

Redundancy Policy

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Redundancy Policy

1. Introduction

This document is intended to be used in cases involving redundancy of staff employed on permanent and fixed-term contracts.

It is a general policy objective of BrisDoc to maintain, where possible, secure employment for its employees by planning its workforce requirements, including any consequential staff development needs. However, it is recognised that changes in competitive conditions, organisational requirements and technological developments may affect staffing needs. Therefore, to maintain a climate of security of employment, staff may need flexibility in adapting to new staffing requirements, working methods, and organisational needs. BrisDoc intends to reduce any redundancies which may occur to the minimum. Still, changes in how services at BrisDoc are provided will sometimes lead to individual jobs or groups of jobs changing or no longer being required.

2. Principles

BrisDoc's aims to avoid compulsory redundancy wherever it is practicable to do so. BrisDoc will seek to minimise the effect of redundancies through providing support to assist in finding alternative employment for redundant staff. In cases where compulsory redundancy cannot be avoided, BrisDoc will handle the redundancy in the most fair, consistent and sympathetic manner possible and seek to minimise hardship of the employees concerned.

BrisDoc will ensure that selection for redundancy or transfer is carried out so that it does not discriminate, directly or indirectly, on any grounds.

Staff have the right to be consulted and accompanied by a trade union representative or work colleague (who is not a family member) at any process stage.

3. Definitions of redundancy

In short, redundancy is a form of dismissal from the job. For the purposes of this policy, a post will normally be considered potentially redundant if:

- a) It is within the immediate area affected by a closure or change in the provision of service; and/or
- b) there is an identified post that is no longer required to be undertaken or is required to be undertaken in a different way; and/or
- c) they are part of a group which is subject to a BrisDoc requirement to reduce staffing levels, whatever the business-related reason.

Where a department or other identifiable business entity is to be transferred, for whatever reason, from BrisDoc to another employer, and it is determined that the Transfer of Undertakings Protection of Employment Regulations (TUPE) are appropriate to the proposed transfer, then the provisions of this policy will not apply

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4. Redundancy procedure

Process

Where it has been identified that there is likely to be a need for a reduction in staffing numbers, consultation will be carried out as follows:

First Formal Consultation Meeting - The employee will be invited, in writing, to attend a formal consultation meeting and given the right to be accompanied. At the meeting, the reason for the redundancy situation arising will be explained, together with the rationale for the employee's inclusion in the pool of staff at risk of redundancy.

- At this meeting, the employee will be advised that s/he is at risk of redundancy. S/he will be provided with details of the criteria to be used and means of selecting individuals to be made redundant. Employees will be asked to provide any relevant information to be considered when they are assessed against the selection criteria.
- Where the pool has been established as containing the same number of posts as there are posts to be lost through reduced staffing in the relevant exercise, the employee/s will be advised of that by the manager conducting the meeting.
- In any case, the employee will be invited to put forward any suggestions as to how the relevant redundancies could be avoided or reduced in number.

Final Consultation Meeting

- Following any selection process, those employees who have been provisionally selected for redundancy will be invited, in writing, to meet with Line Management and a Workforce Team member to discuss the selection exercise's outcome. That manager will outline the reasons for redundancy, any criteria for selection and how they have been applied in the individual's case. The employee and his/her representative may make further representations, which will be considered.
- Where no selection is to be made and the consultation process has not identified a way to maintain employment, employees whose posts have been identified as redundant will be formally invited to a further meeting known as a Formal Redundancy Meeting in which a member of the Senior Leadership Team will be present.

Formal Redundancy Meeting

- At this meeting, a member of the Senior Leadership Team will respond to any representations made during the final consultation meetings and, if the post is declared redundant, will issue a notice of dismissal by reason of redundancy. The employee will be given the right of appeal (see Section 8), and details (including rights to statutory redundancy pay – section 6) will be followed up in writing within 3 working days of this meeting.

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Consultation

The purpose of consultation is to provide as early an opportunity as practicable for all concerned to share the problem facing BrisDoc and explore the options. It is a two-way meaningful process and will address:

- the avoidance of dismissals
- reducing the numbers to be dismissed
- mitigating the consequences of any dismissals

Consultation will be undertaken with the aim of reaching agreement. It should never run concurrently with any notice period.

All staff (and/or representatives) will be informed of the proposed changes in writing stating:

- Why their job is at risk (and that whilst no final decision has been made, redundancy is a possibility)
- The number and descriptions of posts possibly to be made redundant.
- What selection criteria will be applied.
- How the dismissals are to be carried out, taking account of any agreed procedure, including the period over which the dismissals are to take effect
- Their right to representation / being accompanied.
- Information on how redundancy pay will be determined.

Consultation will normally cover the following areas:

- The need to make redundancies.
- Ways of avoiding dismissals
- Ways of reducing the number of staff to be made redundant – e.g. reducing hours, flexible working initiatives including unpaid leave
- The selection process, including selection criteria.
- Ways of mitigating the effects of redundancy
- Any opportunities for redeployment
- Facilities for seeking other work.

