

## Redundancy and Early Retirement Policy

1. Council's commitment	2
2. Consultation	3 - 4
3. Time off to look for other work	4
4. Support	5
5. Selection Process	5
6. Redundancy during maternity leave	5 - 6
7. Alternative employment	6 - 8
7.1 Offers of alternative employment	
7.2 Refusal of alternative employment	
7.3 Trial periods	
7.4 Protection of pay and terms and conditions	
8. Re-employment	8
9. Offer of a new job with a modification order body	8
10. Notice periods	9 - 10
10.1 Pay in lieu of notice	
10.2 What if employees want to leave early?	
11. Redundancy payment	10 - 12
11.1 Qualifying Local government service and redundancy calculator	
11.2 A week's pay	
11.3 Additional compensation payments for redundancy	
12. Early retirement on the grounds of redundancy	12
13. Retirement in the interests of efficiency	12
14. Joint appointment	13
15. Taxation of payments	14
16. Lost entitlement to a redundancy payment	14
17. Transfer of Undertakings	14 – 15
18. Appeals	15
19. Review	15
Process to be followed	16 – 17

## 1. Council's Commitment

The Council recognises that changes in the working environment are a continuous process, particularly with regard to legislative, technological and organisational changes, and these could lead to a reduction in the number of people employed.

The Council will endeavour, by careful forward planning of staffing requirements, to ensure that as far as is practicable, security of employment for its employees.

In this connection the Council will, in conjunction with all the recognised trade union representatives, adhere to the measure set out in this document with a view to minimising the stress and hardship that displaced employees may suffer.

The following measures will be considered in an attempt to avoid the need for compulsory redundancy:

- a) restrictions on recruitment
- b) redeployment of employees as appropriate
- c) training or retraining of staff for other work
- d) job sharing
- e) short time working
- f) restriction on overtime working
- g) volunteers for redundancy or retirement

### 1.1 Definition of redundancy

For entitlement to redundancy payments, under the Employment Rights Act 1996, redundancy arises when employees are dismissed because:

- The Council has ceased, or intends to cease, to carry on the business for the purposes of which the employee was so employed; or
- The Council has ceased, or intends to cease, to carry on the business in the place where the employee was so employed; or
- The Council's requirements for employees to carry out work of a particular kind has ceased or diminished or are expected to cease or diminish; or
- The Council's requirements for the employees to carry out work of a particular kind, in the place where they were so employed, has ceased or diminished or are expected to cease or diminish.

## Draft policy

For the purposes of the right to be consulted (see below), which applies when an employer proposes to make 20 or more employees redundant over 90 days or less, the law defines redundancy as:

"Dismissal for a reason not related to the individual concerned or for a number of reasons all of which are not so related."

This definition might include, for example, a situation where dismissals are not related to the conduct or capability of the individuals but are part of a reorganisation where there is no reduction in the overall numbers employed because the employer has recruited new staff. Also where employees are dismissed and have their contracts renewed on changed terms and conditions.

## 2. Consultation

There is a statutory duty to consult with the recognised trade union(s) about employees likely to be affected by the proposed dismissals or by measures taken in connection with those proposed dismissals. This applies even where those vulnerable to redundancy are not union members.

Consultation should be in 'good time' once there is a proposal which could result in dismissal for redundancies the minimum statutory consultation periods being as follows:

- a) at least 90 days before the first dismissal takes effect where 100 or more redundancies are proposed at one establishment, within a 90 day period;
- b) At least 30 days before the first dismissal takes effect where 20 - 99 redundancies are proposed at one establishment, within a 30 day period;

Where fewer than 20 redundancies are proposed, there is no statutory minimum but in line with good practice, the Council will consult at least 30 days before the first dismissal takes effect.

Consultation must be meaningful and will occur whilst the redundancies are still at the proposal stage.

The Council will consult any employees affected by the change at the same time at the same time as trade union representatives. The Council will provide trade union representatives the following information in writing:

1. The reason(s) for the proposals
2. The numbers and descriptions of employees it is proposed to dismiss as redundant
3. The total number of employees of any such description employed at the establishment in question
4. The way in which employees will be selected for redundancy

## Draft policy

5. How the dismissals are to be carried out, including the period over which the dismissals are to take effect.
6. The proposed method of calculating the amount of redundancy payments to be paid to those who are dismissed

Employees will be warned of, and consulted about, impending redundancies at the earliest possible date, given details of compensation and offered support. During the consultation period the Council will issue fair warning letters to employees whose positions are likely to be affected by the change.

