

**HAMBLETON**

**DISTRICT COUNCIL**

# Restructure and Redundancy

Policy and Procedure

a place to

*grow*

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# 1. Policy statement

- 1.1 Hambleton District Council (HDC) will handle all matters relating to restructure and redundancy in a sensitive and timely manner. To minimise any disruption to the organisation or distress to the individual, this policy and procedure has been developed to provide a consistent framework to be adopted by HDC. This is to ensure that restructures and redundancies are managed in a sensitive and appropriate manner so to reduce uncertainty for its staff and ensure legislation and good practice is adhered to. This policy and procedure follows the guidance and principles as set out by ACAS and employment legislation.
- 1.2 This policy and procedure should also be read in conjunction with other policies and procedures such as the Redeployment Policy and Procedure, Retirement Policy and Procedure, Employers LGPS Discretion Policy, Job Evaluation Policy and Procedure. Advice and guidance is available from Human Resources.

# 2. Aims and objectives

- 2.1 The aim of this policy and procedure is to:
  - clearly define the council's stance in relation to Restructures and Redundancy
- 2.2 The objectives are to:
  - clearly define what is expected of all employees in times of restructure and redundancy
  - detail the arrangements the council has in place to ensure a fair and consistent approach to supporting employees and managing change
  - demonstrate compliance with legislation and good practice
  - be sensitive to individual's particular circumstances and provide support where necessary.

# 3. Scope

- 3.1 This policy and procedure applies to all staff directly employed by HDC.



## 4. Responsibilities

- 4.1 **Chief Executive/Deputy Chief Executive/Directors/Heads of Service** are responsible for:
- ensuring that this policy and procedure is effectively and consistently implemented across the organisation
  - ensuring staff with managerial responsibilities are appropriately supported in applying the provision of this policy and procedure
  - making sure all staff are aware of and understand this policy and procedure
  - responding in a timely and appropriate manner
  - participating in and/or ensuring the participation of their staff in any training, development or awareness sessions relating to this policy and procedure
  - ensuring that any resources needed to support this policy and procedure are available.
- 4.2 **Human Resources (HR)** are responsible for:
- providing advice and guidance in relation to the application of this policy and procedure
  - updating this policy in line with the agreed date or any changes in legislation
  - supporting the consistent application of this policy and procedure across the organisation
  - organising any training associated with or relevant to this policy and procedure.
- 4.3 **Representative Bodies** are responsible for:
- supporting the application of this policy and procedure
  - encouraging their members to comply with the requirements of this policy and procedure.
- 4.4 **All Employees and Apprentices** are responsible for:
- being aware of the contents and requirements of the policy and procedure
  - complying with all requirements of this policy and procedure
  - supporting their own health and wellbeing.

## 5. Monitor and review

- 5.1 HR will monitor the implementation of this policy and procedure and its effectiveness in order to ensure that the obligations outlined in this document are being met.
- 5.2 The policy and procedure will be reviewed in line with the date on the front of the document by HR. Where review is necessary due to legislative change, this will happen immediately.



## 6. Equality implications

- 6.1 In line with the requirements of the Public Sector Equality Duty, HDC has considered the three aims of the Equality Duty as part of the process of decision making particularly in relation to evaluating and reviewing policy and procedure. The three aims are to eliminate unlawful discrimination, advance equality of opportunity and foster good relations.
- 6.2 The council is mindful of all legislation that relates to change management, redundancy, restructure and redeployment. As such it does not anticipate any adverse impact.

## 7. Resource implications

- 7.1 There may be financial implications associated with this policy and procedure in terms of redundancy payments and where redeployment is applied, pay protection. This will be identified in each business case that relates to the proposed change, restructure or redundancy.
- 7.2 There are resource implications associated with this policy which may include awareness raising, managing issues that staff raise or dealing with breaches of this policy and procedure.

## 8. Forms

- 8.1 Copies of all relevant forms will be available on The Junction.

## 9. Key Issues

- 9.1 The HR team should be consulted at the earliest opportunity when any department is considering any type of organisational review or restructure. This is to ensure that key people issues are identified and addressed before any proposed change is communicated to staff. A HR representative will be allocated to work with the Lead Officer throughout the whole of the process.



