of dismissal on grounds of redundancy.

I applied for voluntary redundancy but my application has been turned down. Can I appeal?

Yes – you must appeal in writing to your manager within 5 working days of receiving the decision, stating the reason that you believe your application for voluntary redundancy should have been accepted.

You are entitled to see your own selection matrix scores, however you will not have access to the scores of other employees.

Your application, together with your appeal letter, will be reviewed by an independent manager and you will be informed of the outcome within 10 working days of your appeal being received.

The time scales for submitting appeals are very tight – what happens if I am unable to meet them?

It is important that, wherever possible, you submit your appeal with the time period specified.

However in exceptional individual circumstances, where it is not possible to meet these timescales, an extension may be granted.

For example:

- If you are sick or unable to attend work;
- If you are unable to arrange a meeting with a union representative within the time period;
- where you are seeking further information regarding your Wiltshire Council evaluated grade.

Who will decide whether I am accepted for voluntary redundancy?

Decisions about who is accepted for voluntary redundancy are based on a [selection criteria matrix](#).

As part of the application process employees will be asked to score themselves on each of the criteria.

Wherever possible this matrix will also be completed by two managers with knowledge of the employees, one of whom should be their line manager. Each manager will score independently and then meet to discuss their results in conjunction with the scores supplied by the employee.

If this is not possible due to the team structure the line manager will score each employee and these scores will be ratified by a senior manager within the department.

A meeting will be arranged with each employee to discuss the outcome of the scoring exercise and to confirm whether or not they have been accepted for voluntary redundancy. You are entitled to see your own selection matrix scores, however you will not have access to the scores of other employees.

Can I leave early and not work my notice?

You can seek to waive a period of notice. Your Service Director will need to agree this. If it is agreed, the period of notice will be paid to the new revised date of termination of employment and financial benefits (such as redundancy payment and pension) will be calculated from the date on which employment ceases.

The following conditions must apply in order for a redundancy payment to still be made:

- Wiltshire Council must have informed you in writing of the date you will be made redundant;

and

- Wiltshire Council must agree to the premature termination of your employment and agree in writing to bring forward the date of your dismissal for redundancy.

I have a car loan – do I have to pay it back if I am made redundant

Car loans should be repaid in full by an employee on the termination of their employment on grounds of redundancy. The outstanding amount would usually be deducted from your redundancy payment.

However you may request for repayment of the loan to be deferred, subject to the agreement of the finance service director. In any such arrangement:

- Your department would have to agree to underwrite the debt pending full repayment.
- Interest will be charged on the loan based on the Lloyds Bank base rate. The interest rate applicable to loans under the original assisted car purchase scheme will not apply.
- If repayment is made through deductions from the Wiltshire Council pension there will be no additional charge. If repayment is made by standing order or direct debit a small service charge will be applied.

I have a lease car – what happens to this arrangement if I am made redundant?

In the first instance you should contact the procurement team. They will look at whether it is possible to transfer your lease to another employee.

If this is not possible then they will make arrangements for the lease car to be returned and the council will bear the cost of any penalty connected with ending the arrangement early.

I am currently on maternity leave – what are my rights and will I have to repay any money if I am made redundant?

You have the same right to be consulted as any other employee and should be invited to attend any collective consultation meetings which take place and offered an individual consultation meeting at a mutually convenient time and location.

If you apply for voluntary redundancy, or are made compulsorily redundant, you would not be asked to repay the 12 weeks of half pay if you were entitled to claim this. If you requested to defer the payment of this money until the end of your maternity leave it will be paid to you in your final salary payment.