Our approach to those affected will be to follow the procedure below :-

- Step 1: The Council will send a letter to each employee affected explaining the grounds on which dismissal is being contemplated and an inviting him or her to attend a meeting to discuss the matter (fair warning letter)
- Step 2: Hold a meeting with each employee, prior to which the Council must have informed the employee of the 'basis' for the grounds of action proposed as given to the employee in Step 1
- Step 3: Provide an opportunity for the employee to appeal should the dismissal go ahead.

The Council will consider any representation(s) made by trade union representatives or employees affected by the proposals, and reply in writing or email giving reasons, if rejecting suggestions made.

In addition to consulting the trade unions there is a duty to notify the Secretary of State at the Department of Trade and Industry on form HR1 of proposed redundancies involving twenty or more employees at the same establishment in a 90-day period.

The HR1 form should be sent before notice of dismissals are issued. At the same time a copy of form HR1 should also be given to the trade unions or employee representatives who were consulted.

### **3. Time off to look for other work**

Once placed under notice of redundancy, reasonable paid time off will be granted to employees for the purpose of finding alternative employment or making arrangements for training for future employment.

It is agreed that the time off provisions will apply to employees with less than 2 years continuous local government service.

## **4. Support**

Personnel will offer employees advice and guidance on issues such as: - interview techniques, completing application forms and benefits payable. If employees will benefit from extra skills it may be possible to arrange for them to attend training courses to gain these skills.

## **5. Selection process**

The Council's responsibility is to determine which employees have the various skills, expertise and commitment necessary to enable them to provide a range of services in a cost effective manner.

In attempts to reduce the number of compulsory redundancies we will ask employees if they want to volunteer for redundancy. However, we reserve the right to accept or reject any volunteers for redundancy.

The following criteria will be fairly and consistently applied to all employees in the particular section(s) where compulsory redundancy is necessary:

- a) skills and experience of employee(s)
- b) the potential of the employee to be retrained
- c) the employee's standard of work
- d) the employee's attendance record
- e) the employee's disciplinary record

Whilst the principle of last in – first out used to be generally recognised as a means of selection, this could now be regarded as indirectly discriminatory on the grounds of age and it is jointly agreed that LIFO will not be a consideration in the selection process.

As soon as is practical we will advise the trade union and employees of the selection process and timetable for any new roles.

## **6. Redundancy during maternity leave**

When dealing with potential redundancy situations, managers need to ensure that all employees, including those who may be absent from work due to maternity leave, are consulted and kept informed.

Redundancy during maternity leave will end the contractual obligations to both maternity pay and the right to return. Statutory Maternity Payments are not affected and continue until the end of the Maternity Pay Period.

Any payments made to the employee in respect of occupational maternity pay go towards meeting the council's obligation in respect of notice pay.

A woman on maternity leave who is under notice of dismissal on the grounds of redundancy must be offered any suitable alternative vacancy available in preference to other employees.

If a woman who is pregnant or on maternity leave is dismissed she is entitled to a written statement of the reason for dismissal and this does not have to be requested by the employee.

It is automatically unfair dismissal to select a woman for redundancy on the grounds of her pregnancy. The same applies to employees dismissed for reasons connected with maternity or parental leave or dependent leave care.

The Council is aware of its statutory obligations and will not select employees in contravention of the laws relating to discrimination, the making of protected disclosures or trade union membership.

## **7. Alternative Employment**

### **7.1 Offers of alternative employment**

If suitable alternative work is available it should be offered.

If offering suitable alternative roles the Council will:-

- make the offer before the employment ends or to start within four weeks of the date of redundancy
- give a four week trial period
- agree a longer trial period if this is necessary for retraining
- if the employee accepts the job then dismissal does not take place
- if the trial period is unsuccessful, return to the pre-trial period situation as if it had not taken place and pay a redundancy payment.

### **7.2 Refusal of alternative employment**

If a suitable job offer in terms of pay, grade, job content, status, place of work etc is made and the employee unreasonably refuses it, the dismissal takes effect but there may be no liability to make a redundancy payment. An employment tribunal would assess whether the new job was suitable in relation to the employee concerned.

