

 **Managing Change**

**Memorandum of Understanding - Mitigating the risk of redundancy**

 **Appendix 1**

1. **Introduction**

1.1 This document outlines the Council’s lawful duty and commitment to avoid or mitigate the risk of redundancy and provide support to employees potentially affected. It should be read in conjunction with the Council’s Managing Change Procedure and Redundancy and Early Release Policy.

* 1. This document applies to all employees of the county council and all school based staff for whom there is no specific procedure laid down in national or local conditions of service.
	2. It is expected that governing bodies of all community and voluntary controlled schools will adopt this document. Foundation and voluntary aided schools and academies are encouraged to do the same.

1.4 Under the Employment Rights Act 1996, the council has a statutory duty to seek to avoid or reduce redundancy action wherever possible. Consultation will take place with representatives of the recognised Trade Unions and all employees potentially affected as to whether it is possible to avoid or reduce the potential for redundancies.

1.5 Natural turnover, prudent resource management, re-skilling and redeployment, where possible, would be the first options for consideration to achieve any staffing reductions or significant changes that are required.

1.6 Where such approaches cannot easily achieve the changes required, then the Council would look to consider redundancy by voluntary means. Where reductions by voluntary means have been exhausted compulsory redundancy will apply as a last resort.

**2. Actions to avoid or mitigate the risk of redundancy**

2.1 The Council is committed to seek to avoid the need for compulsory redundancy wherever possible, with the following actions used to mitigate this risk;

* Consider options for voluntary redundancy. A VR window will be open in all cases where there is a potential risk of redundancy. It should be noted that any interest or application for VR will be assessed on a case by case basis in line with business needs. Separate guidance is in place to support the management of this process.

* Review as appropriate staff on temporary or fixed term contracts considering continuous service and employment rights. During the management of change process management and Trade Unions will discuss implications for all staff in scope of the review;
* Seek genuine volunteers for reduced hours or weeks working on a fixed term or permanent basis with a firm commitment that this will be achieved by staff volunteering for reduced hours or working week without any pressure applied by the employer. Where employees move from permanent to fixed term positions, without a break in service as part of a managing change process continuous service must be honoured.
* Restricted recruitment under which every reasonable attempt will be made to fill vacancies from amongst existing employees. Vacancies and business cases for any potential recruitment will be discussed at the Trade Union briefing ahead of the commencement of consultation;
* