

REDUNDANCY POLICY

Policy Statement

Public Health Wales takes all steps that are reasonable to avoid the need for redundancy and to provide a stable work environment, retaining valuable skills, knowledge and experience. There may be circumstances where it is necessary to make organisational changes and these changes may impact individual jobs or groups of jobs and lead to redundancies.

In the application of this policy all employees will be treated with dignity and respect, taking into account equality legislation.

Policy Commitment

Public Health Wales aims to ensure that services are supported and developed for the future, providing a stable working environment and maintain employment opportunities.

Public Health Wales will minimise or avoid redundancies as far as possible, by means such as:

- (i) Reductions in overtime
- (ii) Natural turnover of staff/Retirements/Voluntary Early Retirement/Voluntary Early Release Scheme (VERS)
- (iii) Consideration of voluntary reduction in hours/job share
- (iv) Reviewing of temporary and fixed term contracts
- (v) Holding of vacancies and restricting external recruitment
- (vi) Redeployment and Retraining

Where redundancy is unavoidable, Public Health Wales will ensure that selection for redundancy is undertaken in a way that does not discriminate.

Public Health Wales will comply with any legislative requirements relating to consultation or collective redundancies.

Employees have the right to be consulted and represented by a trade union or work colleague (not acting in a legal capacity).

Employees will be informed and given access to all support mechanisms, including occupational health and counselling.

This policy aims to draw together different types of redundancy situations including but not limited to organisational change, conclusion of funding and ending of fixed term contracts.

Supporting Procedures and Written Control Documents

Other related documents are:

NHS Wales Organisational Change Policy

Public Health Wales Redeployment Policy

Agenda for Change NHS Terms and Conditions of Service Handbook

VERs Application Procedure

Procedure for Managing the Expiry of Fixed Term Contract

All Wales Grievance Policy

ACAS Guidelines for Handling large-scale (collective) redundancies and Handling small-scale redundancies

Scope

This policy applies to all employees employed by Public Health Wales.

Employees with more than two years' continuous service may be entitled to redundancy and redundancy payment; this includes employees on fixed term contracts who have more than two years' NHS reckonable continuous service at the time of the termination of their fixed term contract.

Employees with less than two years' service will not qualify for redundancy payment however the reason for terminating the contract will still be redundancy and a fair process should be followed.

Equality and Health Impact Assessment	An Equality, Welsh Language and Health Impact Assessment has been completed and can be viewed on the policy webpages.
Approved by	Board/Committee
Approval Date	7 February 2017
Review Date	3 years or sooner if required
Date of Publication:	20 February 2017
Group with authority to approve supporting procedures	People and Organisational Development Committee
Accountable Executive Director/Director	Phil Bushby, Director of People and Organisational Development
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Disclaimer

If the review date of this document has passed please ensure that the version you are using is the most up to date either by contacting the document author or [Corporate Governance](#).

Summary of reviews/amendments

Version number	Date of Review	Date of Approval	Date published	Summary of Amendments
v1	N/A	7 February 2017	20 February 2017	N/A

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1 Introduction/Background

Redundancy is defined by the Employment Rights Act 1996 (Section 139-1) as a dismissal, which is wholly or mainly attributed to:

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

This policy is written in accordance with the Organisational Change Policy (OCP) for NHS Wales. This policy covers the management of redundancies including those that are outside the scope of the Organisational Change Policy.

This policy is written in accordance with good practice, current employment legislation and Section 16 of the Agenda for Change NHS Terms and Conditions of Service Handbook.

The OCP for NHS Wales document sets out the details regarding managing internal organisational change within the NHS, including redundancy situations. The OCP outlines the procedure for redundancy situations and contains the All Wales Redundancy Policy as an appendix.

The Public Health Redeployment Policy sets out the process of redeployment, providing support and advice to managers and employees. This policy covers all aspects of redeployment including the process for those in redundancy situations.

The Procedure for Managing the Expiry of Fixed Term Contracts contains details specifically relating to redundancy arrangements for those on fixed term contracts.

2 Roles and responsibilities

2.1 Line Managers

Managers have a duty to familiarise themselves with the process and treat employees fairly and equitably.

Managers will have responsibility for identifying situations where redundancy may be an option to consider and lead on the selection process for redundancy.

Managers will support employees through the process, signposting them to additional support as identified.

2.2 Employees

Employees have a duty to comply with the policy and to engage in the process.

2.3 People and OD

The People and OD department have a duty to support managers and employees to adhere to the policy, providing advice and guidance and to ensure the policy is applied fairly and consistently throughout the organisation.

Where there is a potential for more than 20 employees to be made redundant in a 90 day period, Welsh Government and NHS Wales Employers may need to be notified.

3 Procedure

3.1 Consultation

Consultation will take place with employees and recognised trade unions as soon as it becomes known that there may be a redundancy situation in line with good practice and legal requirements. Consultation will discuss the reasons for the proposed redundancies, the redundancy process and ways in which the redundancy can be avoided or reduced.

Consultation will begin at least 30 days before notice of redundancy is issued for proposals affecting between 20 and 99 employees across the organisation within a 90 day period.

Consultation will begin at least 45 days before notice of redundancy is issued for proposals affecting 100 or more employees across the organisation within a 90 day period.

There is no set consultation period for proposals affecting less than 20 employees; however consultation should take place as soon as possible to provide an appropriate time to be meaningful to the situation.

Consideration needs to be given to any other possible redundancy situation across the organisation which could increase the proposed number of redundancies within a 90 day period.

Public Health Wales will consult with recognised trade unions over any proposed redundancies where required to do so.