### **7.3 Trial periods**

Offers of alternative employment are subject to a statutory four week trial period if there is a change in the role or terms and conditions of employment.

Trial periods can be extended for the purposes of retraining only. They must:-

- Be in writing and made before the start of the new contract
- Set out a date on which the period of retraining will end
- Set out the terms and conditions that will apply to the employee at the end of the retraining period.

## **7.4 Protection of Pay and terms and conditions**

These protections will apply when changes occur for a number of reasons including :-

- Those being faced with redundancy opting to take a role at a lower grade
- New management structures being implemented which result in downgrading of a post
- New working arrangements being introduced which result in downgrading.

These arrangements do not apply to any individual post holder who is downgraded as a result of personal performance issues or to voluntary or medical transfers to posts on lower grade.

This agreement relates to the protection of basic pay as well as arrangements for protection of lease cars/cash alternative payments and private health cover and some other limited circumstances.

Where the downgrading of a post occurs basic pay will be protected for a fixed period of months in accordance with the schedule below. Basic pay protection means that the individual remains on their existing salary grade point and no further increments or cost of living increases may be awarded. All employees downgraded due to the reasons shown above will receive 36 months of pay protection.

After the protection period in the schedule above is exhausted, the individuals salary will reduce to the maximum of the grade.

Under the Hampshire County Council Pension Regulations, the Council may issue a 'certificate of protection of pension benefits' to employees whose salary is reduced as a result of downgrading. Alternatively, pension benefits accumulated in the former post may be 'frozen' and preserved and new, separate benefits accumulated in the new post. The best option will vary according to individual circumstances. It is therefore strongly recommended that proper formal advice be obtained from the County Council's Pension Services section before reading any decision.

### **Protection of other benefits**

#### **Lease car**

The individual will be entitled to keep the car until the end of the contract. After this the lease car allowance will reduce to the new allowance for their grade or cease if they are not longer entitled to a lease car.

#### **Cash alternative**

Where as a result of downgrading an individual is no longer entitled to the cash alternative option they will continue to receive the cash alternative

payments till the end of the contract agreement period. At the end of the contract period, the cash alternative payment will cease if they are no longer entitled to this or revert to the lower allowance for their grade.

### **Private medical insurance**

The individual will be entitled to benefits to the end of the annual contract period (usually terminating in March). The only exception to this will be where an individual has already started a course of treatment under the scheme in which case protection will apply until the completion of that course of treatment.

### **Relocation expenses**

When an employees eligibility for removal expenses is removed by downgrading prior to a previously agreed removal, the member of staff will be permitted to claim full removal expenses in accordance with the Council's scheme.

## **8. Re-employment**

If an employee is re-employed then the effect of continuity for statutory rights will be as follows:

- Any 'break' of up to 4 weeks between the ending of the original employment and the re-engagement by the same authority will count for redundancy purposes and may count for other statutory purposes depending on its length and whether it is covered by the provisions.
- Employees re-engaged within 4 weeks by another authority covered by the Modification Order 1999 will have continuity for redundancy but not for any other statutory rights. In this situation employees would not be entitled to a redundancy payment.
- The 'trial period' will count towards continuity for all statutory employment rights.
- Receipt of a redundancy payment will break continuity for future redundancy payments purposes but not necessarily for other purposes.

## **9. Offer of a new job with a modification order body**

If the Council gives the employee notice of redundancy and before the dismissal takes effect the employee receives an offer of employment from another body specified in Schedule 2 of The Redundancy Payments (Continuity of Employment in Local Government) (Modification) Order 1999, the individual will lose entitlement to a redundancy payment.

This only applies where the relevant body make the offer of a new job before the end of the old contract and the employment starts within four weeks of the date of redundancy.

We will therefore seek written confirmation from the employee that they will not be taking up any other employment covered by the Modification Order,

within four weeks of the date of redundancy. Note – if the contract ends on a Friday, Saturday or Sunday, the 4 weeks is counted from the Monday of the next week.

## 10. Notice periods

The amount of notice, which the employee is entitled to receive is set out below unless the contract of employment provides for a greater period

<b>Length of continuous service</b>	<b>Number of weeks notice</b>
One month – two years	One
Two – three years	Two
Each additional year	One
Twelve years plus	Twelve

### 10.1 Pay in lieu of notice

Pay in lieu of notice is compensation for not providing employees with the notice period to which they are contractually entitled.