## 10. Restructures

- 10.1 There may be occasions where the organisation or individual departments may wish to restructure in order to create more effective or efficient ways of working. These changes may or may not result in redundancy or redeployment situations.
- 10.2 A Lead Officer (usually at the Service Manager level) should be identified at the outset to take full responsibility for developing the business case and then co-ordinating and overseeing the proposed change and all associated processes. They should contact HR as soon as possible who will allocate a HR representative to support the Lead Officer.
- 10.3 A business case must be developed and presented to Management Team for approval outlining the rationale for the proposed change(s), the posts that may be affected, what may happen with any displaced staff (such as opportunities for redeployment), time scales and costs associated with the proposed changes.
- 10.4 As part of the business case, each post in the existing structure should be designated as either:
- **Unchanged** - where the job content has either no changes or minor changes from the existing and the employee is not displaced.
  - **Changed (new)** - where the job content is significantly different from the existing and where selection criteria/methods of appointment will apply. The Redeployment Policy and Procedure will be invoked.
  - **Removed from Structure** - where there is a reduced need for work of a particular kind, a service or function has been discontinued or a workplace is being closed, and the employee is displaced consequently at risk of redundancy they will be considered for redeployment. Sections 11 to 22 of this policy will need to be adhered to.
- 10.5 The Lead Officer is responsible for revising or drafting job descriptions for each post in the proposed structure. The evaluation of jobs is to be completed as part of the business case and will be undertaken in accordance with the Job Evaluation policy and process.
- 10.6 Once the business case has been approved by Management Team, the Lead Officer should ensure that all staff in the relevant department are informed of the proposed restructure and prepare information as detailed in Appendix A to be shared with staff.
- 10.7 **Restructuring Procedure**
- First Meeting**
- The Lead Officer will meet with all employees who are in the team/department in which the changes are being proposed. UNISON should be made aware of this meeting and also be invited to attend. The Lead Officer must be prepared to alter the date of the meeting to accommodate the attendance of the UNISON representative. In circumstances where individuals are directly





affected by the proposed change, the Lead Officer should meet briefly with them before the group meeting so that they are not publically informed of the proposed change.

- The Lead Officer will explain the reasons for potential changes, share information such as draft structures and provisional timescales including if any jobs may be at risk.
- Following the meeting, all staff should then be sent a letter by the Lead Officer outlining the proposed changes and inviting comments or suggestions.
- The letter must include details such as:
  - the proposed changes
  - reasons for change
  - any potential redundancy or redeployment situations
  - issues relating to applying for new posts (if applicable)
  - support available
  - time scales and next steps (draft implementation plan)

A copy must be sent to HR to be placed on the individuals personnel file. A copy should be sent to the local UNISON branch as part of employee relations. HR will provide advice and guidance at all stages of the process and will be present at relevant and appropriate meetings.

- Staff must be given a date by which they should submit suggestions to the lead officer. A minimum of 30 days consultation is required, (subject to the statutory redundancy provisions).
- The Lead Officer must ensure anyone on leave (annual, sickness, maternity, paternity and adoption leave etc) is aware of the proposed changes and receive a copy of the letter.

## 10.8 Second Meeting

- Once the consultation period has concluded, the Lead Officer must consider all responses received and prepare a final draft of the proposed structure for approval by Management Team. Once approved, the Lead Officer should meet with the individuals who are directly affected and then with the team in a timely manner to discuss the proposed changes, if these have altered and what will happen next. This will also include feed back to the response received during the consultation process. A letter should be sent to all staff to confirm the final structure including details of the implementation plan. A copy should be sent to the local UNISON branch and a copy to HR to be placed on the individual's personnel file.

## 10.9 Implementing the New Structure

Once all staff have been notified of the final agreed structure, then the process of implementing the new structure can begin.

- 10.9.1 • **Posts removed from the structure** - all employees who hold a position that has been defined as 'removed from structure' will be informed that they are 'at risk' of redundancy . Consequently the Redundancy Policy and Procedure and the Redeployment Policy and Procedure will be followed. HR will provide advice and guidance. The redundancy process detailed in Sections 11 to 22 will have to be strictly adhered to. The number of potential redundancies will



determine if the legal obligations need to be implemented. These legal timescales will also need to be built into the implementation timescales. Individual consultation is an important part of this process and must take place in addition to any other type of consultation such as collective consultation. This is to allow the employee the opportunity to discuss the reasons for redundancy, selection process and any alternative employment opportunities.

