

Redundancy Policy and Procedure

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Alternative Formats

This documentation can be made available in alternative formats such as large print, Braille, disk, audio tape or in an ethnic-minority language upon request. Requests for alternative formats can be made to the Probation Board using the following contact information:

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Redundancy Policy

1. Application of Policy

The Board has a wide range of policies which may apply to different categories of people.

The application of this policy only applies to employees of the Probation Board for Northern Ireland *with 2 or more years' continuous service with PBNI.*

An employee is any person under a current contract of employment with PBNI, including temporary and fixed term contracts.

2. Introduction

The Probation Board for Northern Ireland (PBNI) recognises the contribution of all staff in delivering a high quality service. PBNI is committed to protecting the employment security of employees by appropriate planning. PBNI will ensure, as far as practicable, that the overall planning and budget setting processes will take account of potential staffing implications and wherever possible avoid the need for redundancy.

There may, however, be occasions when financial pressures, changes in funding provision, changes in demand for our service, organisational or technological developments will impact on staffing requirements. In such cases PBNI will seek to minimise the effect of redundancies by considering all appropriate measures.

PBNI recognises that redundancy situations must be handled sensitively with due regard for the feelings and rights of those involved. This Redundancy and Policy and Procedure aims to set out clear guidelines to be followed in the event a redundancy situation arises.

PBNI understands that a consultation with staff representatives should be commenced at the earliest stage possible and be a continuing feature of the redundancy process.

PBNI has an agreed Management of Change Protocol with unions which will be implemented.

3. Definition of Redundancy

For entitlement to redundancy payments, as set out in the Employment Rights (Northern Ireland) Order 1996, a redundancy occurs where a dismissal is wholly or mainly because:

- The employer has ceased, or intends to cease, to carry out their business for the purposes of which the employee is employed
- The employer has ceased or, intends to cease, to carry on that business in the place where the employee was so employed.
- The requirements of the business to carry out work of a particular kind have ceased or diminished or are expected to cease or diminish

- The requirements of the business for employees to carry out work of a particular kind, in the place where they were so employed have ceased or diminished or are expected to cease or diminish.

4. Policy Aim

The aim of the Redundancy Policy and Procedure is to ensure that employees impacted by redundancy are treated in a fair, consistent and sensitive manner.

5. Policy Objective

To provide a clear structured framework for dealing with redundancies.

6. Policy Outcome

Redundancies will be dealt with in a consistent, open and transparent manner in accordance with legislative provisions and with due regard to the rights of those involved.

7. Policy Statement

The PBNI recognises that redundancy is a sensitive matter that can have far reaching consequences for those involved. In the event staffing reductions are considered necessary PBNI will ensure that:

- All staff who are affected are given fair and equitable treatment
- Wherever practicable redundancies will be avoided through alternative means
- So far as possible changes are affected with the understanding and agreement of the recognised Trade Unions and all staff involved.
- The impact of the proposals on groups that display a protected characteristic will be subject to an ongoing analysis.

8. Linkages

This policy and procedure also links with the following:

Sickness Absence Policy and Procedure

Discipline Policy and Procedure

Performance Capability Policy and Procedure

Statement of Employer Policy on Discretions under NILGOSC Regulations

Management of Change Protocol

9. Monitoring and Review

This policy and procedure will be reviewed one year following its approval by the Board. Interim reviews may be also be prompted by feedback, identified changes in practice or legislation.

Trade Unions have been consulted with in regards to this policy with agreement to review in one year.

Redundancy Procedure

10. Consultation

Where a redundancy situation arises, PBNI will consult with the relevant Trade Unions or staff representatives at the earliest opportunity and in accordance with statutory obligations.

Consultation will take place with unions as per the Management of Change Protocol and will cover the following areas:

- The reason for the proposed redundancies
- The numbers and categories of employees it is proposed to dismiss on redundancy grounds
- Details of the selection procedure
- How the redundancies are to be carried out including the period over which these are to take effect.
- The method of calculating the amount of redundancy payments to be made to those who are dismissed
- Evidence that the relevant equalities issues have been considered of any redundancy proposals
- An assessment of the impact of staffing changes on workloads and capacity.

If a member of staff is to be made redundant and is not a member of a recognised Trade Union the obligation to consult still applies.

Employees at risk of redundancy will also be subject to individual consultation (see section 13).

11. Measures to avoid or minimise redundancy

PBNI will consider other measures to avoid or minimise the need for compulsory redundancy. Such measures might include:

- Natural attrition
- A review of the use of temporary/agency staff
- Reduction or elimination of overtime
- The retraining of staff
- Redeploying individuals to alternative posts
- Early retirement
- Flexible retirement
- Flexible working
- Restrictions on recruitment
- Inviting staff to volunteer for voluntary redundancy
- Achieving savings from on-staffing budgets

12. Selection Criteria

In the event that a redundancy situation cannot be avoided, PBNI will adopt a fair, consistent and objective approach. The selection criteria may include:

- Skills, and qualifications relevant to PBNI current and future staffing requirements
- Standard of work performance: selection on this basis must be supported by evidence, for example, appraisal, performance capability procedures
- Attendance record – reasons for absences will be taken into account
- Disciplinary record

PBNI reserves the right to change or amend the selection criteria in recognition that the criteria may not be applicable in all circumstances. Amendments to the selection criteria will be made in consultation with the relevant Trade Union.

