



POLICY ON REDEPLOYMENT, REDUNDANCY AND EARLY RETIREMENT LINKED TO REDUNDANCY

WLHP will provide this policy on request at no cost, in large print, in Braille, on tape or in another non-written format.

Policy on Redeployment, Redundancy and Early Retirement Linked to Redundancy

1. POLICY PURPOSE

There will be times throughout the existence of West Lothian Housing Partnership (WLHP) when, for economical, technical and organisational reasons, the staffing structure will change; resulting in posts being removed from the organisational structure affecting employees of WLHP.

This policy provides advice and guidance to WLHP employees on how any reduction of posts will be managed with the aim of maximising job security where possible for substantive post holders.

2. POLICY APPLICABILITY

This policy applies in respect of all WLHP employees.

3. POLICY PRINCIPLES

In implementing this policy, WLHP aims to:-

- be open and transparent;
- be fair and equitable;
- strive towards no compulsory redundancies;
- redeploy employees to comparable posts where possible;
- ensure minimum disruption where possible;
- pay excess travel expenses where employees are required to change their location (up to a maximum period of four years);
- communicate fully with employees throughout the process.

WLHP will comply with applicable legislation.

4. COMMUNICATION

Where a potential redundancy situation arises, WLHP will make a general announcement to the workforce at the outset of the redundancy programme. This will relate to the proposals, making it clear to employees that no firm decision will be taken without full consultation regarding the affected areas.

Where specific posts are affected, WLHP will also communicate with potentially affected employees at the outset of the process. This communication will relate to the facts and the proposals on how the process will be managed and what consultation has taken place.

5. TRADE UNION CONSULTATION

This policy has been written in consultation with the Trade Union and WLHP is committed to full consultation on issues affecting employees. In circumstances where consideration of a redundancy situation cannot be avoided, WLHP will adhere to collective consultation obligations and will consult with Trade Unions in line with legislative requirements on timescales. Consultation will be undertaken with a view to reaching agreement; aimed at reducing the numbers of redundancies and mitigating the consequences of dismissal.

WLHP will ensure that any agreed or customary procedure is incorporated into the timetable. Where appropriate and in line with regulations, WLHP will send form HR1 to the Department for Business, Innovation and Skills and will provide the Trade Union with a copy.

Other information provided to the Trade Union will include:-

- the reasons for the proposals;
- the number and descriptions of employees who may potentially be dismissed;
- the total number of employees of any such description employed by WLHP at the establishment in question;
- the proposed method of selecting the employees who may be dismissed;
- the proposed method of carrying out the dismissals, with due regard to any agreed procedure, including the period over which the dismissals are to take effect;

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- the proposed method of calculating the amount of any redundancy payments to be made (over and above the statutory redundancy payment) to employees who may be dismissed as redundant.

6. INDIVIDUAL CONSULTATION

WLHP will also consult with affected employees on an individual basis, fully advising them on the reasons for the proposed redundancy (and potential alternatives), the manner in which their positions may be affected, the way in which they may be selected for redundancy and the way in which the redundancies are to be carried out. This will include the period of time over which it is proposed that the redundancies be implemented. Individual employees will be offered the opportunity to discuss the reasons for the redundancy, the pool for selection, the proposed selection criteria and any available alternative employment. They may also provide any additional relevant information before the criteria are applied. Further meetings with individuals may be required depending on circumstances and issues.

Information will include:-

- the reasons for the proposals;
- the proposed method of selecting the employees who may be dismissed as redundant;
- the proposed method of carrying out the dismissals, with due regard to any agreed procedure, including the period over which the dismissals are to take effect;
- the proposed method of calculating the amount of any redundancy payments to be made (over and above the statutory redundancy payment) to employees who may be dismissed as redundant.

7. PROCESS

This process is designed to support the migration from existing structures to future structures with minimal disruption to both service delivery and employees.

The process is described in three clear stages:-

- Geographical Relocation;
- Redeployment;
- Redundancy and Early Retirement linked to Redundancy.

Employees may have Trade Union representation if requested at any stage of this process.

WLHP will form a Workforce Group consisting of appropriate officers and Trade Union representation. The purpose of this group will be to track and plan required reductions of substantive posts and oversee the management of affected employees within the terms of this policy.