10.9.2 • **Unchanged Posts** - where the number of changed posts is equal to or greater than the number of post holders who could be considered for them, post holders can be '**slotted in**', i.e. directly appointed. There is no requirement to perform any type of selection process. However the slotting in to posts should be based on best match in terms of knowledge, skills and experience as stated in the person specifications. This will include employees on fixed or temporary contracts if they have two years of continuous service and would be at risk of redundancy if the reason for the ending of the post is related to the redundancy and not due to the funding or project ending.

10.9.2.2 • Where the number of unchanged posts is less than the number of post holders, one or more selection criteria will be identified in order to select staff members for redundancy, as per the council's Redundancy Policy and Procedure. In these circumstances, all affected employees will be informed that they are 'at risk' of redundancy and be placed on the council's redeployment register. HR will provide advice and guidance.

In general, automatic slotting in can only take place if the role in the new structure is unchanged or represents a significant percentage of the responsibilities of a role under consideration for direct assimilation. The Lead Officer should consult HR before making a final decision. The guiding principles are as follows:

- A figure of 66% is a useful guideline and provides transparency, particularly when expressions of interest in particular posts are invited.
- The actual percentage needs to be flexible to include consideration of the level of job i.e. the grade and complexity of the role (66% may be too high a hurdle in matching lower graded jobs but could be too low with respect to specialist or senior management positions).
- In considering the appropriate match, the significance of the amount of training required for an individual to undertake the new role should also be considered. This is also in line with the Redeployment Policy and Procedure.

10.9.3 • **Changed (New) Posts** - the Redeployment Policy will need to be invoked for those employees for whom there will be a significant change to their current roles. The council will make every effort to identify suitable alternative employment. HR will provide advice and guidance in line with the Redeployment Policy and Procedure.

A letter will be sent to each individual confirming their own specific circumstances.

A copy will be sent to HR to be placed on the individual's personnel file.





## 11. Redundancy

- 11.1 The Lead Officer with advice and guidance from HR will need to establish if there is a genuine redundancy situation. This should take place during the development of the Business Case and be kept under review throughout the consultation process. There will be consideration of the following in order to determine if the potential redundancy situation meets the definitions of Section 139 of the Employment Rights Act:
- Is there a closure of the business for which the employee was employed?
  - Is there a closure of the place of business where the employee was employed to work?
  - Is there a reduced requirement for employees to carry out work of a particular kind?
- 11.2 Section 139 of the Employment Rights Act defines dismissal by reasons of redundancy in situations where:
- the employer has ceased, or intends to cease, to carry on the business for the purposes of which the employee was so employed; or
  - the employer has ceased, or intends to cease, to carry on the business in the place where the employee was so employed; or
  - the requirements of the business for employees to carry out work of a particular kind has ceased or diminished or are expected to cease or diminish; or
  - the requirements of the business 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. Managers need to determine if there is a genuine redundancy situation as defined above.
- 11.3 During the development of the business case, the council will in the first instance consider steps (depending upon the circumstances) which may avoid the need for compulsory redundancies such as reviewing the use of agency staff, restricting recruitment, introducing a recruitment freeze, reducing overtime, identifying suitable alternative work and inviting applications for early retirement or voluntary redundancies. HR will provide advice and guidance.

## 12. Public Announcements Regarding Redundancy

- 12.1 No public announcement will be made by HDC before the employees, their elected representatives and the trade unions have been informed.

## 13. Consultation for those at Risk of Redundancy

- 13.1 Once the Lead Officer has determined that there will be a redundancy situation then they will need to establish the number of potential redundancies (this includes both compulsory and voluntary redundancies). The number of potential redundancies will, in turn determine the consultation process that the Lead Officer will need to carry out. HR will provide advice and guidance.
- 13.2 The purpose of consultation is to provide as early an opportunity as possible for the Lead Officer to discuss with Representative bodies and individuals, the situation and explore the options for avoiding, reducing or mitigating the consequences of redundancies.
- 13.3 It is essential to establish how many redundancies are being proposed and the proposed time frame. **If 20 or more redundancies are being proposed in a 90 day period**, then the legal obligations regarding collective consultation under Section 188 of TULR(C)A 1992 (as amended) will arise.
- 13.4 **Obligations of Collective Consultation - Redundancies**  
For the purpose of this TULRCA collective redundancy is defined as “a Dismissal for a reason not related to the individual concerned or for a number of reasons all of which are not so related”
- 13.5 The legislation states that an employer must:
- consult with any recognised trade unions or, if none, with other elected employee representatives
  - start consultation in good time - at least 30 or 45 days before the first dismissal takes effect depending on the number of proposed redundancies. No dismissal can take effect until consultation is complete and the minimum period of 30 or 45 days has elapsed (see below)
  - consult on ways of avoiding dismissals, reducing the numbers to be made redundant and mitigating the effect of the dismissals
  - disclose in writing to the appropriate representatives concerning the proposed dismissals
  - notify the Secretary of State for Business, Innovation and Skills at least 30 or 45 days in advance of the first dismissal taking effect depending on the numbers of redundancies. This notification must be in writing with a copy provided to the employee representatives.
- 13.6 The consultation must be undertaken with a view to reaching agreement with the appropriate representatives.



### 13.7 Timescales for Redundancies

Consultation must start in good time to allow for meaningful consultation to take place and be in accordance with the timescales below before the first dismissal takes effect.

13.8 Section 188 of the Trade Union and Labour Relations (Consolidation) Act 1992 provides **minimum** periods for consultation with the appropriate representatives. Consultation must begin in 'good time' and must **in any event** begin:-

- where 100 **or more** redundancies are proposed at one establishment within a period of 90 days or less, **at least 45 days** before the first of the dismissals takes effect, and
- where between **20 and 99** redundancies are proposed at one establishment within a period of 90 days or less, **at least 30 days** before the first of the dismissals takes effect.

13.9 ACAS state that when calculating how many people are involved in a potential redundancy situation, voluntary redundancies need to be included in the total and redeployments will also count towards the total number of proposed dismissals. Consideration may need to be given as to whether termination of fixed term contracts may need to be included in numbers. Advice should be sought from HR in such situations.

13.10 Although Section 188 does not stipulate a period for consultation where less than 20 redundancies are proposed, the obligation to consult trade unions/elected representatives and individual employees, in good time, remains an important consideration in arriving at a fair dismissal.

13.11 The law states when consultation must start but, does not say how long it must last. The length of the consultation will vary dependent upon the individual circumstances. The Lead Officer must ensure that consultation is meaningful and that they have listened and responded to the views and suggestions that have been offered. It is not necessary for the parties involved to reach agreement for the consultation to be complete as long as there has been genuine consultation with a view to reaching agreement with appropriate representatives, an employer can end the consultation. This should only be done when the Lead Officer can demonstrate that he/she has listened and responded to the views or suggestions that have been raised. If the Lead Officer fails to comply with the requirements to consult then a complaint may be made to an Employment Tribunal.

### 13.12 Consultation with Representative Bodies - Collective Redundancies

Collective Consultation under TULRCA will only be necessary **where 20 or more redundancies are being proposed in a 90 day period**. The consultation must be with the appropriate representatives of any of the employees who may be affected directly or indirectly by the proposals or by any measures taken in connection with those dismissals.





