

REDUNDANCY, REDEPLOYMENT, PROTECTION OF EARNINGS AND BUY OUT OF HOURS POLICIES

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2. Introduction

These policies set out the approach to redundancy, redeployment, protection of earnings and buy out of hours within the Council. They are key elements in a wider organisational change framework. There is a clear need and expectation that for employees affected by the application of any of these policies, there is effective communication and engagement with them. This communication should seek to ensure that employees understand the reasons for the changes being proposed, the impact on them and importantly the support available from the Council.

Collectively these policies aim to provide a consistent, transparent and effective process for dealing with such situations; ensuring compliance with good practice and statutory requirements, balancing the needs of the Council and employees in making organisational changes.

3. Scope

The Council accepts its responsibilities as a single employer. However, it is implicit within these policies that the successful handling of redundancy and redeployment requires the active support, participation and co-operation of all parties, Directors, managers, trade unions and employees.

These policies apply to all employees (excluding schools employed staff where other arrangements apply). All other Council employees based in schools where the LEA is the employer are within the scope of the policy.

4. Redundancy Policy

This policy is in accordance with legislative requirements and ACAS guidance, and an Equality Analysis (EA) has previously been carried out to ensure it meets the requirements of the Equality Act 2010. Further analysis will take place once detailed guidance and processes have been produced.

The Council is committed to maintaining high quality services and will, where feasible, make all reasonable efforts to avoid redundancies through careful planning including; workforce planning, vacancy control measures, natural wastage, reallocation of work across job families and redeployment and retraining where possible. The aim is to ensure that the valuable skills, experience and knowledge of our employees are retained where circumstances permit.

The Council is committed to full and meaningful consultation with

employees and with our recognised trade unions regarding proposed organisational changes. The aim is to safeguard the interest of employees and ensure their engagement in the process of change whilst meeting the prime objective of maintaining high quality and cost effective services. Consultation will include consideration of ways of avoiding redundancies, reducing them to a minimum and/or mitigating the consequences of dismissals.

Consultation will be undertaken with a view to reaching agreement and any representations or counter proposals made will be appropriately considered. The Council will work with the trade unions to explore all reasonable alternatives to compulsory redundancy within the prevailing circumstances.

An EA of the policy has been undertaken. This reflects the Council's commitment to equalities and aims to ensure that employees are treated fairly and without discrimination on the grounds of race, nationality, ethnic or national origin, gender (including gender reassignment), marital status, disability, age, sexual orientation, trade union membership or activity, religion, belief, unrelated criminal conviction, pregnancy and maternity. An EA should be carried out as part of any major service change that has staffing implications. Separate guidance is available on conducting EAs.

5. Roles & Responsibilities

Directors have overall responsibility for ensuring the fair and consistent application of the Redundancy Policy, including consultation with the trade unions supported by HR, taking into account legal advice as appropriate.

6. Avoiding or Minimising Redundancies

Redundancy arises when employees are dismissed due to:

- Cessation of business.
- Cessation of business at the place where the employee was employed.
- A reduction or cessation, or anticipated reduction or cessation of work of a particular kind.

The Council will manage redundancies in line with good practice and legal requirements, and aims to minimise the adverse impact on both those employees who lose their jobs and on those remaining in employment.

The Council will ensure every effort is made to avoid or minimise compulsory redundancies, through applying the following measures

when appropriate:

- Human Resource strategies and workforce planning.
- Natural wastage e.g. employee turnover/retirements.
- Vacancy control.
- Reduction of overtime.
- Reduction of casual and agency staff and additional hours.
- Utilisation of potentially redundant employees against any continuing variable resource demands.
- Voluntary reduction in hours/buy out of hours.
- Redeployment into suitable alternative employment or temporary employment.
- Seeking volunteers for Voluntary Redundancy/Voluntary Early Retirement/Flexible Retirement.
- Voluntary Sabbaticals.
- Reallocation of work across job families.

This list is not exhaustive and all reasonable measures should be considered.

Appendix 1 sets out an indicative timetable for managing potential redundancies.

7. Formal Consultation

Details of proposed redundancies, the issuing of notices under sections 188 and / or 193 of the Trade Union and Labour Relations Act 1992 (TULRA) and financial implications will be agreed in consultation with Cabinet or Cabinet Member as appropriate and the relevant Strategic Director.

The Council is committed to consulting with relevant trade unions and individuals as soon as practicable and keeping them informed as fully as possible. Responsibility for consultation lies with the relevant Strategic Director, supported by managers and Departmental HR as appropriate.

When

The Council will consult with the full time official of the relevant trade unions in accordance with Section 188 of the TULRA and also inform the Secretary of State of its proposals under Section 193, when this is appropriate.

Wherever possible, the Council will communicate with employees and trade unions at the earliest opportunity, when proposals are at a sufficiently formative stage to enable consultation to be meaningful. It is acknowledged that in certain circumstances service user considerations,

which may or may not involve wider public consultation including with staff, will need to be taken into account and will determine the process and timescales for formal consultation. Consultation will however be in 'good time' and the statutory minimum timescales will be observed which are:

Number of employees it is proposed to dismiss at a single establishment within 90 days	Length of formal consultation period
100 or more	45 days
20-99	30 days

Redundancies involving 20 or more employees will be consulted on in accordance with the timescales and will be referred to as formal consultation within this policy.

Where redundancies involve more than 100 employees consideration will be given to extending the consultation period beyond the statutory minimum to 90 days.

Where redundancies involve less than 20 employees it is good practice to apply the 30 days consultation period as a minimum.

The consultation process with employees and their representatives will precede any public announcement of specific redundancies.

How

In respect of formal consultation, there is a legal requirement to disclose information regarding the proposals in writing to affected employees and recognised trade unions. The Council will provide a consultation document which will be considered draft during the formal consultation period and may be amended to reflect agreed changes as a result of consultation.

Formal consultation does not start until the employer has provided the trade union with the following information in writing (this is also the information required on form HR1, see below).

- The reasons for the redundancy proposals.
- The numbers and descriptions of employees whom it is proposed to dismiss as redundant.
- The total number of employees of any such description employed by the employer at the establishment.
- The proposed method of selecting the employees who may be redundant.
- The proposed method of carrying out the dismissals, including the period over which the dismissals are to take effect.

- The method of calculating redundancy payments.
- Current and proposed structure charts (if appropriate).
- Details of agency workers across the Council: the number of agency workers, where they are working and the type of work they are doing.

Consultation will cover the above issues, and also ways of:

- Avoiding the dismissals.
- Reducing the number of employees to be dismissed.
- Mitigating the effects of dismissals.
- Determining which employees are in the pool for redundancy selection.

An EA should be undertaken on each redundancy exercise to examine the implications of the proposals and any adverse impact discussed with the trade unions.

The method of calculating Redundancy Pay can be seen at Appendix 5.

With whom?

Consultation will take place with the relevant recognised trade union(s) appropriate to the employees affected, whether or not any of the employees are trade union members. 'Employees affected' means employees who are at risk of redundancy and those affected by measures associated with the redundancies e.g. employees taking on re-allocated work.

Employees, including those on maternity/adoption/paternity/shared parental leave, long term sickness absence, secondment and career breaks will also be formally consulted and appropriate arrangements or adjustments put in place, e.g. inviting them to meetings, sending information to home addresses, visiting employees at home or communicating through appropriate representatives. Details of this must be recorded by the relevant manager.

The number of individual and collective meetings throughout the formal consultation process should be appropriate to the scale of change proposed to ensure that employees and trade unions are given sufficient opportunities to consider the proposals, ask questions and suggest alternative options. Managers should keep a record of dates, time of meetings, details of attendees and notes of the meetings.

Consideration should also be given to informing/consulting with other stakeholders/partners, e.g. other Council services, external partners, and the public if appropriate.

These requirements also apply when it is proposed to terminate contracts and offer re-engagement in order to implement changes in terms and conditions on which it has not been possible to reach agreement.

A trade union representative should be invited to collective meetings with the affected employees. Every effort should be made to agree the date, time and venue with the appropriate trade union representative. However, the responsibility to consult remains with the employer, and therefore it may be more important on occasions for the meeting to proceed, subject to having given reasonable notice to both employees and their representatives.

Collective consultation with the trade unions and employees should be commenced in good time.

Form HR1

Proposed redundancies of 20 or more employees at one establishment in a 90 day period must be notified to the Department for Business, Innovation and Skills (BIS) on form HR1. A copy of the HR1 should also be sent to regional trade union full time officials or other employee representatives who were consulted, and should also be copied to the local trade union branch as good practice.

Individual Consultation

In accordance with best practice, individuals should be consulted early about impending redundancies, be kept informed as fully as possible, and consulted on ways of avoiding redundancy, selection methods, selection pools and possible alternative work. This can be done at a group or individual meeting, and forms the first part of the individual consultation.

Any employee(s) directly affected, for example if their job is proposed to be deleted, must be advised individually before any collective meeting.

8. Selection

Where there is a choice between potentially redundant employees to be made, an objective selection process will be applied. There are two possible approaches to the selection of employees for redundancy: restructure and headcount reduction.

8.1 Restructure

An 'appointment in' process should normally be used as part of the implementation of a revised organisation structure which involves a

reduction in employee numbers as well as the creation of new or substantially changed jobs requiring selection.

Employees should not be automatically slotted to a post within a review unless it is substantially the same as their existing post and ordinarily at the same grade. The factors to be considered in determining whether the job is 'substantially the same' are set out in separate Restructure Guidance.

The decision when and who to offer VR/VER to is governed by the circumstances of the review, including the groups and numbers affected, affordability criteria etc. Voluntary release schemes should normally be seen as a last resort to avoid compulsory redundancies, and only be made available to employees at the stage that they have become displaced following an 'appointment in' exercise, rather than beforehand. See further guidance on the application of Voluntary Schemes.

8.2 Headcount Reduction

The selection criteria for redundancy as detailed below, should normally be applied in a management exercise (rather than an 'appointment in' process), where jobs are unchanged in a function, but a reduction is required in employee numbers.

Where only an individual or whole work group is affected by redundancy, selection will not be required. When considering selections for redundancy the underlying consideration will be the ongoing needs of the service - the Council must maintain a balanced workforce, able to meet service and client needs. Any workforce reductions shall reflect service delivery requirements.

If it has been decided that a voluntary release scheme will be made available, these would generally be made available to employees identified within a redundancy pool prior to the selection out for compulsory redundancy.

8.3 Determining the Selection Pool

This will be considered as part of the formal consultation process.

The performance of individuals should not be taken into account when determining the selection pool and care should be taken to avoid selection pools that may be discriminatory e.g. focusing on part-timers who are more likely to be women or focusing upon a certain age group. Factors to consider when determining a selection pool:

- Employees who work in a particular location which is proposed for closure.

- Employees who undertake a similar type of work that has either ceased or diminished or is expected to do so; in some circumstances this may be across departments to form a wide pool.

The following redundancy selection criteria should be used, in the order set out:

1. Ongoing needs of the service - the Council must maintain a balanced workforce, able to meet future service and client needs.
2. Specific skills, essential qualifications or experience relevant to the future needs of the service.
3. Additional transferable skills and experience: to be considered as evidence of flexibility and approach to work which may be a relevant service need.
4. Attendance and discipline records.
5. Length of cumulative local government service.

A selection criteria assessment form attached at Appendix 2 should be used, with the guidance notes at Appendix 3. In those cases where the 'appointment in' process approach is applied, this will be taken to have complied with the requirement to apply 1, 2 and 3 above.

The purpose of the criteria is to ensure that employees are fairly selected for redundancy. The selection process should be consistent and objective, and based on the specific needs of the service in the part of the organisation in which the selection criteria will be applied.

Care must be taken to ensure that the selection process is not directly or indirectly discriminatory.

Records must be kept throughout the selection process. The most important consideration for the future success of the Council is to ensure that services can be delivered and a balanced workforce can be maintained after the redundancies have been carried out. Specific skills, experience, flexibility and approach to work are likely to be the most relevant considerations.

In assessing skills and experience the following should be considered:

- The time period to which an evaluation should refer.
- The availability of reliable information relating to an individual's employment.

It will be necessary to ensure that attendance and disciplinary records are accurate in order to be fairly applied as selection criteria.

Before using attendance as a criterion for selection, the reasons for and extent of any absences must be known. The pattern and duration of the spells of sickness will be considered over the previous three years to assess the impact on the sustainability of service delivery. For example, where the employee is subject to the Capability Procedure, this will be considered. Absences related to an employee's disability* should be discounted as should time taken off for paternity, maternity, ante-natal, adoption and shared parental leave, training health and safety, jury service, territorial army or trade union membership duties. Advice in such cases should be taken from HR.

With regards to using discipline records as a criterion, managers must ensure records are up to date and disciplinary warnings current. Expired warnings should not be used in the selection process. Current disciplinary records will be taken into account.

The application of length of cumulative local government service should be seen as a last resort and only applied in those circumstances where it is not possible to distinguish between employees by reference to the other selection criteria.

*as defined under the Equality Act 2010

8.4 Following the selection process

Once the consultation and selection is complete individuals selected for redundancy will be notified in writing that they are 'individually at risk' of being made redundant. They will be invited to a meeting to discuss this, which is the second part of the individual consultation. The actual number of meetings will depend on the complexity of the proposals and what the employee has to say and the Council will consider arguments that the employee puts forward.

Once the individual consultation has been completed, and if redundancy cannot be avoided, the employee will be given 12 weeks' notice in writing of their dismissal, and be given an explanation of the redundancy payment that will be applied and their right of appeal.

Employees are entitled to be represented by a trade union representative or a work colleague at individual meetings. Managers must ensure individuals are consulted with appropriate representation (see Appendix 1).

8.5 Fixed term employees

The position of fixed term employees will depend on the circumstances of the redundancy process. Please seek advice from HR and refer to the Managers Guide to Fixed Term Employees.

9. Appeal

An appeal against a redundancy dismissal must be made in writing to the Director of Legal Services setting out the grounds of the appeal, within 10 working days of notification of the decision.

The appeal will be heard by a Strategic Director supported by HR and legal officers.

The appeal will be arranged within 10 working days of receipt of the formal notice of appeal or by mutual agreement and the employee informed of the place, date and time of the appeal in writing.

The employee will be entitled to attend the appeal with his/her trade union representative or other representative, friend or colleague.

The Strategic Director may uphold the appeal or confirm the original decision.

The individual employee and relevant trade unions will be informed in writing of the decision as soon as practicable.

The decision will be final.

If an employee raises a grievance during redundancy proceedings, the grievance may be heard as part of the Redundancy procedures where the two cases are related.

10. Suitable alternative employment

The Council has a statutory duty in redundancy situations to consider whether suitable alternative employment exists. A range of factors must be taken into account when determining the suitability of an alternative job offer including; grade, level of earnings, status, working environment, terms and conditions of employment, working pattern and location. The employee should be given sufficient details to enable them to decide whether to accept the new role or not. Employees who unreasonably refuse an offer of suitable alternative employment may lose any entitlement to redundancy pay.

The Council may also consider the possibility of retaining the employee in a temporary capacity until permanent vacancies arise. This would be particularly appropriate where vacancies arise regularly.

An employee has a statutory entitlement to a four week trial period, which commences at the end of the notice period, where he/she accepts employment on terms and conditions which differ in any material respect from their previous terms and conditions. The purpose of the trial period is to give the employee a chance to decide whether the new job is suitable without necessarily losing the right to a redundancy payment.

If there is agreement that the role is not a suitable alternative, the employment ends by reason of redundancy.

11. Support Measures

It is recognised that the possibility of facing redundancy can be an extremely anxious time for employees. Managers have a responsibility to provide appropriate support and advice. Guidance will be made available to managers to help support their staff.

An employee is given '**group at risk**' status when job numbers have to be reduced in their area or function but individual employees have not yet been identified. This provides employees with some redeployment support including:

- Placed on Redeployment Register and sent job alerts
- Guaranteed interview status (excluding promotions)
- Application of pay protection, in accordance with the agreed policy, where an alternative role is accepted on a lower grade
- Consideration for portability of pay protection upon redeployment if agreed that job is a realistic career opportunity
- Offer of job shadowing experiences if available
- Access to an online career management programme
- Access to Employee Counselling scheme
- Reasonable time off to attend internal interviews

Employees who are 'group at risk' as a result of an organisational review, will have access to posts within their new structure at the same grade or below, on an equal footing with any 'individually at risk' employees eligible for priority interview status from elsewhere in the organisation.

Where an organisational review results in there being no posts in the new structure at the 'group at risk' employee's current grade, the employee will have access to posts at the next level up in their new structure, on an equal footing with any 'individually at risk' employees eligible for priority interview status from elsewhere in the organisation.

An employee is given '**individually at risk**' status when it is known that they do not have a job; employees are deemed to be in this category:

From the beginning of the formal consultation period where there is an approved Cabinet Report that specifies their job is proposed for deletion e.g. they may be in a unique job or employed in a section/unit that is wholly closing down.

Or from the point that they are unsuccessful in securing a job within the new structure after a reorganisation.

Or from the point that an employee is provisionally selected for redundancy following the scoring of employees against criteria in a selection pool.

Or it has been confirmed that their fixed term contract is coming to an end where the reason for termination or non-renewal falls within the definition of redundancy. In these cases advice must be sought early from HR.

Individually at risk employees are provided with full redeployment support (see Section 12 Redeployment Policy) and support measures include:

- Placed on Redeployment Register and sent job alerts
- Access to an online career management programme
- Access to Employee Counselling scheme
- Reasonable time off to attend internal & external interviews
- Allocated a Redeployment Officer to assist in the identification of vacancies to consider for suitable alternative employment opportunities
- Priority interview status (excluding promotions)
- Guaranteed interview status (including promotions)
- Application of pay protection, in accordance with the agreed policy, where an alternative role is accepted on a lower grade
- Consideration for portability of pay protection upon redeployment if agreed that job is a realistic career opportunity
- Application of excess travel arrangements in accordance with the agreed scheme
- Offer of job shadowing experiences if available
- Offer of taster experiences if available
- Application and interview support and guidance
- Careers counselling advice
- Financial planning advice and guidance
- Reasonable time off for appropriate external training
- Mentoring
- Training and development to support a career move
- Outplacement support for employees through Job centre plus rapid response (under notice only)

- A four week statutory trial period for redeployment into an alternative position (following notice only)

Where an organisational review results in there being no posts in the new structure at the 'individually at risk' employee's current grade, the employee will have access to posts at the next level up in their new structure, on an equal footing with any 'individually at risk' employees eligible for priority interview status from elsewhere in the organisation.

Employees covered by the Redeployment Policy for Disability, illness and injury (see Section 12) would receive the following support measures:

- Placed on Redeployment Register and sent job alerts
- Access to an online career management programme
- Access to Employee Counselling
- Reasonable time off to attend internal & external interviews
- Allocated a Redeployment Officer to assist in the identification of vacancies to consider for suitable alternative employment opportunities
- Priority interview status (excluding promotions)
- Guaranteed interview status (including promotions)
- Application of pay protection, in accordance with the agreed policy, where an alternative role is accepted on a lower grade
- Consideration for portability of pay protection upon redeployment if agreed that job is a realistic career opportunity
- Offer of job shadowing experiences if available
- Offer of Taster experiences if available
- Application and interview support and guidance
- Careers counselling advice
- Mentoring
- Training and development to support a career move

Managers and employees should consider and discuss the training and development opportunities that are available and appropriate. Managers should endeavor to meet reasonable training and development requests from employees who are displaced or under notice of redundancy.

12. Redeployment Policy

Eligibility

This redeployment policy applies to employees in the following circumstances:

- **'Individually at risk' of redundancy** - (see Section 11 – Support Measures).

- **Disability, illness and injury** - where the Occupational Health Physician has declared the employee permanently unfit and/or where it is agreed in light of advice, that the employee should be redeployed on medical grounds and/or when an employee is at Stage 2 of the Ill Health Capability Procedure and has been absent for a prolonged period. The redeployment policy applies in these circumstances to all employees to whom disability as defined in the Equality Act 2010 applies.

Responsibilities for Redeployment

Strategic Directors (or their nominated representative)

Directors and line management have primary responsibility for redeployment and will ensure that there are effective redeployment arrangements in place within the corporate framework. They must liaise with HR for advice where employees are 'individually at risk' of redundancy to seek suitable redeployment opportunities across the Council.

Vacancies not filled by a priority candidate will not be advertised until the relevant vacancy control and related approval processes have been completed.

Employees

Employees have a shared responsibility with the Council in seeking redeployment and should adopt a reasonable and flexible approach when considering alternative jobs.

Employees must ensure that they inform the recruiting manager that they are subject to redeployment by indicating this clearly on the application form.

Where the employee has a disability* the Council will take all reasonable steps and consider reasonable adjustments to support the employee in securing redeployment. Consideration must be given to the need to provide a greater degree of assistance in finding alternative work.

*as defined under the Equality Act 2010

Recruiting Managers

- **Priority Consideration**

Where employees who are eligible for redeployment under this

procedure meet the essential requirements for a vacancy, or could do so with reasonable training/support, they must be given priority consideration prior to the job being advertised. Priority consideration will be for jobs on an equivalent grade to the employee's current grade or below (provided there are no essential / statutory qualification requirements).

Where there is more than one employee eligible for redeployment into a job, there will normally be a competitive process amongst priority candidates to fill the job. Consideration should be given to the individual circumstances of each case, in particular the extent to which the employee is at risk of redundancy dismissal or requirements under the Equality Act 2010. Further advice should be sought from HR.

It must be remembered that employees on maternity, adoption or shared parental leave have an entitlement to be offered suitable alternative employment, if such exists. Such consideration is **in advance** of that given to any other employees.

Managers should seek early advice from HR in relation to the cessation of a fixed term contract and whether the fixed term employee has access to the redeployment process.

When considering applicants who have priority consideration for a vacancy, the recruiting manager must:

- Consider whether the employee has the competencies and potential to undertake the role and has or could acquire the technical skills and knowledge through training and development, within a reasonable timeframe, and in line with agreed funding approval processes.
- Consider the employee's entitlement to a 4 week statutory trial period to assess whether the job is suitable.
- Document the grounds on which the candidate has been deemed unsuitable for the position (see Manager Guide to Redundancy & Redeployment for further guidance).

The job will only be released for advertisement when the relevant vacancy control and related approval processes have been completed.

- **Guaranteed Consideration**

Employees subject to the Redeployment Process and 'individually at risk' of redundancy will receive a guaranteed interview for jobs involving a promotion where they meet the essential requirements or could do so with reasonable training/support.

Employees in a 'group at risk' of redundancy (i.e. that have not yet been identified as 'individually at risk') will receive a guaranteed interview for jobs at the same grade or below where they meet the essential requirements or could do so with reasonable training/support.

Candidates would be considered alongside other internal candidates.

13. Pay Protection Policy

The Council's policy on Pay Protection provides protection for an employee's basic pay where it is reduced as a result of:

- Organisational restructuring.
- Redeployment into a suitable alternative vacancy where the employee is 'individually at risk' or 'group at risk' of or under notice of redundancy.
- Redeployment into a suitable alternative vacancy on ill health grounds.
- The introduction of a revised pay and grading system.

Cases of redeployment, for example, as a result of capability procedures, should be considered for pay protection on a case by case basis and advice should be sought from HR.

The Council recognises the need to ensure that any pay protection arrangements do not perpetuate inequalities in pay. This policy is based on existing equal pay legislation and the recognised need to achieve full pay equality.

Who is covered by the policy?

This policy applies to all employees (excluding schools employed staff where other arrangements apply). All other Council employees based in schools where the LEA is the employer are within the scope of the policy.

What pay is protected?

The pay protected will be the current pay rate which is the basic pay for the job as defined in the pay and grading structure.

Pay protection will be for a maximum two year period from the date of change of pay.

The following components of pay are protected:

- Basic salary/hourly rate.
- Basic contract hours (including contracted overtime).

Any sick pay, holiday pay, maternity, shared parental or adoption pay will reflect the level of protected basic pay.

All protected pay is pensionable.

The following previous and existing components of pay are not protected:

- Additional hours worked over the minimum contractual guarantee.
- All pay-related allowances e.g. standby, sleeping in, letting fees, shift allowances (removed on implementation of Single Status).
- All pay-related enhancements e.g. overtime, unsocial hours, bank holiday working.
- All non-pay-related allowances e.g. car allowances, subsistence allowances, telephone allowances, annual leave.
- Adjustments to the hourly rate resulting from the standardisation of the working week e.g. 37 hours and number of working weeks per year.
- Market supplements and acting up and honoraria payments.
- Any increase in minimum contractual hours introduced after the operative date of pay protection.

Pay protection:

- Will not apply where employees voluntarily move to another job unless they are 'individually at risk' or 'group at risk' of redundancy.
- Will not apply where the reduction in pay is as a result of a reduction in hours.
- Will be adjusted where employees voluntarily reduce their hours.
- Will not increase to cover additional hours, whether these are permanent or ad-hoc.
- Will not be applied to overtime.

What happens during the protection period?

During the protection period:

- There will be no annual incremental progression on the protected grade.
- Pay awards will not be applied until the current salary is equal to or greater than the protected salary.

- Protection may end or be reduced within the two year period where:
 - The employee is successful in securing another role which does not provide an enhanced career opportunity.
 - The new current grade catches up with the protected basic salary.

Employees subject to pay protection will be given support by their line manager under the My Plan process and also be offered:

- Access to an online career management programme
- Access to the Employee Counselling scheme
- Reasonable time off to attend internal interviews
- Consideration for portability of pay protection upon redeployment if agreed that the job is a realistic career opportunity
- Offer of job shadowing experiences if available
- Application and interview support and guidance
- Careers counselling advice
- Financial planning advice and guidance
- Mentoring

What happens at the end of the protection period?

At the end of the two year period, pay will be adjusted to the top point of the current grade. There is no right of appeal at the end of pay protection.

What is the effect on pension benefits?

Benefits accrued prior to 1 April 2014 in the Local Government Pension Scheme (the Scheme) are calculated on a member's "final pay" and period of membership in the Scheme. "Final pay" is the pensionable pay in:

- Either the year ending on the day an employee stops being an active contributing member or,
- If it would produce a higher figure, either of the two years immediately before that.

It is anticipated that in certain circumstances it is possible to protect pension benefits accrued prior to 1 April 2014 where there has been a reduction in pensionable pay within 10 years of leaving.

The calculation is made by taking the highest three consecutive years pensionable pay (ending 31 March) within the last 10 years of Scheme membership, and dividing this by three. The figure is increased in line with the relevant index identified by the Government for use in this calculation.

Benefits accrued from 1 April 2014 are based on the new Local Government Pension Scheme. This is a career average revalued earnings scheme.

There is more information including examples of how final pay is calculated prior to April 2014 in the factsheet, "Reductions in Pensionable Pay". This is available on the pensions section on the Council's website at <https://www.derbyshire.gov.uk/working-for-us/pensions/pensions.aspx>. Alternatively, a copy can be obtained from Call Derbyshire on 01629 533190.

Review period of Policy

To be undertaken jointly with trade unions and 12 months after implementation.

14. Buy Out of Hours Policy

One of the measures to minimise redundancies is to reduce workforce costs by giving employees an opportunity to reduce their contractual hours.

This Policy provides for a buy out payment that reflects the grade and pay point of employees calculated according to their actual pay for 26 weeks. This payment would be subject to tax and pension contributions. The Scheme would be targeted primarily at specific employee groups or sections where savings are required and applied with the agreement of the relevant Strategic Director.

Scheme application

As an alternative to redundancies in a specific function or team, employees will be asked if they wish to reduce their contracted hours. The reasonableness of applying this will need to be agreed on a case by case basis.

Employees can opt to reduce their contractual hours in increments of one hour per week.

The one off payment will be calculated pro rata to the reduction in hours using the Buy Out of Hours payment matrix (attached at Appendix 4).

