



REDUNDANCY POLICY

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1. INTRODUCTION

- 1.1. It is the NHS South Gloucestershire Clinical Commissioning Group (SGCCG)'s aim to provide a stable work environment and a high level of security of employment for all staff. However, the SGCCG has a duty and responsibility to manage its services in the most effective and efficient way. It recognises that there may be circumstances where it is necessary to make organisational changes which impact on the services that we provide. Sometimes these changes will lead to individual jobs or groups of jobs changing or no longer being required and this may lead to compulsory redundancies.
- 1.2 In order to minimise the impact of such events and avoid compulsory redundancies where possible, the principles and procedures in this policy will be followed. The procedure is in accordance with good practice, current employment legislation, and the amended Section 16 of the Agenda for Change Handbook which outlines the arrangements in more detail and gives broader guidance on handling retirement and redundancy.
- 1.3 This document sets out the policy that the SGCCG adopts for employees at risk of redundancy and the arrangements for redundancy pay. This policy does not form part of any employee's contract of employment and may be amended from time to time or as appropriate in any case. It is however intended to reflect the current provisions of section 16 of the Agenda for Change NHS Terms & Conditions of Service Handbook

2. PRINCIPLES AND PURPOSE

- 2.1 The SGCCG will seek to avoid displacement and compulsory redundancy as far as possible, in consultation with representatives of recognised trade unions/professional organisations, by means such as:
 - Natural wastage
 - Limiting use of temporary, agency and bank staff
 - Reviewing of temporary and fixed term contracts
 - Restricting external recruitment of permanent staff as early as possible, including recruitment freezes in certain circumstances
 - Voluntary reduction in hours of work
 - Appropriate redeployment
 - Retraining where appropriate and viable
 - In accordance with relevant provisions and where appropriate ascertaining which employees, if any, would wish to be considered for voluntary redundancy.
 - In accordance with relevant provisions and where appropriate ascertaining, which employees are eligible for and wish to apply for early retirement.
- 2.2 However, where redundancy is unavoidable, the SGCCG will ensure that selection for redundancy is carried out in a way that does not unlawfully

discriminate, either directly or indirectly, on any grounds. Managers should seek advice from the Human Resources Team at the earliest opportunity.

- 2.3 Staff have the right to be consulted and represented or accompanied by a trade union representative or work colleague (not acting in a legal capacity) at any stage of the process.
- 2.4 Staff will be informed of, and be given access, to support mechanisms via their line manager, Occupational Health, and the Human Resources team throughout the process.

3. SCOPE

- 3.1. This policy will apply to all employed staff of South Gloucestershire Clinical Commissioning Group.

4 DEFINITION OF REDUNDANCY

- 4.1 Redundancy is defined by the Employment Rights Act 1996 as a dismissal attributable wholly or mainly to:
 - Where the employer has ceased, or intends to cease, to carry on the business for the purposes of which the employee was employed; or where the employer has ceased, or intends to cease, to carry on the business in the place where the employees was so employed; or
 - Where the requirements of the business for employees to carry out work of a particular kind, or to carry out work of a particular kind in the place where they were the employee was employed, have ceased or diminished or are expected to cease or diminish.

5 QUALIFICATIONS FOR A REDUNDANCY PAYMENT

- 5.1 To qualify for a redundancy payment the member of staff must be an employee, working under a contract of employment for the SGCCG. The member of staff must have at the date of termination of their contract at least 104 weeks of continuous service to be eligible.
- 5.2 Redundancy payments will be paid in line with an employee's terms and conditions. Entitlements to redundancy payments for staff on Agenda for Change Terms and Conditions are those set out in Section 16 of the Agenda for Change NHS Terms & Conditions of Service Handbook. A member of the HR Team will be responsible for obtaining redundancy quotations.
- 5.3 Further information on redundancy for staff on VSM contracts can be found [here](#).