BrisDoc Management/Senior Leadership Team will take due note of and give full consideration to any representations before a confirmed decision and selection for redundancy is made.

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Duration of Consultation / Notification of Redundancy

Whilst there is no time limit on how long a consultation should last, consultations at BrisDoc will always begin in 'good time'.

The statutory timescale of notification (i.e. minimum length of consultation) is based on the following lines:

- Where 100 or more employees may be affected by redundancy, consultations must begin at least 45 days before any dismissals take effect
- Where between 20 and 99 employees may be affected by redundancy, consultations must begin at least 30 days before any dismissals take effect

Where possible redundancies affect less than 20 people, BrisDoc will hold up to 2 consultation meetings with an individual with at least a 1-week gap between them. BrisDoc will respond reasonably to requests from employees to meet on more than 2 occasions.

BrisDoc will communicate with the staff groups affected, and in general with other staff, to take staff comments into account and avoid misunderstandings. Collective consultation will be carried out where required, but BrisDoc will also ensure individual consultation is undertaken (where less than 20 employees are being made redundant) or offered (where 20 or more employees are being made redundant).

Selection Criteria for Redundancy

Areas for consideration before making compulsory redundancies:

Before making compulsory redundancies from substantive / fixed term employees, BrisDoc may take the following steps in the area directly affected:

- a. **Discontinue the use of external contractors** when their work impinges upon that of at risk staff
- b. **Request and consider volunteers** for redundancy
- c. **Removal of temporary agency workers**
- d. **Freezing of vacant posts** in that area
- e. **Reducing hours of work** – instead of losing staff, the workers could all agree to work fewer hours, or reduce overtime. This is only a solution where all staff are in agreement as it would involve a change in the contract of employment of each employee.

Fair Selection Criteria

If redundancies are still required from substantive / fixed term staff, the following criteria will be considered:

- (1) **Work Performance** – there needs to be some objective evidence to support the selection on this basis to avoid claims of unfair selection.

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- (2) **Disciplinary or Absence Records** - BrisDoc will take into account the reasons for and the extent of any absences, discounting absences related directly to an employee's disability.
- (3) **Level of skill / qualification** - Formal qualifications and advance skills will be considered, but not in isolation.
- (4) **Timekeeping** - confirmed by records.

The above reasons for selection are not exhaustive and will be used objectively and consistently.

Non-compulsory Selection

Voluntary Redundancy: Employees can volunteer to be considered for redundancy. However, BrisDoc reserves the right to select from the list of volunteers those employees who will be dismissed based on the cost and service implications of those leaving earlier. Employees who volunteer for redundancy are still entitled to receive statutory redundancy payments.

Early Retirement: Employees who volunteer for early retirement are not entitled to statutory redundancy pay. In line with the repeal of the Statutory Retirement Procedure on 6th April 2011 which abolished the default retirement age of 65, BrisDoc recognizes that it is unlawful to retire staff. This means that if the employee volunteers for early retirement, it is, in effect, a normal resignation in which both the employee and BrisDoc have agreed to it (i.e. it will be recorded in writing and signed by both parties). BrisDoc recognizes that the employee has a *genuine* choice between early retirement and continuing in employment – even if they still might go on to be made redundant.

Offers of Alternative Work

Redeployment

Once staff are identified and notified of the potential redundancy/s, BrisDoc will actively seek alternative work within the company before the redundancy/s takes effect (unless the individual is a volunteer for redundancy or declines the opportunity for redeployment). This consideration will consider the individual's skills, levels of responsibility and seniority, and career aspirations, and BrisDoc will endeavour to offer a post of comparable status, terms, and conditions. Consideration will be given to some retraining where practicable to assist with redeployment into alternative work.

BrisDoc will “ring-fence” vacant posts to those “at risk” of redundancy. The employee/s will be notified of the vacancy/s by their line manager and/or Workforce Team and asked to respond within 5 working days as to whether they wish to be considered for the vacancy. This may involve completing an application form. Preferential interviews will be set up where practicable, and a fair selection procedure will occur (see section 4.4.1.1).

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If the staff member is considered suitable, the post will no longer be available to other applicants. If not considered suitable, they will be advised why they were not accepted. Recruitment to the vacant post will continue through the review, but no appointment decision will be made until the review is complete.

Offers of alternative work to employees under notice of redundancy will be made in writing, specifying any differences in terms and conditions which may result, the length of any trial period, and any other conditions. Note: The active co-operation and involvement of the employee will assist such efforts at redeployment.

The offer must be made before the termination of the job from which the employee is being made redundant.

What is suitable, alternative employment?

