



Western Health
and Social Care Trust

**REDEPLOYMENT & REDUNDANCY POLICY
AUGUST 2008**

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Table of Contents

	Page Number
1.0 Introduction	4
2.0 Scope and Application	4
3.0 Analyse the current workforce	4
4.0 Analyse the requirements of the service	4
5.0 Consultation	4
6.0 Suitable Alternative Employment	6
7.0 Voluntary Redundancy	6
8.0 Voluntary Early Retirement	7
9.0 Premature Retirement	7
10.0 Compulsory Redundancies	7
11.0 Individual periods of notice	8
12.0 Notification to the Department of Enterprise, Trade and Investment	8
13.0 Appeal	9
14.0 Time off and Support Services	9
15.0 Redundancy Payments	9
Form of Agreement	10
Appendix 1	11

1.0 INTRODUCTION

- 1.1 Western Health and Social Care Trust is an Equal Opportunities employer and employees must have equality of opportunity under this Policy regardless of gender, marital status, perceived religious affiliation, political opinion, race, ethnic origin, disability, age or sexual orientation.
- 1.2 Although it is the aim of Western Health and Social Care Trust to maximise security of employment there will be occasions when staffing changes will be required.
- 1.3 The aim of this policy is to provide a fair and consistent method of handling such redeployment situations and voluntary or compulsory redundancies.
- 1.4 All relevant legislation surrounding dismissals for redundancy must be applied.

2.0 SCOPE AND APPLICATION

- 2.1 This policy transferred to the Western Health and Social Care Trust on 1 April 2007, hereafter referred to as the Trust. It is recognised that not all parts of the policy will be applicable to all circumstances but all relevant parts should be applied when appropriate within the unit of selection.

During 2007/2008, in implementing the Review of Public Administration, it became clear that some risks existed in the Policy in relation to the Trust's obligations under age discrimination legislation. This amended policy aims to reduce that risk and is effective from 7 August 2008.

3.0 ANALYSE THE CURRENT WORKFORCE

The Trust should analyse information on the current workforce for the area of work affected including, for example, the names, grades and place of work of the employees.

4.0 ANALYSE THE REQUIREMENTS OF THE SERVICE

The Trust should determine the number of posts, grades and locations required to carry out the needs of the service.

5.0 CONSULTATION

- 5.1 Under the legislation, the Trust shall give the regional officers of the appropriate recognised Trade Unions or elected representatives of the employees notification in writing that a staff surplus has been identified which affects 20 or more employees at one establishment within a 90 day period. This information will include the following:-

- the reasons for the proposals
- the numbers and descriptions of employees

- the total number of employees of any such description at the establishment (see paragraph 11.3)
- the proposed method of selection
- the proposed method of carrying out the dismissals taking account of any agreed procedure including the period over which the dismissals are to take effect.
- the proposed method of calculating any redundancy payments which the employer proposes to make other than those required by statute.

5.2 The Trust shall offer to enter into consultations with the regional and/or local officers of the trade unions involved or with elected representatives of the affected employees. The unit of selection should be identified.

5.3 The minimum period for consultation is:-

- if fewer than 99 employees to be made redundant over a period of 30 days or fewer - at least 30 days
- if 100 or more employees to be made redundant over a period of 90 days or fewer - at least 90 days.

However, consultation should begin in good time and as soon as there is a likelihood that a redundancy may occur.

5.4 Consultation must take place about ways of avoiding dismissals, reducing the number to be dismissed and mitigating the consequences of dismissals. Consultation will be undertaken by the employer “with a view to reaching agreement” with representatives. The Trust will handle redundancies with care and consideration and it will investigate all possible options before declaring compulsory redundancies.

5.5 In investigating options to avoid compulsory redundancies, management may give consideration to giving staff in the same discipline in the Trust the option to volunteer for premature retirement or voluntary redundancy.

In order to make every effort to avoid compulsory redundancies the Trust may consider the following:-

- natural wastage
- restrictions on recruitment
- consider flexible working arrangements (e.g. part-time and job share)
- retraining and redeployment
- reduction or elimination of overtime
- introduction of short-time working or temporary layoff
- application of any existing premature or early retirement schemes
- seeking applicants for voluntary redundancy
- revising service contract arrangements

5.6 The above are the current legislative requirements but the broad principles of consultation, etc. should be applied even if fewer than 20 employees are affected.

6.0 SUITABLE ALTERNATIVE EMPLOYMENT

6.1 Where the Trust has suitable alternative employment available this should be offered to employees affected by redundancy.

6.2 Suitable alternative employment is defined in Section 16 of the Agenda for Change: NHS Terms and Conditions handbook and covers posts with the same or another NHS employer.

Pay and location of the new post must be taken into account when making an offer of suitable alternative employment. The feasibility of providing retraining should be considered where practical.

Suitable alternative employment may cross functions providing it does not result in an increase in pay or salary at the maximum points (normally no more than 10% increase).

This means that the Trust may consider a post with no more than a 10% improvement in either salary or hours of post but promotion within the employee's current grading structure is not permitted.

6.3 Any offer of suitable alternative employment shall be made in writing to the individual concerned within the notice period and should commence within 4 weeks of the redeployment/redundancy taking effect.

6.4 An employee is allowed a statutory trial period of 4 weeks to confirm that the work is suitable if they have been redeployed to different duties. The period may be extended beyond 4 weeks by written agreement between the parties where the employer considers that retraining is necessary. This must be agreed before the employee starts work under the new contract.

6.5 An employee who unreasonably refuses an offer of suitable alternative work will lose entitlement to redundancy pay and any related payments e.g. Superannuation enhancements.

6.6 In selecting staff for suitable alternative employment or redeployment, the Trust will apply the criteria and weighting factors identified in paragraph 10.4 and Appendix 1.

6.7 The Trust's Protection Arrangements shall apply in appropriate circumstances.

7.0 VOLUNTARY REDUNDANCY

7.1 Staff who volunteer for redundancy and meet the regulations of the Agenda for Change: NHS Terms and Conditions handbook will be considered for a redundancy payment in accordance with the regulations. The Trust reserves the right not to grant requests from staff who seek voluntary redundancy.

7.2 Staff who volunteer for redundancy should do so in writing.

8.0 VOLUNTARY EARLY RETIREMENT

- 8.1 Superannuation Scheme members may wish to explore the option to retire early on a voluntary basis. They should ask for the booklet “Early Retirement” from HR Department or Payroll.
- 8.2 The Trust reserves the right not to grant requests for voluntary early retirement that is not actuarially reduced.

9.0 PREMATURE RETIREMENT

- 9.1 In accordance with Section 16 of the Agenda for Change: NHS Terms and Conditions Handbook and Circular HSS(S) 11/83 and Supplement 1 for Social Work staff it is possible for accrued pension rights and additional years to be awarded to employees paying superannuation who are aged 50 or over with 5 years superannuable service. The Trust reserves the right not to grant requests from staff who volunteer for premature retirement.
- 9.2 Criteria for the selection of volunteers for premature retirement shall be agreed at local level between management and staff and/or staff organisations.

10.0 COMPULSORY REDUNDANCIES

- 10.1 If the Trust is taking affirmative action under the Fair Employment and Treatment (NI) Order 1998 then it will seek advice from the Equality Commission on the selection procedure for compulsory redundancies.
- 10.2 Where the Trust finds that the actions already taken in paragraphs 5.5, 6.0, 7.0 and 8.0 have not reduced the workforce to the required level, management should continue consultation with the recognised Trade Unions.
- 10.3 Management will identify the facilities/departments and identify the posts for compulsory redundancy.
- 10.4 The selection criteria for redundancy are:-
- Attendance Record
 - Disciplinary Record
 - Loyalty

The above factors will be weighted in accordance with Appendix 1 i.e. staff with most points will have maximum choice or are least likely to be redundant.

In the event of 2 employees having exactly the same number of points, total aggregated length of service will be used on these occasions.

- 10.5 Employees will have the opportunity to verify how their points have been calculated with an officer of the Human Resources Department.

- 10.6 Staff will be ranked in accordance with points.
- 10.7 These criteria are for use in the selection of staff for redeployment or redundancy. They are not appropriate for the calculation of redundancy payments which are subject to separate arrangements.
- 10.8 It should be noted, however, that nothing in this policy will take precedence over the rights of any employee in the Trust who should be redeployed. Redeployment on the grounds of disability has priority over this policy.

11.0 INDIVIDUAL PERIODS OF NOTICE

11.1 the Trust is required to give an employee:-

- at least one week's notice if the employee has been employed for 1 months or more.
- at least 2 weeks' notice if the employee has been employed continuously for 2 years or more.
- one additional week's notice for each further complete year of continuous employment up to 12 weeks' notice if the employee has been employed continuously for 12 years or more.

If an individual employee's contract of employment expresses a longer period of notice than above then this should be applied.

- 11.2 The period of continuous employment shall be calculated in accordance with the Employment Rights (NI) Order 1996 or Agenda for Change: NHS Terms and Conditions Handbook whichever is the more beneficial.
- 11.3 Where staff are compulsorily declared redundant they may be either required to work the period of notice or be given payment in lieu of notice.
- 11.4 Where staff volunteer for redundancy, the Trust and the individual should try to reach an agreed date for termination.

12.0 NOTIFICATION TO THE DEPARTMENT OF ENTERPRISE, TRADE AND INVESTMENT

- 12.1 The Employment Rights (Northern Ireland) Order 1996 requires employers to notify the Department of Enterprise, Trade and Investment if they are proposing to make 20 or more employees redundant at one establishment within a period of 90 days. A failure to give notice under Article 221 of the Employment Rights (Northern Ireland) Order 1996 is a criminal offence punishable by a fine. Form HR1 available from the Department of Enterprise, Trade and Investment should be used. This notification form is required even for staff volunteering for redundancy.
- 12.2 The "one establishment" should be defined as the Trust.

13.0 APPEAL

- 13.1 Where an employee is given formal notice of dismissal because of redundancy they may appeal against this decision by writing to the Chief Executive within 7 days of receipt of the notice stating the grounds for the Appeal. An appeal hearing will be set up and the employee may be accompanied at the hearing by a trade union representative or work colleague.

14.0 TIME OFF AND SUPPORT SERVICES

- 14.1 An employee who is given notice of dismissal because of redundancy is entitled to reasonable time off with pay during working hours to look for another job or make arrangements for training for future employment. Application must be made to the line manager.
- 14.2 To meet this entitlement an employee must have 2 years' continuous service in the Trust.
- 14.3 The Trust will also discuss with the potentially redundant employee(s) the possibility of providing interviewee skills, training, counselling and access to financial advice in order to assist them.

15.0 REDUNDANCY PAYMENTS

- 15.1 Staff who are declared redundant either voluntarily or compulsorily and meet the criteria set out in the Agenda for Change: NHS Terms and Conditions handbook and legislation are entitled to a redundancy payment in accordance with the regulations. They should also be provided with details of how the amount was calculated.
- 15.2 The Director of Human Resources or his/her nominated deputy will be the officer responsible for approving redundancy payments.

FORM OF AGREEMENT

~~The Redeployment & Redundancy Policy has been agreed between Western Health and Social Care Trust and the recognised Trade Unions with effect from 7 August 2008.~~

Ernie King
24 September 2008

**on behalf of Western Health and
Social Care Trust**

Date

NOT AGREED

on behalf of Staff Side

Date

This agreement transferred to the Western Health and Social Care Trust on 1 April 2007.

It is subsequently amended on 7 August 2008.

CALCULATION OF POINTS

1. ABSENCE

- (i) Absences will be calculated from the date of analysis over the preceding 2 years.

This calculation will exclude periods of annual leave, maternity leave, special leave, statutory holidays, maternity related sickness, occupational sickness, and sickness related to their disability for people who have a disability under the Disability Discrimination Act 1995.

The following weighting should be applied:-

Absence Level	Weighting
NIL	+3
0 to less than 1.5%	+ 2
1.5% to less than 3%	+ 1
3% to less than 4.5%	0
4.5% to less than 6%	-1
6 to less than 7.5%	-2
Above 7.5%	-3

- (ii) The frequency of absence should also be analysed over the 2 year period and the following weighting applied.

No of Occasions	Weighting
0-1	0
2	-1
3	-1.5
4	- 2
5	- 2.5
6	- 3
7	- 3.5
8	- 4
9	- 4.5
10	- 5

2. DISCIPLINARY RECORD

An employee shall only have points deducted in respect of the most severe disciplinary penalty on current record.

The following weighting should be applied:-

Disciplinary Record	Weighting
Clear Record	No effect
Informal warning	- 1
Formal warning	- 2
Financial penalty within last year	- 3
Final warning	- 4
Downgrading within last 2 years	- 4

3. LOYALTY

The aggregated service of an individual member of staff will be calculated in completed years months and days (i.e. 1 year and 6 months = 1.5) up to a maximum of 10 years Points will be allocated as follows:-

Factor	Weighting
Length of service in the Health and Personal Social Services or NHS or in a Social Services department in a G.B. local authority	x 1

Advice should be sought from the Equality Commission if the Trust has an affirmative action programme in place.