Generally where there is no pay in lieu of notice clause, it is damages for the employer's breach of contract and normally takes the form of the gross pay the individual would have been entitled to, had they continued in post.

Pay in lieu of notice should only be paid where there is good reason for the employee not working the notice period.

To prevent misunderstanding about the nature of the payment and make it clear that the employment relationship ends when pay in lieu of notice is given, we will write to the employee advising them of this fact.

Payment in lieu of notice counts towards the sum of £30,000, which is tax-free.

### 10.2 What if employees want to leave early?

Employees under notice of dismissal may ask us to allow them to leave early before the expiry of their notice period. Or, they may issue us with a written counter-notice. They are still deemed to have been dismissed but on the date of expiry of the employee's notice and not that in the original notice. If we wish to challenge the counter notice, the Council must give the employee a further written notice requiring them to withdraw their notice and warning that if they do not do so, then the Council will contest any liability to pay a redundancy payment.

In other cases, they would still be entitled to a redundancy payment as long as they do not take up employment with a body covered by the Modification Order 1999 within 4 weeks (see paragraph 9 above).

## 11. Redundancy Payments

Under the Employment Rights Act 1996 providing employees have two years continuous service with the same employer they will qualify for a redundancy payment.

### 11.1 Qualifying local government service

To qualify for a statutory redundancy payment, employees need to have the required continuous local government service. The Redundancy Payments (Continuity of Employment in Local Government)(Modification) Order 1999, says that service with bodies named in the Modification Order should count in calculating continuous service for the purpose of redundancy payments .

The precise date of termination of a contract can affect the amount of the payment. The last day of service for employees will be: -

- If sufficient notice is given, the date that the notice expires
- If no notice is given, the date statutory notice would have expired if it had been given at the termination date
- If insufficient notice is given, the date statutory notice would have expired if it had been given on the date notice actually was given
- If the employee leaves early at his or her own request, the relevant date is the date when the employee's notice expires.

The amount of the statutory lump-sum redundancy payment depends on:

- The length of continuous employment
- How the years of continuous service relate to a particular age band; and
- The amount of weekly pay, up to a legal limit (currently £290).

The number of weeks pay on which the payments are based are as follows up to a maximum of 20 years service.

Service (Years)	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20
Age																			
18* <a href="#">[1]</a>	1																		
19	1	1½																	
20	1	1½	2																
21	1	1½	2	2½															
22	1	1½	2	2½	3														
23	1½	2	2½	3	3½	4													
24	2	2½	3	3½	4	4½	5												
25	2	3	3½	4	4½	5	5½	6											
26	2	3	4	4½	5	5½	6	6½	7										
27	2	3	4	5	5½	6	6½	7	7½	8									
28	2	3	4	5	6	6½	7	7½	8	8½	9								
29	2	3	4	5	6	7	7½	8	8½	9	9½	10							