Suitable, alternative employment should normally carry broadly similar levels of responsibility. Where however, a post with a lower grade is identified, pay protection

- may apply (see section 4.4.3). Individuals will not normally be matched to higher graded posts.
- In establishing whether an alternative job is suitable, factors relating to the employee and the role will be considered. Employees will, however, be expected to show some flexibility. A fair selection procedure will be adopted using objective criteria based on the following:
 - Experience
 - Skill and aptitude
 - Current grade and hours/shift patterns
- Any suitable alternative employment must be brought to the employee's notice in writing before the date of termination of contract and with reasonable time for the employee to consider it. The employment should be available no later than four weeks from that date. Where this is done, but the employee fails to make any necessary application, the employee shall be deemed to have refused suitable alternative employment. Where an employee accepts suitable employment the "trial period" provisions in Section 138 (3) of the Employment Rights Act 1996 will apply (see section 4.4.2).
- Given the nature and geographical area covered by BrisDoc, every effort will be made to try and redeploy employees within a reasonable distance of their current base, however this cannot be guaranteed.
- Consideration will be given if circumstances mean that difficulties arise in travelling to the new post however, the location will not normally be sufficient reason for employees to turn down a potentially suitable post. These cases will be discussed on an individual basis.

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What if I refuse alternative employment?

Employees who unreasonably refuse an offer of suitable alternative employment may lose any entitlement to redundancy pay. Unreasonable refusal may arise where the differences between the new and old jobs are negligible.

Trial Period

An employee who is under notice of redundancy has a statutory right to a trial period of four weeks in an alternative job where the provisions of the new contract differ from the original contract. This period can be extended by agreement in writing up to BrisDoc's maximum of 8 weeks for retraining purposes (subject to the post the person is being redeployed into). If the employee works beyond the four-week period (or any agreed longer period) any redundancy entitlement will be lost because the employee will be deemed to have accepted the new employment. Staff who elect not to accept the alternative job during or at the end of the trial period will still be entitled to receive their redundancy payments.

Protection of Existing Terms and Conditions

If alternative vacancies are offered to redundant employees, the terms and conditions which will apply will be in accordance with the standard terms for the job in question. Protection of existing terms and conditions will only apply during trial periods.

Early Release of Redundant Employees

Depending on the needs of the service, consideration will be given to employees who wish to leave BrisDoc before the period of notice of redundancy expires. Both parties will agree a date of termination. That date will become the revised date of redundancy for the purpose of calculating any entitlement to a redundancy payment under this agreement and any accrued annual leave.

Redundancy Pay

Statutory Redundancy Payments (SRP)

An employee who is dismissed by reason of redundancy, and who has been continuously employed by BrisDoc, either full-time or part-time, for at least two years (i.e 104 weeks), will be entitled to a statutory redundancy payment from BrisDoc. Casual workers, agency workers, the self-employed and directors not working under a contract of employment do not qualify.

The amount of payment is dependent on the age of the employee (at the date of termination of employment), the length of service (which includes the notice period) and the average weekly wage up to a maximum statutory limit. For information on the maximum statutory limit visit the .gov website.

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Fixed Term Contracts

If employees on a fixed term contract have been continuously employed for two years, they will also be entitled to statutory redundancy payments. This is because under the Fixed-Term Employees (Prevention of Less Favourable Treatment) Regulations 2002, it is unlawful to treat fixed term employees less favourably than permanent employees.

Tax and National Insurance Liability

- Redundancy pay (including any severance pay) under £30,000 isn't taxable.
- Holiday pay should be treated as a normal salary payment and is subject to tax and national insurance.

Holiday Pay

If employees have not taken the paid holiday to which they are entitled by the date their employment terminates, then they should receive holiday pay.

Staff who work their notice period will be paid their accrued holiday up to their last working day in their final wages. Staff who are paid in lieu of notice (PILON) will be paid their accrued holiday up to the date in which PILON was issued.

ASSISTANCE WITH JOB SEEKING

Time-OFF

BrisDoc recognizes that it is a statutory entitlement for employees who have been continuously employed for at least 2 years to be allowed reasonable time off with pay to seek alternative work, or to arrange training, where they are under notice of redundancy. Staff will be permitted reasonable use of BrisDoc's office facilities such as telephone, photocopier etc. to assist with this.

Help with Application Forms / Interviews

BrisDoc's Workforce Team can also provide help, within reason, with completion of application forms and or preparation for interviews.

APPEALS

If an employee feels that they have been unfairly selected for redundancy or that the redundancy process has not been carried out properly, or that a job they considered suitable has not been offered to them, they have a right to appeal in line with BrisDoc's Grievance policy and procedure

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5. Tables

Date	Reviewed and amended by	Revision details	Issue number
28/04/2021	Helen HarveyWilson	Updated wording around redundancy – post not person.	

Date of amendment: October 2023

Amendments:

- Introduction removal of business plan
- Grammer changes and re-wording
- Re-wording

The following changes have been made between the April 2019 and February 2021 versions

28/04/2021 Helen Harvey Wilson	Updated wording around redundancy – post not person.