These officers will be capable of assessing individuals and posts and will adhere to guidelines and good practice. The panel will agree the proposed redundancy selection criteria and the pools for selection.

WLHP will carry out a redundancy exercise to determine the pool of employees from which the potential candidates for redundancy will be selected. WLHP will consider factors such as:-

- the type of work that employees within the group are carrying out;
- whether other groups of employees are doing similar work;
- whether any of the jobs are interchangeable;
- whether any agreed procedure should be followed;
- whether the Trade Union has agreed the selection criteria.

The selection criteria used will be objectively chosen and objectively applied. Criteria may include:-

- Length of continuous service (followed by time on grade and in post);
- Attendance (excluding absences linked to Maternity or Disability);
- Time-Keeping;
- Disciplinary Record; and

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- Performance Appraisal results

This will determine those individuals identified as being considered for redundancy/early retirement linked to redundancy.

8. SUSPENSION OF RECRUITMENT AND BACKFILLING OF VACANCIES

Where WLHP is aware that potential reductions in staffing complements are likely, the organisation may suspend permanent recruitment for appropriate posts at the grades identified. Any suspension of recruitment will take account of the skills/experience/qualifications required for the post. Vacant posts which are unable to be filled internally (due to specialisation of post etc.), will be filled in line with the WLHP Recruitment and Selection Policy.

WLHP will manage natural turnover (resignations/retirements etc.) to ensure that secure positions are maintained for permanent employees. Pending the filling of vacant posts with existing permanent employees, WLHP may backfill these with temporary arrangements.

9. GEOGRAPHICAL RELOCATION

Where the number of vacant substantive posts in WLHP allows for affected employees to be allocated a comparable post in a different location, WLHP will arrange for them to be geographically relocated.

An employee will be considered to be affected if:-

- his/her job no longer exists; or
- his/her job has substantially changed.

If a particular post or group of posts no longer exists, then it will be clear which employees are affected. Where the affected employees are not immediately obvious (e.g. fewer posts in particular functions or locations than employee numbers based there currently), the following process may be used, as appropriate, to identify a particular individual:-

- Voluntary Geographical Relocation

Where appropriate, the group may be asked for volunteers to be geographically relocated at no detriment to salary or terms and conditions. To aid the relocation process, WLHP will identify all available posts prior to asking for volunteers. A timescale by which applications must be received will be set.

- Agreed Criteria for Geographical Relocation

If requesting for volunteers is not appropriate, or there are no volunteers, then agreed criteria which may include length of continuous service will determine those individuals identified as being considered for geographical relocation.

9.1 General Process

- In liaison with relevant managers, Employee Relations will identify those locations with appropriate substantive vacancies and communicate this to affected employees.
- Expressions of interest will be sought from affected employees for appropriate substantive posts in other locations. A timescale by which applications must be received will be set.
- Length of continuous service will be used to determine those affected employees whose preferences will be given priority. Those with the most service will be placed first. In the case of job sharing, length of service for both partners will be taken as the longer of the two employees; as job sharers are considered as one postholder.
- Where appropriate, account may be taken of prior arrangements linked to relocations due to welfare or disciplinary issues.
- Once posts have been identified for individuals, a meeting will be arranged with the relevant representative of Employee Relations to discuss the prospective move, timescales and any other issues. Any employees who wish to bring a Trade Union representative are welcome to do so.
- Posts may not be taken up immediately, depending on the exigencies of the service overall. Individual agreements on timescales will be made with each employee and

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posts may be covered under temporary arrangements pending permanent affected employees being relocated.

10. DISPLACEMENT AND REDEPLOYMENT

Where, due to numbers, geographical relocation is not a viable option, affected employees will be identified as being displaced and will be considered for redeployment to different appropriate posts in WLHP.

An employee will be considered to be displaced if:-

- His/her job no longer exists

Or

- Where his/her job has substantially changed

Or

- Where there are fewer posts in specific functions or locations.

If a particular post or group of posts no longer exists, then it will be clear which employees become displaced. Where the displaced employees are not immediately obvious (e.g. fewer posts in particular functions or locations than employees numbers based there currently), the following process may be used, as appropriate, to identify a particular individual:-

- Voluntary Displacement

Where appropriate, the group may be asked for volunteers to be displaced at no detriment to salary or terms and conditions. To aid the redeployment process, WLHP will identify all available posts prior to asking for volunteers. A timescale by which applications must be received will be set.