## Draft policy

30	2	3	4	5	6	7	8	8½	9	9½	10	10½	11						
31	2	3	4	5	6	7	8	9	9½	10	10½	11	11½	12					
32	2	3	4	5	6	7	8	9	10	10½	11	11½	12	12½	13				
33	2	3	4	5	6	7	8	9	10	11	11½	12	12½	13	13½	14			
34	2	3	4	5	6	7	8	9	10	11	12	12½	13	13½	14	14½	15		
35	2	3	4	5	6	7	8	9	10	11	12	13	13½	14	14½	15	15½	16	
36	2	3	4	5	6	7	8	9	10	11	12	13	14	14½	15	15½	16	16½	17
37	2	3	4	5	6	7	8	9	10	11	12	13	14	15	15½	16	16½	17	17½
38	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	16½	17	17½	18
39	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	17½	18	18½
40	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	18½	19
41	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	19½
42	2½	3½	4½	5½	6½	7½	8½	9½	10½	11½	12½	13½	14½	15½	16½	17½	18½	19½	20½
43	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21
44	3	4½	5½	6½	7½	8½	9½	10½	11½	12½	13½	14½	15½	16½	17½	18½	19½	20½	21½
45	3	4½	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22
46	3	4½	6	7½	8½	9½	10½	11½	12½	13½	14½	15½	16½	17½	18½	19½	20½	21½	22½
47	3	4½	6	7½	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23
48	3	4½	6	7½	9	10½	11½	12½	13½	14½	15½	16½	17½	18½	19½	20½	21½	22½	23½
49	3	4½	6	7½	9	10½	12	13	14	15	16	17	18	19	20	21	22	23	24
50	3	4½	6	7½	9	10½	12	13½	14½	15½	16½	17½	18½	19½	20½	21½	22½	23½	24½
51	3	4½	6	7½	9	10½	12	13½	15	16	17	18	19	20	21	22	23	24	25
52	3	4½	6	7½	9	10½	12	13½	15	16½	17½	18½	19½	20½	21½	22½	23½	24½	25½
53	3	4½	6	7½	9	10½	12	13½	15	16½	18	19	20	21	22	23	24	25	26
54	3	4½	6	7½	9	10½	12	13½	15	16½	18	19½	20½	21½	22½	23½	24½	25½	26½
55	3	4½	6	7½	9	10½	12	13½	15	16½	18	19½	21	22	23	24	25	26	27
56	3	4½	6	7½	9	10½	12	13½	15	16½	18	19½	21	22½	23½	24½	25½	26½	27½
57	3	4½	6	7½	9	10½	12	13½	15	16½	18	19½	21	22½	24	25	26	27	28
58	3	4½	6	7½	9	10½	12	13½	15	16½	18	19½	21	22½	24	25½	26½	27½	28½
59	3	4½	6	7½	9	10½	12	13½	15	16½	18	19½	21	22½	24	25½	27	28	29
60	3	4½	6	7½	9	10½	12	13½	15	16½	18	19½	21	22½	24	25½	27	28½	29½
61* [2]	3	4½	6	7½	9	10½	12	13½	15	16½	18	19½	21	22½	24	25½	27	28½	30

[1] It is unlikely that a person will have begun to build up continuous service before the age of 16.

[2] The same figures will apply for all employees aged 61 and above.

### 11.2 A week's pay

The Council has decided to waive the weekly pay ceiling placed on statutory redundancy payments and to exercise the powers contained in The Local Government (Early Termination of Employment) (Discretionary Compensation) (England and Wales) Regulations 2006 and to calculate redundancy payments on an employee's actual weekly pay.

A week's pay is calculated by dividing the annual salary by 365 and then multiplying by 7.

Overtime does not count unless the Council is contractually bound to provide it, and the employee is bound to work it.

If an employee's hours vary from week to week, a week's pay is the average weekly remuneration for the 12 weeks prior to the calculation date. If the employee receives no pay for any of those 12 weeks, the 12 week period is extended to include the weeks where pay was made.

### **11.3 Additional compensation payments for redundancy**

The Council will continue to exercise its discretion to make one-off lump sum payments. It will link compensation payments to the DTI redundancy pay calculator table (above.) And then multiply the number of weeks' pay the employee would be entitled to under the statutory formula by 1.5 thus giving a maximum payment of 45 weeks' pay. The resulting compensation payment will include the statutory redundancy payment.

## **12. Early retirement on the grounds of redundancy**

Employees qualify for an immediate pensions if they are retired early on the grounds of redundancy (or in the interest of the efficiency of the service) so long as they are age 50 and over and have two years service, or have transferred pension rights into the Local Government Pension Scheme (LGPS).

Where there is a dismissal for redundancy there will also be an entitlement to a redundancy payment.

All employees who are members of the LGPS will be able to convert the lump-sum compensation payment into added years of service in accordance with the formula to be published by the Government provided they elect to do this prior to their termination date.

## **13. Retirement in the interests of efficiency**

There may be occasions where retirement on the grounds of efficiency will be appropriate. In cases such as these the Council has the flexibility to deal with individuals cases on their own merits.

If appropriate the Council should consider making a one off payment, based on the merits of each individual case, up to the maximum permitted under the new regulations (i.e. 104 weeks pay calculated on the sum up to the employee's actual weeks pay). Only in exceptional cases would the payment exceed 60 weeks' pay.

Factors to be taken into account in awarding compensations would include: -

- Overall reasonableness, including benefits to the Council tax payer by the employee leaving the Council's service
- Direct financial savings to be incurred by the employee leaving the council's service
- Employee relations considerations

Employees who are members of the Local Government Pension Scheme will be given the options of converting compensation payments into additional pensionable service on a strictly cost neutral basis, in accordance with the formula published by Government.

The Council will not make use of the augmentation provisions of regulation 52 of the Local Government Pension Scheme.