The working pattern for the reduced contractual hours will be agreed by the relevant Director (or their nominated representative) and individual depending upon service need and the flexibility required. This might include for example reducing hours on one day a week or working a reduced number of hours spread over the week.

The one off payment (subject to tax and NI) will be made upon reduction in hours and a signed variation to contract agreement.

Hours will be bought out on an indefinite basis and the payment must be repaid in full if the employee leaves the Council within six months.

Limits

Maximum buy out of hours is equivalent to 2 days per week, or pro rata for part time staff. No payment will exceed £5000.

No payment will exceed the amount that would be received in redundancy pay.

Qualifying criteria

All employees within the affected function or team can apply; approval will be determined by service need.

Employees must have a minimum service with the Council of one year.

Exclusions

Employees taking voluntary redundancy, voluntary early retirement or flexible retirement. Employees subject to (non-disability related) capability procedures who are recommended to reduce their hours.

Requests will not be approved where the work that the employee carries out cannot be absorbed by the employee, by others or ceased. There will not be an increase in headcount, use of agency staff, overtime or additional hours to accommodate a request to reduce hours.

Process

The process will be coordinated by HR and the senior manager of the function or team affected.

Requests are to be considered in light of service need and continuity by the relevant Head of Service.

The start date for working reduced hours is to be agreed by relevant Head of Service once the application is approved.

Indicative Redundancy Outline Timetable

Timescales are indicative and subject to the size and complexity of the redundancy exercise, statutory consultation required, Cabinet meeting dates and Appeals Panels required.

This timetable is based on an indicative situation, timescales given are in excess of the statutory minimum and actual timescales may vary from those stated.

Procedure	Week
<ul style="list-style-type: none"> • Details of proposed redundancies and financial implications to be agreed through CMT (Corporate Management Team) 	<p>Prior to issuing of S188/HR1</p>
<ul style="list-style-type: none"> • Details of proposed redundancies and financial implications to be agreed by Cabinet Member(s) 	
<ul style="list-style-type: none"> • Trade unions provided with statutory information; if appropriate, Department for Business, Innovation and Skills notified on form HR1. 	<p>1</p>
<ul style="list-style-type: none"> • Director and their representatives consult with trade unions and employees with a view to providing statutory information and reaching agreement as to: <ul style="list-style-type: none"> - the potential need for compulsory redundancies - proposed selection method - selection pools 	<p>1 onwards</p>
<ul style="list-style-type: none"> • Director considers any responses received from the trade unions and employees as a result of consultation and seeks to minimise or mitigate redundancies where possible. 	<p>Ongoing</p>

Procedure	Week
<p>If selection of individuals is necessary:</p>	
<ul style="list-style-type: none"> • Redundancy criteria and selection pools to be established 	1-5
<ul style="list-style-type: none"> • Individual selection criteria forms completed. The scoring should be carried out independently by two managers who know all employees in the selection pool. The marks from the two assessors should then be added together to give a total score for each employee. Director identifies individuals who are individually at risk of redundancy. 	6-8
<p>For all employees identified as ‘individually at risk’:</p>	
<ul style="list-style-type: none"> • As soon as reasonably practicable, Director notifies in writing the individuals provisionally identified and the relevant trade unions of his/her intentions, and the right of the individuals to make oral/written representation in an individual consultation meeting. 	9
<ul style="list-style-type: none"> • Employee(s)/trade unions receive five working days' notice of the meeting and are informed in writing of the place, date and time. 	9-13
<ul style="list-style-type: none"> • Further individual consultation meetings are held as appropriate and the manager considers any further oral/written representation and informs all employees concerned and relevant trade unions in writing of their decision. 	9-13
<ul style="list-style-type: none"> • Collective and individual consultation ends. 	13
<ul style="list-style-type: none"> • If the decision is to confirm the redundancy, dismissal notification is sent to the employee and trade union giving notice of dismissal (12 weeks) and advising of right of appeal. 	14
<ul style="list-style-type: none"> • Dialogue continues with trade unions on ways to avoid/reduce dismissals or mitigate consequences of dismissals. 	14-25
<ul style="list-style-type: none"> • Managers, affected employees and redeployment officers commence and continue search for redeployment opportunities until end of notice period. 	14-25

Procedure	Week
<p>Appeal</p> <ul style="list-style-type: none"> • An appeal against a redundancy dismissal must be made in writing to the Director of Legal Services within 10 working days of the decision. • The appeal to be called within 10 working days' of receipt of the formal appeal notice (or by mutual agreement as soon as practicable thereafter). The employee will be informed of the place, date and time of the appeal hearing in writing. 	<p>15</p> <p>16-20</p>
<ul style="list-style-type: none"> • Appeal heard by a Strategic Director. • The employee will be notified of the Appeal outcome by the Director of Legal Services. • Where the appeal is not upheld, dismissals are effective as stated in the original notice. 	<p>16-20</p> <p>16-20</p> <p>25</p>