6 COMPULSORY REDUNDANCIES

- 6.1 Where compulsory redundancies are unavoidable, the following procedure outlines the process that will be followed to ensure that the selection for redundancy is as fair as possible.
- 6.2 Before payments are released, staff must sign a certificate to confirm that they have adhered to the conditions of redundancy set out in Section 16 of the Agenda for Change NHS Terms and Conditions of Service Handbook. The certificate is attached at Appendix A. The responsible manager must explain the implications of this course of action and countersign the certificate.

7 PROCEDURE FOR DEALING WITH A REDUNDANCY SITUATION

7.1 Consultation

- 7.1.1 Consultation will be undertaken with affected staff to discuss, amongst other things, the reasons for the proposed redundancies, the redundancy process and ways in which the redundancies can be avoided or reduced.
- 7.1.2 Consultation periods will commence in line with good practice and legal requirements. If the proposal affects 100 employees or more, consultation will commence at least 45 days before any notice of redundancy is issued.
- 7.1.3 If the proposal affects 20-99, then consultation will commence at least 30 days before any notice of redundancy is issued. The SGCCG will consult recognised trade unions over any proposed redundancies where required to do so. The SGCCG will communicate with the staff groups affected, and in general with other staff, in order to take staff comments into account and to avoid misunderstandings. The SGCCG will also ensure individual consultation is undertaken.
- 7.1.4 During consultation comments will be invited from the staff/their representatives on:
- The need to make redundancies and the reasons for the proposal
 - 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

All staff will be informed of the proposed changes in writing stating:

- Why their job is at risk
- That whilst no final decision has been made, redundancy is a possibility

- The number of staff that may possibly be made redundant
- The selection criteria to be applied
- The right to representation

7.2 How Will Staff be Selected for Redundancy?

7.2.1 The SGCCG is committed to a fair, objective and non-discriminatory treatment in selection for redundancy.

7.2.2 No employee will be selected for redundancy on the basis of sex, race, nationality, ethnic or national origin, religion or belief, age, disability, sexual orientation, gender re-assignment or political or trade union affiliation or part time/fixed-term status.

7.2.3 The criteria chosen will be subject to the need to retain a balance of knowledge and skills within the workforce after the redundancies have taken effect. The preference of individual staff who are subject to the risk of redundancy and wish to be considered for voluntary redundancy (with early retirement benefits where appropriate) will be taken into consideration, but the cost and service implications of this option will also have to be considered.

7.2.4 Where there are insufficient applications for voluntary redundancies or voluntary early retirement or for the operational / business reasons the SGCCG is unable to grant such applications, the SGCCG will select individuals for redundancy on the basis of a combination of criteria which will be subject to consultation with staff representatives as part of the formal consultation period.

7.2.5 Examples of criteria which may be used are:

- Skills, qualifications and knowledge
- Attendance records (taking into consideration the requirements of the Equality Act 2010)
- The employees disciplinary and timekeeping records (confirmed by records)
- The suitability for retraining (taking into consideration the requirements of the Equality Act 2010)

7.2.6 Selection criteria will be used objectively and consistently. Staff will have the opportunity to challenge their own assessment scores if they wish.

7.2.7 Where one or more of the above factors are used as criteria for selection, they may be weighted appropriately. This weighting must be discussed and agreed with staff side before being implemented.

7.2.8 When selection for redundancy against such criteria takes place, the Senior Management Executive Team must be involved in the assessment.

7.3 Individual Meetings

- 7.3.1 As part of the consultation process, the opportunity for individual meetings will be made available for the member(s) of staff who are at risk of redundancy and their representatives. The meeting will include their line manager and a member of the Human Resources Team.
- 7.3.2 At the meeting the member of staff will be provided with information about the options available to them including advice about entitlements to a redundancy payment.
- 7.3.3 The meetings will be used to identify the member of staff's preferred options for future employment / redeployment to suitable alternative employment and to determine the support which can be given by the SGCCG, e.g. training/ retraining to achieve a preferred outcome.

7.4 Alternative Employment

- 7.4.1 The SGCCG will attempt to identify and offer suitable alternative employment in line with the CCG's Redeployment Policy.

