

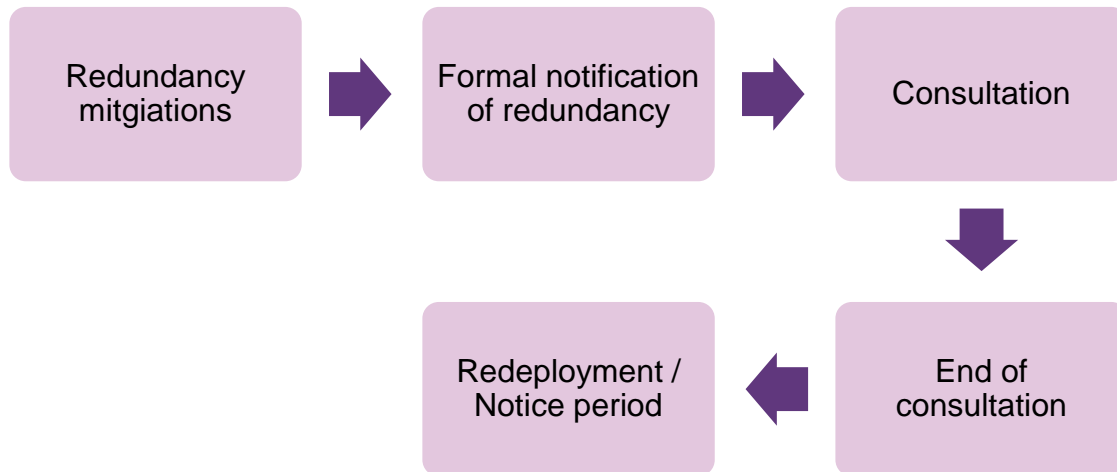


Redundancy Procedure

Review Date: 13th December 2023

Summary

This procedure supports both line managers and employees in the event that an employee may be at risk of redundancy. An overview of the steps to be followed is illustrated below and a resource pack of key documents, including template letters and further guidance, is available in Appendix One.



This procedure will apply to all employees of the Council. However, please refer to the [LNCT 21/19 Agreement – Excess Teachers](#) when there is an excess of promoted and unpromoted Teachers within an establishment.

This procedure does not cover employees whose employment is terminated due to ill health, capability, maximising work performance or who are dismissed under the terms of Aberdeenshire Council's Disciplinary procedure.

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Rationale

The aim of this procedure is to provide a framework within which redundancy situations can be managed.

Introduction

Aberdeenshire Council will endeavour to avoid making posts compulsorily redundant. In the majority of situations, it is anticipated that alternative employment will be found, volunteers sought or other measures put in place to diminish the need for compulsory redundancies. However, it is recognised that there may be occasions when redundancy as a last option must be instigated.

The Service should contact their designated HR Advisor for further advice and guidance at the outset of any situation where an employee or employees may be at risk of redundancy. The process which is then required to be undertaken will depend upon the number of proposed redundancies. In all circumstances employees will be treated in a fair and consistent manner.

Definition of Redundancy

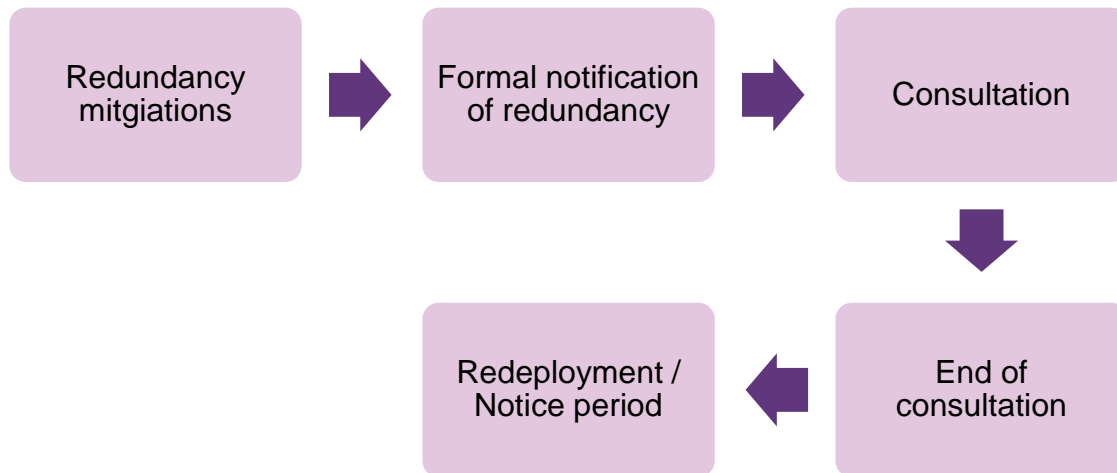
Under the Employment Rights Act 1996 a redundancy arises when employees are dismissed under the following circumstances:

- The employer has ceased, or intends to cease, to carry on the business for the purposes of which the employee was employed for
 - The employer has ceased, or intends to cease, to conduct the business in the location in which the employee was employed
 - The employer's requirement for employees to carry out work of a particular kind has ceased or diminished (or is expected to).
-
- As well as the termination of an entire post, a reduction made to an employee's hours without an agreement can constitute a redundancy.

Process

Detailed below are the 5 stages of the Council's redundancy process. This procedure along with the supplementary information in the Resource Pack will provide

information to managers and employees and will give a detailed overview of the redundancy process.



Stage 1 – Redundancy Mitigations

Any manager identifying a prospective redundancy situation should raise the matter with their Head of Service and HR. The Director/Head of Service will ensure that the correct procedure is followed, although actions may be delegated as appropriate. Redundancy situations involving Head of Service posts will be managed by the employee's Director. Those involving Chief Officials (SLT members or Area Managers) will be managed by the Chief Executive.

Before starting a redundancy process, the manager must consider all options to reduce or even avoid redundancies. For example:

- Instigate a pause on recruitment
- Restrict or cease the engagement of temporary and/or agency staff
- Limit or stop overtime
- Change working patterns / reduction hours
- Offer voluntary redundancy
- Move employee(s) into other roles

Please refer to the [Factsheet on Mitigating Redundancies](#) in Appendix One for further information.

Stage 2 – Formal notification of proposed redundancy

If compulsory redundancies are unavoidable and where 20 plus redundancies are proposed at one establishment within a 90 day period, the Director of the employing Service (with support from HR) will provide a report to Corporate Senior Leadership Team. An HR1 form will also need to be submitted to the government (this is a statutory requirement). Please refer to the factsheet on [formal notification of proposed redundancies](#).

For any number of proposed redundancies, the Service will advise the appropriate Trade Unions of the redundancy risk and will engage with the Trade Unions throughout the process.

As soon as possible, managers should inform their employees that they are considering making redundancies, where they explain:

- The risk of redundancy and the reason why it may be necessary
- How many redundancies are being considered
- What happens next, including how everyone will be consulted and timeframes

Please refer to the [Staff Communication Factsheet](#) in the Resource Pack for further information.

All employees at risk of redundancy must be formally informed with an [“at risk” letter](#) to confirm that their role is at risk of redundancy, why this is the case and outlining the consultation process.

Stage 3 - Consultation

Consultation provides the opportunity to exchange information and to participate in meaningful discussion regarding the proposed redundancies. The key aim of the consultation period is to discuss ways of avoiding or reducing the number of redundancies and to mitigate the consequences of redundancies. No final decisions will be made until the consultation period has concluded.

Collective Consultation

If there is a proposal to make 20 or more employees redundant from one establishment within a 90 day period, there is a statutory requirement for collective consultation, with recognised Trade Unions, prior to any individual consultation.

The Service Director in conjunction with HR compiles and issues consultation details to the appropriate recognised Trade Unions giving details of the situation, including

the reasons for the proposed redundancies, numbers of employees potentially affected, possible ways of avoiding redundancies, how selection and dismissal would be carried out, and how redundancy payments would be calculated.

The duration of the collective consultation period will depend on the proposed number of redundancies:

- At least 30 days before first redundancy consultation for proposed redundancies of 20 -99 employees
- At least 45 days before first redundancy for proposed redundancies of 100 or more employees

The collective consultation will commence when the report is issued.

For group redundancies involving less than 20 people, you can still follow collective consultation if that is the preferred method. The duration of this would be a minimum of 7 days.

During the consultation period the Service will respond to any representations made by the Trade Unions. At the end of the consultation period a report will be produced by the Service in conjunction with HR summarising the communication and confirming the outcome.

For further information on how to conduct consultations please refer to the [consultation factsheet](#) in the Resource Pack.

Individual consultation

In addition to collective consultation, you must also offer individual consultation meetings.

Employees will be invited to attend a consultation meeting with a representative from the service and HR.