- Agreed Criteria for Displacement

If requesting for volunteers is not appropriate, or there are no volunteers, then agreed criteria which may include length of continuous service will determine those individuals identified as being displaced.

10.1 Displaced Employees (For SCP points up to and including SCP 31)

- In liaison with relevant managers, Employee Relations will consider if there are any vacancies which could be considered appropriate for the redeployment of displaced employees. The function and salary/grade of a displaced employee's substantive post will be used as the benchmark for redeployment to another post.
- Once appropriate vacant posts are identified, a representative of Employee Relations will communicate this to displaced employees. Expressions of interest will be sought for appropriate posts in other locations. A timescale by which applications must be received will be set.
- Displaced employees will identify the posts which they are interested in.
- Where appropriate, account may be taken of prior arrangements linked to relocations due to welfare or disciplinary issues.
- Length of continuous service will be used to determine those displaced employees whose preferences will be considered first. In the case of job sharing, length of service for both partners will be taken as the longer of the two employees, as job sharers are considered as one postholder.
- A meeting will be arranged with individual displaced employees, the relevant manager and a representative of Employee Relations to discuss the prospective move, timescales and any other issues. Any employees who wish to bring a Trade Union representative are welcome to do so.
- Posts may not be taken up immediately, depending on the exigencies of the service overall. Individual agreements on timescales will be made with each employee and posts may be covered under temporary arrangements pending permanent displaced employees being redeployed.
- Training & Support will be provided for all displaced employees undertaking new duties.

10.2. Displaced Employees (For SCP points above 31)

- In liaison with relevant managers, Employee Relations will consider if there are any specific vacancies on appropriate grades which could be considered appropriate for the redeployment of displaced employees. The function and salary/grade of a displaced employee's substantive post will be used as the benchmark for redeployment to another post.
- Once appropriate vacant posts are identified, a representative of Employee Relations will meet with displaced employees to discuss the process for securing posts. Any employees who wish to bring a Trade Union representative are welcome to do so.
- Applications will be sought for appropriate posts in other locations. A timescale by which applications must be received will be set.
- Displaced employees will apply for the appropriate posts which they are interested in and for which they have the relevant skills and experience.
- Where appropriate, account may be taken of prior arrangements linked to relocations due to welfare or disciplinary issues.
- An agreed panel of at least two managers will then formally interview the displaced employees. Where interviews are held for Senior level posts the interviews will also include a representative from Employee Relations. All interviewers will have attended training in WLHP's Recruitment and Selection Policy.
- A meeting will be arranged for displaced employees who secure a post to discuss the prospective move, timescales and any other issues with the relevant manager and a representative of Employee Relations. Any employees who wish to bring a Trade Union representative are welcome to do so.
- Posts may not be taken up immediately, depending on the exigencies of the service overall. Individual agreements on timescales will be made with each employee and posts may be covered under temporary arrangements pending the permanent displaced employees being redeployed.
- Training & Support will be provided for all displaced employees undertaking new duties.
- Additional support will be arranged for displaced employees attending competitive interviews; to assist with preparations for completing CV/Application Forms, interview skills/presentation skills and for career counselling.

10.3 Trial Period (Redeployment)

Redeployed employees will have a statutory right to a trial period of 4 weeks in the alternative job only where the terms of the new contract differ from those in the original one. If the employee terminates the contract during or at the end of the trial period, he/she will be treated as having been dismissed on the date on which the original contract came to an end.

An employee who unreasonably refuses the offer of a suitable alternative job will forfeit any right to a statutory redundancy payment.

The trial period may be extended for a period of time that is agreed by both WLHP and the employee, however, this is for the purposes of retraining only. In the event that both parties agree to extend the trial period, the following conditions apply:-

- the agreement must be made between the employer and employee before the employee starts work under the new or renewed contract;
- the agreement must be in writing;
- the date on which the retraining ends must be specified;
- the agreement must specify the terms and conditions of employment that will apply after the end of the trial period.

11. FAILURE TO REDEPLOY A DISPLACED EMPLOYEE

Where, following the Displacement and Redeployment process, a displaced candidate has not secured a post for which he/she has expressed a preference, he/she may be allocated to a post on the same grade for which he/she has the appropriate skills and experience.