Benefits of meaningful consultation include:

- (i) a better chance of finding alternative jobs for staff
- (ii) increased employee morale as they will feel included and see they have an input into the process
- (iii) ideas and options can surface that you had not considered/identified previously
- (iv) an opportunity for you to become aware of other relevant issues early on.

During consultation the following will be covered:

- (i) The reasons for the proposed redundancies

- (ii) Ways to avoid dismissals and minimise the number of staff affected (e.g. reducing hours)
- (iii) The selection process and criteria
- (iv) Redeployment opportunities
- (v) Listening to concerns about the process and ways to mitigate them

Staff will individually be informed in writing:

- (i) Why their job is at risk and that redundancy is a possibility
- (ii) Number of staff that may be made redundant
- (iii) Selection criteria
- (iv) Right to representation
- (v) Consultation period and how any dismissals will be carried out
- (vi) Redundancy payment calculation
- (vii) Arrangements for time off for employees to seek alternative employment opportunities and retraining

Individual meetings will be offered to discuss individual situations.

3.2 Selection for Redundancy

Selection for redundancy will be fair, objective and non-discriminatory and will be based on objective criteria.

The objective criteria for selection will be discussed with staff and trade union representatives during consultation and take into account all relevant legislation. Examples of criteria that may be used are:

- (i) Knowledge, skills and experience
- (ii) Qualifications essential to the role
- (iii) Attendance and sickness record (taking account of the Equality Act 2010)
- (iv) Disciplinary record
- (v) Performance record

- (vi) Cessation of funding directly linked to the provision of the service provided by one or more employees

The criteria chosen will be subject to the need to retain a balance of skills and knowledge after the redundancies have taken effect.

Criteria for selection may be weighted appropriately and this will be discussed with employees.

Employees may volunteer for redundancy. Employees who volunteer for redundancy are subject to operational requirements and the level of affordability within the financial constraints of the organisation.

Employees may also explore the Voluntary Early Release scheme (VERS). This scheme is where there is mutual benefit to both the employee and the organisation, for an individual to voluntarily choose to leave the organisation in return for a severance payment. VERS is not a redundancy and is not covered by the NHS terms and conditions of service handbook. Please refer to the VERS Process.

3.3 Alternative Employment

Suitable alternative employment (redeployment) will be explored with individuals at risk in order to avoid redundancy. Please refer to the Public Health Wales Redeployment Policy.

Employees accepting alternative employment may be entitled to pay protection and excess travel depending on the individual situation. Please refer to the Redeployment Policy and OCP Policy for further details.

3.4 Support

Employees at risk of redundancy have access to various support options:

- (i) Reasonable paid time off to attend interviews
- (ii) Use of facilities and assistance in applying for alternative roles
- (iii) Assistance in accessing or restricting vacancies as appropriate
- (iv) Contact and access to training opportunities
- (v) Access to counselling and pension advice

3.5 Notice Periods

Employees who have been selected for redundancy will be given notice in writing in line with their terms and conditions of employment.

Employees may be released before the expiry of their notice period, on a mutually agreeable date. This date would then become the date of redundancy for the purpose of calculating any entitlement to redundancy pay.

Payment in Lieu of notice may be made where working the notice period may not be possible or appropriate.

3.6 Redundancy Payment

To qualify for redundancy pay the employee must be working under a contract of employment for the organisation and must have at the date of termination of their contract at least 104 weeks of continuous reckonable NHS service.

Redundancy payments will be paid in line with the employee's terms and conditions. For staff on Agenda for Change Terms and Conditions, payments are set out in Section 16 of the Agenda for Change NHS Terms and Conditions of Service handbook.

4 Appeal

4.1 Employees who have a dispute arising from the application of the redundancy policy may lodge a grievance in accordance with the Grievance Policy.

4.2 Employees who wish to appeal against the decision to select them for redundancy need to set out their appeal in writing to People and OD within 21 days of written notification of redundancy.

4.2.1 The Letter of appeal should set out the grounds for appeal.

4.2.2 An Appeal Officer will be appointed and the appeal heard within 28 calendar days of the notification being received. The appeal panel will consist of an Appeal Officer and a member of People and OD and where appropriate a further panel member. In exceptional circumstances it may be necessary to extend this

deadline with the agreement of both parties but every effort should be made to hear the appeal promptly.

- 4.2.3 The purpose of the appeal is to determine if the policy has been adhered to in relation to the redundant employee. The decision reached by the appeal panel is considered final. No further appeal mechanism will operate within Public Health Wales.
- 4.2.4 When a decision is reached by the Appeal panel they should inform the appellant of the outcome immediately or within 7 calendar days. In either case, the decision will be notified in writing within 7 calendar days of the appeal.
- 4.2.5 If the Appeal panel finds in favour of the redundant employee, reinstatement will be such that full continuous service occurs and a payment of back pay is made.

5 Implementation Plan

All staff need to be made aware of the existence of this policy. It can be obtained on the Public Health Wales Policies Intranet page, and will be publicised via the staff intranet.

Line managers should bring the policy to the attention of their staff for information only.

Training will not be offered on this policy however guidance must be sought from the People and OD team when following the policy.

6 Equality and Welsh Language

The policy will be made available in Welsh should a member of staff request it. Correspondence can be made available in Welsh should a staff member request it.

7 Audit

The policy lead will monitor this policy to ensure it is compliant with current legislation, to ensure it is effectively implemented, and ensure that it is reviewed in accordance with the policy review timetable.

8 Distribution

All staff will be made aware of this policy upon commencement with Public Health Wales and when approved. Copies can also be viewed on Public Health Wales Intranet or obtained via the People and OD department.

9 Review

This policy will be reviewed in 3 years time or sooner if required.