- 13.13 Consultation begins by the employer delivering to each of the appropriate representatives, the information below or sending it to an address notified by them to the employer or sent by post to the union at the address of its head or main office. For the purposes of the consultation required by Section 188 of TULR(C)A 1992 as amended, the Authority must disclose in writing to the appropriate representatives:-
- The reasons for the proposed redundancies
  - The numbers and descriptions of employees whom it is proposed to dismiss as redundant.
  - The total number of employees of any such description employed at the establishment in question.
  - The proposed method of selecting the employees who may be dismissed.
  - The proposed method of carrying out the dismissals, including the period over which the dismissals are to take effect.
  - The proposed method of calculating redundancy payments.
  - The number of agency workers working temporarily for and under the supervision and direction of the employer.
  - The parts of the employer's undertaking in which those agency workers are working, and
  - The type of work those agency workers are carrying out.
- 13.14 In order to meet the requirements of employment legislation, it is essential that consultation begins in good time. Sufficient time must be given to allow the appropriate representatives to consult employees and make an initial response to the Section 188 Notice. The timescales must allow sufficient opportunity for a possible agreement to be reached with the appropriate representatives. Consultation must be in line with the timescales listed above.
- 13.15 **Consultation with the Individual at Risk of Redundancy**
- Where there are fewer than 20 redundancies being proposed, collective consultation does not have to take place but consultation with individual employees who are at risk, should be timely and meaningful. The Lead Officer should also consider as best practice consulting with the team/ department too. It will give the individual the opportunity to understand what is happening and to allow for representations to be made which may include alternatives to redundancy.
- 13.16 The Lead Officer however, in cases of Collective redundancies, will also arrange individual consultation. Consultation with the individual can run consecutively or separate to the collective consultation. The Lead Officer will determine what is appropriate subject to each individual circumstance.



## 14. Avoiding Compulsory Redundancies

- 14.1 The Lead Officer will ensure that all reasonable steps are taken to avoid the necessity of redundancy. Where it does become necessary, it will attempt as far as reasonably practicable to ensure that the number of redundancies are minimised. When all other avenues are exhausted then compulsory redundancy will be implemented.
- 14.2 In order to avoid compulsory redundancy, the Lead Officer will consider measures such as:
- natural wastage - i.e. leavers
  - recruitment freeze
  - reduction in the use of overtime
  - retraining or redeployment for those staff who are affected or may be affected.

## 15. Selection for Redundancy

- 15.1 Redundancy is one of the potentially fair reasons for dismissal. However, a dismissal on the grounds of redundancy may be considered by an Employment Tribunal to be unfair if the procedure for selection for redundancy has been unfairly applied to the employee concerned or if the way in which it has been carried out has been unreasonable (e.g. without adequate warning or consultation with the appropriate representatives).
- 15.2 In circumstances where there are singular posts being removed from the structure and only individuals not groups of employees being potentially made redundant, there will not be a selection pool.

Where there are a number of posts which may be affected by the proposed change, the Lead Officer will identify a selection pool which will be the group of employees who are at risk of being made redundant. This would normally include staff who do similar type of work, at a similar location, whose work has either ceased or diminished. It is to this pool that the appropriate selection criteria will be applied. Selection criteria for redundancy will be objective, transparent and fair. Examples of selection criteria may include:

- attendance records (ensuring they are accurate and absences related to disability or pregnancy are not included)
- disciplinary record
- skills, competencies (including commitment, attitude and team working) qualifications or experience
- standard of work performance.

HR will provide advice and guidance.



## 16. Offers of Alternative Employment

- 16.1 The Lead Officer will endeavour to redeploy employees at the risk of redundancy to secure alternative employment within HDC. The council's Redeployment Policy and Procedure will be followed in all such circumstances. HR will provide advice and guidance.

## 17. Supporting Employees at Risk of Redundancy

- 17.1 Under employment law, employees who are under notice of dismissal for redundancy and have been employed for at least two years, qualify for the statutory entitlement to a reasonable amount of time to look for another job or arrange training.
- 17.2 HDC will also support staff during times of potential redundancies by providing information and advice (in relation to completion of application forms, redundancy calculations, pension advice) or access to counselling. HR will provide advice and guidance.

## 18. Termination of Contract for those in a Redundancy Situation

- 18.1 Redundancy Notices must not be issued until collective and individual consultation has been completed.
- 18.2 The Lead Officer will give the individual notice in accordance with the Employment Rights Act 1996 (as amended) or the contractual notice, whichever is greater. HR will provide advice and guidance. The council only operates a Pay in Lieu of Notice (PILON) scheme where it is expressly provided for in the contract of employment.

## 19. Termination Benefits

- 19.1 In line with the Employment Rights Act 1996 (as amended), redundancy payments will only be made to those employees who have at least **two years' continuous service**.