8 PAY PROTECTION/EXCESS TRAVEL

- 8.1 Staff accepting alternative employment may be entitled to protection in accordance with the SGCCG's Pay Protection Policy. Protection arrangements will commence on the first day of the new post irrespective of a trial period (See Redeployment Policy for trial periods).
- 8.2 Excess travel will be paid for the additional travel a member of staff may have to make, this is the travel difference between their home and their old post and their home and the new post and will be payable in accordance with their conditions of service.

9 STAFF SUPPORT

- 9.1 Staff who are potentially redundant will be granted reasonable paid time off to attend for interviews and appointments outside the SGCCG, including appointments outside the NHS. Managers will also give them reasonable support, with the assistance of the HR Team to prepare for such interviews.

10 NOTICE PERIODS

- 10.1 Staff who are made redundant will be given notice in line with their terms and conditions of employment. The notice period will commence at the end of the consultation period and will be notified in writing. Staff who obtain employment outside the NHS may be released before the expiry of their notice period, on a mutually agreeable date. That date would then become the revised date of redundancy for the purpose of calculating any entitlement to redundancy pay.

11 APPEALS

- 11.1 Any dispute arising from the application of this Policy shall be heard in accordance with the SGCCG's Grievance Procedure.
- 11.2 Appeals against a decision to select an individual for redundancy will be heard in accordance with the SGCCG's Appeal Procedure.

12 AUDIT

- 12.1 For the purposes of audit and scrutiny, paperwork relating to redundancy decisions will be kept by the HR department.

13. EQUAL OPPORTUNITIES/EQUALITIES IMPACT ASSESSMENT

- 13.1 An Equality Impact Assessment has been completed for this policy and procedure and it does not marginalise or discriminate minority groups.

14. REVIEW DATE

- 14.1 This policy and procedure will be reviewed after 2 years, or earlier at the request of either staff or management side, or in light of any changes to legislation or National Guidance.

REDUNDANCY CERTIFICATE

I confirm that I have been informed of Section 16 of the NHS Terms and Conditions of Service Handbook and that as stipulated in Paragraph 16.20, I will refund my redundancy payment if I obtain or am offered NHS employment without a break or with a break not exceeding 4 weeks from the date of termination i.e. 4 weeks from . .

.....

I also confirm that I have not unreasonably refused to apply for or accept an offer of suitable alternative NHS employment to commence within this period.

I understand that my payment is based on a period of continuous employment with the NHS and I confirm that I have not previously received a redundancy payment from a NHS employer for this period.

I confirm that in case of any future redundancy from a NHS employer, I will inform them that this period of employment cannot count as reckonable service for that redundancy payment.

Signed.....

Name (in capitals).....

Date.....

I confirm that I have explained the implications of this to the above: (Line Manager)

Signed.....

Name (in capitals).....

Date.....

EQUALITY IMPACT SCREENING PROFORMA

For each of the nine protected characteristics answer the questions (Yes/No/Comment) below:

SCREENING

Question	Age*	Disability**	Gender reassignment***	Marriage and civil partnership	Pregnancy and maternity	Race	Religion or belief	Sex	Sexual orientation
Is this a major service or policy in scale or significance for the SGCCG?	No	No	No	No	No	No	No	No	No
Do different groups have differing needs, issues or priorities in relation to the service or policy	No	No	No	No	No	No	No	No	No
Is there potential or evidence that the proposal will affect different groups in different ways (including discriminating for or against some)?	No	No	No	No	No	No	No	No	No
Is there any evidence that the proposal will increase or reduce health inequalities?	No	No	No	No	No	No	No	No	No
Is there doubt about the answers to any of the above questions (e.g. lack of good information)?	No	No	No	No	No	No	No	No	No

* For Age screen for both younger and older people

** For Disability look at the needs or impact on people with visual impairment, people with a hearing impairment/deaf people, people with learning disabilities, people with mobility problems including wheelchair users, people with a long term condition e.g. enduring mental health problem

*** Include Transgender and Transsexuals