## **14. Joint appointments**

Where an employee's employment is terminated on the cessation of a joint appointment, it is recommended that the Council should pay the following compensation

- Calculate the statutory redundancy payment (if applicable) and the compensation payment on the employee's actual weeks pay.
- In calculating the compensation payment, take into account all continuous service with employee listed under the Redundancy Payment (Continuity of Employment in Local Government etc) (Modification) Order 1999.
- Given the formula for statutory redundancy payments based on age and service is deemed by the Government to be permitted under the EU Directive on Age, as per regulation 33 of the Age Discrimination Regulations, the Council will link compensation payments to the DTI redundancy pay calculator. The Council will use a multiplier of 2 (i.e. multiplying the number of weeks pay the employee would be entitled to under the statutory formula to the factor of 2), giving maximum payment of 60 weeks pay, including the statutory redundancy payment. Employees who are members of the Local Government Pension Scheme be given the option of converting compensation payments (less the statutory redundancy) into additional pensionable service on a strictly cost neutral basis, in accordance with the formula published by the Government.
- The Council will not make use of the augmentation provisions of regulation 52 of the Local Government Pension Scheme.

## **15. Taxation of payments**

In general terms the following principles will apply:

- Compensation for loss of office, i.e. lump sum statutory redundancy payments, non statutory payments and pay in lieu of notice are in aggregate tax free for the first £30,000
- Where sufficient notice is given but for organisational reasons, the Council does not require the employee to work during some or all of their notice period, this is regarded as a form of 'garden leave' and

tax and national insurance is deductible on the pay received by the employee.

- Where there has been a clear breach of contract i.e. the authority was unable to give the required notice and made a payment in lieu of notice by way of damages, then no tax or national insurance should be deducted (except to the extent that aggregate lump sum compensation payments exceed £30,000).
- Termination payments except genuine non statutory redundancy, which are written into the contract, may be regarded as a deferred reward for services rather than compensation for loss of office and may be taxable under Schedule E.
- Lump sum pension benefits are not taxable but annual pensions are taxable. Those who receive a return of contributions will have 20% deducted for tax.

## **16. Lost entitlement to a redundancy payment**

An employee who would normally be entitled to a redundancy payment may lose this entitlement where:-

- The employee commits an act of gross misconduct and is dismissed
- They leave before the notice period has expired without the council's agreement. We must be prepared to justify the reason for our refusal as the employee will be able to appeal to an employment tribunal who will examine both the council and the employee's reasons.
- If no payment has been made the employee may lose the right to claim a statutory redundancy payment once six months have elapsed from the relevant date unless:
  - They have made a written claim for redundancy pay to us
  - A claim for redundancy payment is lodged with an employment tribunal
  - A complaint for unfair dismissal has been lodged with a tribunal

## **17. Transfer of Undertakings**

Under the Transfer of Undertakings (Protection of Employment) Regulations 2006 (TUPE), where a service or part of a service is transferred to another employer then no dismissals automatically occur in law. The main consequences of TUPE can be summarised as follows:

- The new employer has to take over the contracts of employment on existing terms and conditions
- All rights, powers, duties and liabilities are transferred. Anything done by the old employer prior to the transfer is deemed to have been done by the new employer
- Employees have continuity of employment for all rights
- Any dismissal connected with the transfer is automatically unfair, unless the employer can show an economic, technical or organisational reason entailing changes in the workforce.
- Employers must consult trade unions or if not recognised, elected employee representatives on the transfer. Failure to do so could

## Draft policy

incur a protective award of up to 13 weeks for each employee affected.

- Collective agreements with recognised trade unions, including an agreed redundancy policy, are transferred to the new employer.
- Unless the employees are actually dismissed, there will be no redundancy payments made.

## 18. Appeals

Any member of staff made or warned that they are likely to be made redundant will have the right to appeal if they consider:

- That a redundancy situation has not arisen;
- They have been unfairly selected; or
- There are special circumstances justifying their retention.

The procedure to be followed is that contained in the Council's current Grievance Procedure.

The final appeal against a decision will be to a Members' appeal panel appointed by the Licensing and General Purposes Committee.

## 19. Review

It is jointly agreed that this agreement be reviewed annually by the appropriate Unison joint committee and submitted to Cabinet for approval and adoption. Any future policy changes will be published and not take effect until one month after publication.

Policy adopted by Cabinet on XX

## Process to be followed