- 19.2 The Employment Rights Act stipulates that a statutory formula should be applied when calculating redundancy payments. The left hand column in the table below sets out the statutory formula and illustrates what the payments would be under the Employment Rights Act 1996.
- 19.3 However, in line with the Local Government (Early Termination of Employment) (Discretionary Compensation) England and Wales Regulations 2006 (as amended) the council has the authority to make additional severance payments. This includes the ability to pay an enhanced severance payment up to 104 weeks pay (including the statutory redundancy payments or discretionary redundancy payments) to an eligible employee. In addition, the council can calculate redundancy payments on an employee’s actual weekly pay. Consequently, the council operates a more generous redundancy scheme than that set out in the Employment Rights Act. The right hand column in the table below sets out the council’s discretionary formula for calculating redundancy payments and illustrates the differences between the council’s scheme and the less generous statutory formula. In addition, the Council will in respect of the Chief Officers/Members of the Senior Management Team, who remain in service with the Council up to its abolition under the North Yorkshire (Structural Changes) Order 2022, but who do not transfer to North Yorkshire Council under TUPE consider compensation under Regulation 6 of the 2006 Regulations as referred to in the Council’s LGPS Employer Discretion Policy provided all payments are within the statutory limit.
- 19.4 The council’s enhanced discretionary redundancy policy must comply with the discretions set out in the 2006 Regulations, or in any other applicable legislation. Any amendments to the council’s discretionary policy must be published and will not come into effect until one month after the new policy has been published.
- 19.5 The council reserves the right to amend its redundancy policy and procedure should financial circumstances make it necessary.

STATUTORY FORMULA FOR REDUNDANCY PAYMENTS		HDC FORMULA FOR REDUNDANCY PAYMENTS	
WEEKS PAY	AGE	WEEKS PAY	AGE
<b>Half a week’s</b> pay for each full year of service	where the age during the year is <b>less than 22</b>	<b>One week’s</b> pay for each full year of service	where the age during the year is <b>less than 22</b>
<b>One week’s</b> pay for each full year of service	where age during year is <b>22 or above but less than 41</b>	<b>Two week’s</b> pay for each full year of service	where age during year is <b>22 or above but less than 41</b>
<b>One and a half week’s pay</b> for each full year of service	where the age during the year is <b>41 +</b>	<b>Three week’s pay</b> for each full year of service	where the age during the year is <b>41 +</b>
Statutory cap for weekly pay See <a href="http://www.gov.uk">www.gov.uk</a> for statutory rates of pay		Actual weekly pay	
Up to a maximum of 20 years’ service/30 weeks’ pay		Up to a maximum of 104 weeks pay	



## 20. Lost Entitlement to Redundancy Payment

- 20.1 An employee who would normally be entitled to a redundancy payment may lose this entitlement where:
- in cases of redundancy (where employees are in a potential redundancy situation) unreasonably refuse an offer of suitable alternative employment.
  - the employee commits an act of gross misconduct and is dismissed.
  - the employee leaves early before the notice has expired without the employer's agreement.
  - 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:
    - the employee has made a written claim for redundancy pay to their employer
    - a claim for redundancy payment is lodged with an employment tribunal; or a complaint of unfair dismissal has been lodged with a tribunal.
- 20.2 Staff need to be aware that if they gain immediate employment with another organisation covered by the Modifications Order, then their right to a redundancy payment may be affected.

## 21. Taxation of Payments - these are set by HMRC

- 21.1 In general terms the following principles apply:
- Compensation for loss of office, i.e. the statutory redundancy payment, payments made under the discretionary compensation regulations and pay in lieu of notice (where this represents damages to the employee for the inability of the employer to give the required notice and the employment ends immediately) are, in aggregate, tax free for the first £30,000.
  - Where sufficient notice is given, and say for organisational reasons, the employer does not require the employee to work during some or all of the 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.
  - Termination payments, except genuine discretionary payments, 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.
- 21.2 Due to the complex nature of tax legislation, advice on individual cases should be sought from HMRC in all circumstances of Redundancy. This will ensure that advice and information is current and up to date.