At the meeting employees have the right to be accompanied by a Trade Union representative or work colleague. During the consultation meeting you should discuss:

- The reason for the potential redundancy
- Possible ways of mitigating redundancy
- Possible redeployment opportunities (if applicable)
- The criteria for selecting employees for redundancy (if applicable)
- Views from employee(s) and concerns
- Support available

Throughout the consultation process, employees are invited to put forward ideas that may help to avoid redundancies. Managers must consider any ideas that could reduce redundancies.

There is no minimum statutory timescale when fewer than 20 employees are made redundant. However, the consultation must be meaningful and therefore it recommended that the consultation period is at least 7 days

Selection Criteria (if applicable)

A selection process may be required for staff affected by redundancy when there is a proposed reduction in the number of posts within one establishment or a team. Selection criteria is not required when making a whole team or specific group of staff redundant.

In selecting for redundancy, the Council have an agreed selection criteria which will be used where this becomes necessary. Criteria for consideration will include length of service, attendance record, disciplinary record and work performance including qualifications and training. If the criteria requires to be amended further, for example the inclusion of professional membership, discussion will take place with the Trade Unions.

Selection confirmed

Once the selection criteria have been applied, a consultation meeting will be convened with individuals who have provisionally been selected for redundancy. At the meeting employees have the right to be accompanied by a Trade Union representative or work colleague.

Those who are provisionally no longer at risk will be notified in writing.

Stage 4 End of Consultation

Meetings should be held with employees to confirm the outcome of the consultation. Employees have the right to be accompanied at the meeting by either Trade Union representative or a work colleague.

The outcome of consultation will be confirmed to the employee in writing.

Less than 2 years service	<ul style="list-style-type: none"> • If this is dismissal, the employee must be advised of termination and notice details, and their right to appeal.
More than 2 years service	<ul style="list-style-type: none"> • If this is dismissal, the employee must be advised of termination and notice details, redundancy payments and placement on redeployment and their right to appeal.
No longer at risk	<ul style="list-style-type: none"> • If employees are no longer at risk of redundancy this must also be confirmed in writing.

Right of appeal

Employees who are not satisfied with the decision have the right to appeal. Any appeal will be heard by a Director (or their nominated representative). The employee has the right to be accompanied to this meeting by a Trade Union representative or work colleague.

Less than 2 years service	<ul style="list-style-type: none"> • Notice <input checked="" type="checkbox"/> • Redundancy Pay <input type="checkbox"/> • Redeployment <input type="checkbox"/> • Appeal <input checked="" type="checkbox"/>
More than 2 years service	<ul style="list-style-type: none"> • Notice <input checked="" type="checkbox"/> • Redundancy Pay <input checked="" type="checkbox"/> • Redeployment <input checked="" type="checkbox"/> • Appeal <input checked="" type="checkbox"/>

Stage 5 Redeployment/notice period

Employees with more than 2 years' service are eligible to be placed on redeployment. The Service and HR will assist those eligible to secure alternative employment by implementing the Council's Redeployment Procedure.

A [Support Programme](#) is available to those being made redundant, elements of which are also available to those remaining in employment.

If employees are not successful during redeployment their redundancy will be confirmed.

Re-employment following redundancy

If an employee is in receipt of a pension from the Local Government Pension Scheme or the Scottish Teachers' Superannuation Scheme, they must notify the appropriate scheme immediately if returning to employment within local government or any organisation that operates the same pension scheme. The pension may be reduced or suspended if the employee's new pay plus their pension is more than their pay at retirement.

Re-employment post voluntary severance

Aberdeenshire Council has a responsibility to exercise discretion in a fair, consistent, manner and act in the best interests of the organisation, the community and the pension fund. Re-employment would be in exceptional circumstances only, i.e. where employment is in a recognised area of short supply and where there has been the appropriate statutory break in service as detailed above.

Support and Plan for the Future

Redundancy can be a difficult time and the Council recognises the need to support employees who are at risk of redundancy. Please refer to the [Support Factsheet](#) for further information on the support available.

It is also important to recognise that redundancy also has an impact on other employees who can be affected by the unsettling experience of colleagues being made redundant. Managers should maintain ongoing communication with staff providing full explanation of the reason for the change and reassuring staff of their importance and value.

Document Revision History

Document Revision History					
Rev No.	Rev Date	Summary of Changes	Reviewing Team	Contributors	Next Review Year
004	13 Dec 2023	Revision to procedure	HR Operational	A Cheyne D Rentoul N Sheils	
004	24 Jul 2015	Review			
003	06 Apr 2013	Format Change			
002	01 Apr 2011	Collective redundancies – changes to timescales			
001	01 Apr 2011	Creation of all documents			

Appendix One – The Resource Pack