Redundancy Selection Out Criteria Assessment Form	
Name	
Department/Section	
Current Job Title	
Current Grade	
Cumulative Local Government service	

	Weighting	Score
Skills		
Qualifications		
Experience		
Transferable skills		
Attendance		
Discipline		

Redundancy Selection Out Criteria Assessment Form Appendix 3

Guidance Notes

- The proposed selection criteria and weightings will be the subject of consultation with the trade unions.
- The criteria and their relative weightings will be determined by the current and future needs of the business. Weightings will take into account the Council's service delivery requirements and need to maintain a balanced workforce.
- To achieve a total score for each employee, criteria should be weighted by a factor to reflect its relative importance.
- Assessments must be objective and supported by documented and verifiable evidence wherever possible. Managers should not allow preconceived opinions to influence the assessment process.
- Scoring should be carried out independently by two managers who know all employees in the selection pool. The marks from the two assessors should then be added together to give a total score for each employee.
- Detailed notes should be kept at all stages of the assessment process, in order that they can be referred to in any appeal.

Appendix 4

Buy Out of Hours Matrix 2018/19 based on current hourly rate and 26 week multiplier

		2018/2019		
Grade	Pay Point	Salary	Hourly	Buy Out per hour reduced
1/2	3	£16,396	£8.50	£221.00
	4	£16,486	£8.55	£222.30
3	5	£16,574	£8.59	£223.34
	6	£16,654	£8.63	£224.38
	7	£16,757	£8.69	£225.94
4	8	£16,832	£8.72	£226.72
	9	£16,923	£8.77	£228.02
	10	£17,011	£8.82	£229.32
	11	£17,095	£8.86	£230.36
5	12	£17,189	£8.91	£231.66
	13	£17,302	£8.97	£233.22
	14	£17,516	£9.08	£236.08
	15	£17,780	£9.22	£239.72
6	16	£18,073	£9.37	£243.62
	17	£18,418	£9.55	£248.30
	18	£18,770	£9.73	£252.98
	19	£19,222	£9.96	£258.96
7	20	£19,795	£10.26	£266.76
	21	£20,393	£10.57	£274.82
	22	£20,990	£10.88	£282.88
	23	£21,587	£11.19	£290.94

Grade	Pay Point	Salary	Hourly	Buy Out per hour reduced
8	24	£22,184	£11.50	£287.30
	25	£22,781	£11.81	£307.06
	26	£23,379	£12.12	£315.12
	27	£23,975	£12.43	£323.18
9	28	£24,573	£12.74	£331.24
	29	£25,170	£13.05	£339.30
	30	£25,767	£13.36	£347.36
	31	£26,363	£13.67	£355.42
10	32	£27,367	£14.19	£368.94
	33	£28,368	£14.70	£382.20
	34	£29,370	£15.22	£395.72
	35	£30,373	£15.74	£409.24
11	36	£31,404	£16.28	£423.28
	37	£32,435	£16.81	£437.06
	38	£33,466	£17.35	£451.10
	39	£34,497	£17.88	£464.88
12	40	£35,555	£18.43	£479.18
	41	£36,612	£18.98	£493.48
	42	£37,671	£19.53	£507.78
	43	£38,728	£20.07	£521.82
13	44	£39,867	£20.67	£537.42
	45	£41,005	£21.26	£552.76
	46	£42,143	£21.85	£568.10
	47	£43,282	£22.44	£583.44

Grade	Pay Point	Salary	Hourly	Buy Out per hour reduced
14	48	£45,018	£23.34	£606.84
	49	£46,753	£24.23	£629.98
	50	£48,489	£25.13	£653.38
	51	£50,226	£26.03	£676.78
15	52	£51,960	£26.93	£700.18
	53	£53,696	£27.83	£723.58
	54	£55,432	£28.73	£746.98
	55	£57,167	£29.63	£770.38
16	56	£58,958	£30.56	£794.56
	57	£60,749	£31.49	£818.74
	58	£62,538	£32.42	£842.92
	59	£64,328	£33.34	£866.84

Appendix 5

Redundancy Pay

The Council calculates redundancy payments in the same way for both voluntary and compulsory redundancies. However on occasion voluntary redundancy payment may be enhanced.

To be entitled to a redundancy payment, an employee must have a minimum of 2 years of continuous service.

The calculation is based upon:

- 0.5 weeks pay for each full year of service where the employee's age is under 22
- 1 weeks pay for each full year of service where the employee's age is 22 or above, but under 41
- 1.5 weeks pay for each full year of service where the employee's age is 41 or above

The maximum number of weeks payable is 30 based on a maximum of 20 years continuous service.

Any amount of redundancy payment over £30,000 is subject to tax.