## 22. Maternity, Paternity or Adoption Leave

- 22.1 An employee who has commenced maternity, paternity or adoption leave is subject to special provisions – further advice is available from HR. An individual on maternity, paternity or adoption leave has the right to return to the job in which they were employed on no less favourable terms and conditions. If the employee on maternity, paternity or adoption leave is unable to return to their previous job by reason of redundancy, they are entitled, where there is a suitable available vacancy, to be offered alternative employment. The provisions of the alternative employment must not be substantially less favourable than if they had returned to the original job. The employee is entitled to be offered any suitable alternative employment even if it arises before they notify their line manager of their intended return date.
- 22.2 Where an employee on maternity, paternity or adoption leave is potentially redundant, managers must therefore ensure that the employee is provided with all necessary information, including in relation to vacancies, and that they are consulted. If necessary, there should be some home visits. Employees should also be informed that they are required to maintain regular contact with their line manager and/or HR.
- 22.3 Managers should take all reasonable steps to facilitate redeployment of employees who are notified of redundancy during maternity, paternity or adoption leave. This includes steps in relation to arrangement of meetings, interviews, and testing. An offer of alternative employment cannot be withheld only on the basis that the employee cannot take up the post immediately. The post should be held for the employee until their period of maternity, paternity or adoption leave ends, if necessary covered on a temporary basis. HR will provide advice and guidance.

## 23. Voluntary Redundancy

- 23.1 This is still classed as redundancy and will be regarded as a dismissal. Voluntary redundancies are still counted in the total number of redundancies.
- 23.2 In circumstances relating to redundancy or restructure HDC may ask staff to express an interest in leaving the council voluntarily. The council will make it clear that there is no commitment on either side and that the council will need to make decisions in accordance with whether staff leaving voluntarily would be in the financial, business and operational interest of the council. The main aim of voluntary redundancy (including voluntary retirement and early retirement) is to minimise the need for compulsory redundancies.
- 23.3 If staff will be invited to express an interest to leave voluntarily. Management Team reserve the right to approve or not approve such applications. Their decision will be shared with the members of staff who have requested to leave voluntarily. There is no right of appeal as this is a voluntary process.



# Appendix 1

## Template Change Management Plan

### Rational

Outline the background and approach to the need for change - e.g. description of service delivery issues or financial position necessitating the change.

### Proposals for Change (including potential costs)

### Impact on Staff

- *Current Staffing Structure*; provide details of current approved staffing structure and reporting relationships.
- *Proposed Staffing Structure*; highlight the differences between current and proposed structures, assess any impact on the work or conditions of employees.
- *Staffing Implications*; outline staffing implications of the proposed changes including structure comparison exercise to highlight impacts on posts/individuals; number of changed, unchanged and deleted posts, who may be displaced, who may be slotted in, potential redundancy or redeployment situations.
- *Job Evaluation process* to be undertaken.
- *Proposal to minimise redundancies*, as per this policy.

### Key Steps and Timeframes

Define the change process including the target completion dates for the following key steps, those responsible for undertaking them and appropriate timeframes:

- *Management Team approval*. Submission of Business Case (initial document, then any revisions).
- *Completion of preliminary investigation work*, including analysis of current and proposed roles, suitable alternatives and impact on individuals.
- *First Meeting* - make staff aware of proposed changes.
- *Formal commencement of consultation period*.
- *Correspondence (and timescales) to UNISON*.
- *End date of consultation period*.
- *Review of consultation feedback*.
- *Finalise revised structure based on feedback from consultation*.
- *Second Meeting*
- *Formal commencement of implementation period*, including managing all affected employees' individual circumstances - assimilation, issuing at risk letters, undertaking redundancy selection, competitive selection process for ring-fenced roles, written confirmation to those slotting in, allocating redeployment roles.
- *Implementation of new structure*, with appropriate contractual notice to all affected staff.



### **Responsibilities**

*Details of Lead Officer, supervisory staff identified to support the consultation process, HR support for project, any specialists required to provide input, ensuring availability within the necessary timescales.*

### **Communication/Consultation Strategy**

- *Detail the consultation approach with employees and Unison, including a clear timescale and method for feedback taking account of any statutory timescales.*
- *Outline the formal and informal processes that will be utilised to keep Unison and employees informed of progress.*
- *Outline options available and considered without ruling out others.*
- *Must take into account the legislative requirements particularly for redundancy situations.*
- *Include feedback.*

### **Draft Implementation Plan**

*Highlight key issues and provisional timescales.*





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**HAMBLETON**  
**DISTRICT COUNCIL**

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**This information is available in alternative formats and languages**