13. Redundancy Process

13.1 First Formal Consultation

- a. Employees at risk of redundancy shall be invited, in writing, to a meeting with a Deputy Director with responsibility for their area of employment.
- b. If a member of SMT, a meeting will be with the Director of Probation.
- c. The meeting will also include a member of the HR Department to provide advice and guidance on points of the process or relevant employment matters.
- d. The employee will have the right to be accompanied by a work colleague or Trade Union representative at the meeting. An employee has the right to request the postponement of a meeting if the employee's representative is unavailable.
- e. The Deputy Director will explain:
 - the reason for the redundancy situation arising
 - the rationale for the employee's inclusion in the pool of staff at risk of redundancy
 - the selection criteria to be used
- f. Where the pool has been established containing the same number of posts as there are to be lost through redundancy, the employee will be advised accordingly by the Deputy Director.
- g. The employee shall have the opportunity to make oral or written submissions in respect of their selection and/or put forward any suggestions as to how the relevant redundancies could be avoided or reduced in number.
- h. Following the meeting the employee will be advised in writing.

13.2 Final Consultation

- a. Following the selection process employees who have been selected for redundancy will be invited, in writing, to meet with the Deputy Director with responsibility for their area.
- b. If a member of SMT, a meeting will be with the Director of Probation.
- c. The meeting will also include a member of the HR Department to provide advice and guidance on points of the process or relevant employment matters.
- d. The employee will have the right to be accompanied by a work colleague or Trade Union representative at the meeting. An employee has the right to request the postponement of a meeting if the employee's representative is unavailable.
- e. The Deputy Director will:
 - outline the reasons for redundancy
 - advise on what action has been taken to date to avoid redundancies
 - the criteria for selection and how this applies in the employee's case
- f. The employee and his/her representative may make further representations which will be considered.
- g. Following the meeting the Deputy Director will write to the employee to declare the post redundant and the employee will be informed of his/her right to appeal against this decision.

14. Notice Periods

Employees who have been selected for redundancy will be given a notice period before employment ends.

Period of continuous employment

one month or more, but less than two years:

Two years or more, but less than twelve years:

Twelve years or more:

Minimum notice

one week's notice.

one week's notice for each year of continuous service.

Not less than 12 weeks.

If the appropriate period of notice cannot be given, pay in lieu of notice will be paid for the unexpired period of notice.

15. Appeals

An employee has the right of appeal against the decision to select them for dismissal on the grounds of redundancy.

An appeal can be based on the grounds that the selection for redundancy was unfair or that the reason for dismissal was not redundancy or that adequate consultation was not carried out.

- a. Employees must exercise their right of appeal, in writing, to the Director of Probation within 10 working days of being notified of the decision, giving a statement of the grounds for appeal. This 10 day limit may be extended by mutual agreement.
- b. Should the initial decision have been taken by the Director of Probation an appeal will be heard by a panel of members of the Board.
- c. The appeal hearing will normally take place within 10 working days of the receipt of the appeal request.
- d. The employee has the right to be accompanied to the hearing by a trade union representative or work colleague. An employee has the right to request the postponement of a meeting if the employee's representative is unavailable.
- e. The Head of HR or the nominated deputy will be in attendance at the meeting and will advise the Director on points of process or relevant employment law.
- f. The Director should give his/her decision and reasons to the employee in writing within 5 working days.
- g. The decision of the Director of Probation shall be final and there will be no further internal right of appeal.

16. Redeployment

Individuals under notice of redundancy have a statutory right to a trial period of four weeks in any suitable alternative appointment to which they are appointed. For example, suitable alternative employment may include change in place or work, hours of work, job content and this will be discussed with unions during the consultation period, including pay and terms and conditions.

If, during this period, the employment is terminated by the employee or employer for a reason connected with the new contract, the individual will remain eligible for a redundancy payment.

Eligibility for a redundancy payment may be lost if an individual unreasonably refuses an offer of suitable alternative employment.

17. Time off for interviews or training

PBNI will maintain its commitment to support all staff under notice of redundancy. Employees who under notice of redundancy will be permitted:

- time off work on full pay during the period of notice to attend interviews for other posts
- a reasonable amount of paid time off work during the period of notice to arrange training

Evidence of arranged interviews and training must be provided to the Human Resources Department.

18. Redundancy Payments

To be eligible for compulsory redundancy you will need at least 2 years qualifying service.

Other than in exceptional circumstances (i.e. in line with any service provision the PBNI can avail of) redundancy payments will normally be calculated on the basis of the statutory week's pay limit.

Statutory Redundancy Pay is calculated as follows:

- half a week's pay for each full year under age 22
- one week's pay for each full year aged 22 or older, but under 41
- one and half week's pay for each full year aged 41 or older

Length of service is capped at 20 years.

Increasing redundancy payments is a discretion under PBNI's Statement of Employer Policy on Discretionary Provisions under NILGOSC Regulations (section 6.1).

Consultation will therefore take place with Trade Unions on the method of redundancy payments to be made to those who are being dismissed, taking account of any service provision that PBNI can avail of at that time.

The HR Department will provide employees with details of redundancy payments due.

19. Pension Provision

Employees who are members of the NILGOSC pension scheme and have reached aged 55 or over, are entitled to pension benefits they have built up to the last day of employment without early retirement reductions.

The HR Department will obtain estimates of any pension benefits due in individual cases and advise members of staff accordingly but staff would also be advised to obtain their own advice.

Those staff who have not reached age 55 will receive a redundancy payment only.

20. Assistance

Employees who are subject to redundancy notice may seek further advice and assistance from the HR Department.