



Redundancy	
Reference: GN16	Effective date: 1 June 2012
Page no: 1 of 4	Approved: 12 Sept 22
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Introduction

The organisation recognises the contribution made by staff to the achievement of its aims and objectives. It also recognises the importance of security of employment for staff and the desirability of avoiding redundancy. As far as possible the Windmill Hill City Farm is committed to protecting the employment of its staff. However, there may be occasions when the organisation is subject to internal and external factors, such as economic pressures, decreased demand, expiry or changes to funding or organisational or technological developments which influence and may reduce its staffing requirements.

The organisation is committed to handling staff affected by redundancy in a fair, equitable, consistent and sensitive manner. This policy uses guidance issued by ACAS in their advisory information (<http://www.acas.org.uk/index.aspx?articleid=4547>).

Scope

The Redundancy Policy applies to all members of staff, including those on maternity, sickness and other types of leave and to those who are seconded to other organisations but retain their contract of employment here.

Legally, redundancy occurs if employees are dismissed due to one of the following reasons:

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

The Trade Union and Labour Relations (Consolidation) Act 1992 dictates that a collective redundancy situation would arise in a situation where the organisation proposes to make 20 - 99 employees redundant for a reason not related to the individual over a period of 90 days or fewer, in which case the legislation states there must be a period of at least 30 days collective consultation before the first dismissal. In all cases, members of staff at risk of redundancy will be consulted on an individual basis.

The organisation will consider all reasonable measures to avoid or minimise the effect of compulsory redundancy. These may include:

- ◆ Reducing or ending overtime
- ◆ Stop recruiting and retrain staff
- ◆ Stop using contractors/casual staff/agency workers
- ◆ Offering flexible working
- ◆ Offering voluntary redundancy/early retirement
- ◆ Temporarily lay off employees
- ◆ Temporarily place employees on short-time working
- ◆ Changing employment contracts.



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Selection for Redundancy

In deciding that redundancy is necessary, the organisation will consider the type of work that is ceasing or diminishing and which people actually do that work. The composition of selection pools will depend on the specific circumstances but may require to take account of, for example:

- ◆ whether similar work by other groups of employees to the group from which selection pool group is carried out
- ◆ whether employees' jobs are interchangeable
- ◆ whether an employee's inclusion is consistent with his/her previous position

Once the selection pool has been identified the Office Manager will decide the criteria to be used in the selection process. The selection criteria will be developed and applied in an objective and fair manner. No member of staff will be selected for redundancy on the grounds of any protected characteristic or part-time, fixed-term, maternity leave or trade union status. The selection criteria may, as appropriate, include some of the following and must be tailored to the individual job description:

- ◆ Knowledge
- ◆ Skills
- ◆ Decision-making
- ◆ Communication
- ◆ Teamwork
- ◆ Collaboration
- ◆ Organisational ability
- ◆ Staff management (including team leadership/supervisory ability)
- ◆ Problem-solving
- ◆ Leadership
- ◆ Productivity
- ◆ Attendance record (excluding disability-related and equality absences)
- ◆ Disciplinary record (current)
- ◆ Length of Service (a maximum of 5 years can be scored)

The above selection criteria are in no particular order, represent examples and are not exhaustive.

Weightings may be applied to criteria where appropriate or where considered to be particularly important.

Process

When the members of staff at risk have been identified, they will be invited to an initial meeting with a senior manager. They will be entitled to be accompanied by their trade union representative or a work colleague. Members of staff at risk will be advised:

- ◆ that they are a potential candidate for redundancy (ie their post is at risk) and how their position may be affected
- ◆ the reasons for the proposed redundancies
- ◆ the numbers and descriptions of employees affected
- ◆ proposed method of selecting the employees who may be dismissed (selection criteria)



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- ◆ proposed method of carrying out the dismissals, taking account of any agreed procedure, including the period over which the dismissals are to take effect
- ◆ how redundancy payments, if other than the legal minimum, will be calculated.
- ◆ what consideration has been given to the possibility of alternative employment and confirmation that alternative employment opportunities will continue to be sought throughout the consultation process and, if appropriate, throughout the notice period.
- ◆ that if no suitable redeployment opportunities are available that the member of staff will be dismissed on grounds of redundancy.

The manager will ensure the member of staff has a full opportunity to make representation as to how their redundancy may be avoided or the effects of the potential redundancy minimised for them, and for this to be given serious consideration.

A second meeting will be arranged, ideally at least two weeks after the first meeting, and the member of staff advised that they may again have trade union or work colleague representation. At this meeting the member of staff will be given the opportunity to submit any further representations which have occurred to them since the initial meeting.

Further individual consultative meetings may be necessary depending upon the input from the member of staff, information that needs to be discussed on an individual basis (eg redeployment) and the timescale of the change programme.

Decisions

Once the consultation period is complete, a final decision will be taken as to whether a member of staff is to be dismissed by reason of redundancy. The notice of redundancy will be communicated by senior manager on a face-to-face basis in the first instance and then in writing. The notice of redundancy will set out the following:

- ◆ An explanation as to the reasons for redundancy, including reference to any submissions made by the member of staff
- ◆ A calculation of the Statutory Redundancy Pay due
- ◆ Details of the right of appeal.

Members of staff under notice of redundancy will be allowed a reasonable amount of paid time off to seek employment, attend interviews or attend training, by agreement with their manager.

Members of staff who are dismissed by reason of redundancy are entitled to a period of notice, which will either be that stated in their contract of employment or the statutory minimum, whichever is the greater. Notices of redundancy will not be issued until the end of any collective consultation period.

Members of staff who have 2 or more years' continuous service at the date of dismissal on grounds of redundancy will be eligible for Statutory Redundancy Pay. To calculate Statutory Redundancy Pay refer to http://www.direct.gov.uk/en/Diol1/DoltOnline/DG_4017872



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Appeals

Should a member of staff wish to appeal against their redundancy, they should do so by writing to the CEO within 5 working days of the notice of redundancy stating the grounds for their appeal. The CEO will consider their appeal without unreasonable delay. The outcome of the appeal may be

- ◆ to refuse the appeal. The redundancy dismissal, pay and notice issued continues as originally proposed.
- ◆ to uphold the appeal
 - if the employee has not yet ended their redundancy notice period, the employment contract will normally continue as though the employee had not been selected for redundancy in the first place.
 - if the employee has ended their redundancy notice period, they will be reinstated and their continuous service will apply from when you first employed them. Arrears of wages may be due between the end of the notice period and the time of reinstatement.

Note. If a redundancy payment has been made to the employee and an appeal is subsequently upheld the payment must be returned.