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If this is not possible, he/she may be allocated to a post at a lower grade for which he/she has the appropriate skills and experience. Employees would continue to be protected and receive their current salary but will not receive a cost of living pay increase. If after 3 years, their salary is still above the salary for the post they are in and there are no alternatives for redeployment, at their existing salary level, then salary protection will continue for a further year with no cost of living pay increase. If, after 4 years in total, there is still a protected element of pay, the difference will be consolidated indefinitely and they will begin to receive future cost of living pay rises again.

Any employees who receive protected pay in the future will be met by Employee Relations on a 6-monthly basis to discuss their options and skill set, in order to address any skill requirements. If an employee is offered a redeployment option at their protected salary and refuses this for reasons other than welfare, the employee's protected pay will be stopped with 4 weeks' notice given. Any skills gaps that may exist will be addressed.

Where neither of the above options are possible, the displaced employee may be considered for either redundancy or early retirement linked to redundancy.

12. REDUNDANCY AND EARLY RETIREMENT LINKED TO REDUNDANCY

Where geographical relocation and/or redeployment are not viable options, employees may be identified as having to be considered for redundancy (or if agreed, early retirement linked to redundancy).

An employee will be considered to be considered for redundancy if:-

- His/her job no longer exists

Or

- Where his/her job has substantially changed

Or

- Where there are fewer posts in specific functions or locations.

If a particular post or group of posts no longer exists, then it will be clear which employees are considered for redundancy. Where the potentially redundant employees are not immediately obvious (e.g. fewer posts in particular functions or locations than employee numbers based there currently), the following process may be used, as appropriate, to identify a particular individual:-

- Voluntary Redundancy

or

- Early Retirement linked to Redundancy (where agreed).

Where appropriate, the group may be asked for volunteers for redundancy/ early retirement linked to redundancy. Timescales will be identified as will information on whether any enhanced redundancy payments will be available. A timescale by which applications must be received will be set.

- Agreed Criteria

If requesting for volunteers is not appropriate, or there are no volunteers, then agreed criteria which may include length of continuous service (followed by time on grade and in post) will determine those individuals identified as being considered for redundancy. Timescales will be identified as will information on whether any enhanced redundancy payments will be available.

Employees will be advised on an individual basis of the final decision to make their position redundant. This will be confirmed in writing, offering the right to appeal the decision.

13. ADDITIONAL PAYMENTS

In exceptional circumstances, WLHP may, through the exercise of its absolute discretion, make a payment in excess of the sums due under the terms of this policy, where such a

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payment is considered to be reasonable, appropriate and necessary to achieve, for example, sustainable efficiency savings. Such payments shall be subject to internal governance requirements (including authorisation by the Group Chief Executive Officer, Group Director of Finance and one other Group Director) and will be made in a manner in keeping with the spirit of the restrictions imposed by Schedule 7 of the Housing (Scotland) Act 2001 (now repealed).

14. PERIOD OF NOTICE

Where a redundancy situation arises, employees may not be required to work their period of notice and may be given a payment in lieu of notice.

If employees are required to work during their period of notice, time off with pay (up to a maximum of 40%) will be given to attend interviews, job agencies, employment counselling, training for future employment etc. This is dependant on his/her having 2 years' continuous employment.

WLHP will support employees in finding external employment through registering them with job agencies, counselling etc.

14. GARDEN LEAVE

In exceptional circumstances, WLHP may, through the exercise of its absolute discretion, place an employee on a period of paid Garden Leave. The employee will not be required to undertake all or any of their duties during all or part of any such period. The employee will remain an employee of West Lothian Housing Partnership during the period of Garden Leave and, as such, cannot take up any other employment during this period.

16. APPEALS

Employees who consider that this policy has not been applied appropriately to their position may appeal to the Employee Relations Leader in writing, giving the grounds of the appeal. The appeal must be made within 10 working days of the employee being informed of relocation, redeployment or redundancy.

The appeals panel will consist of two members of the Management Board, a WLHP senior officer (not previously involved in the process) and a representative Employee Relations. A Trade Union representative may attend where requested.

17. RE-EMPLOYMENT WITHIN WHEATLEY GROUP

Employees who leave WLHP and receive payments linked to Voluntary redundancy or Early Retirement will not be re-engaged or re-employed as an employee, or in any other capacity, after leaving WLHP employment.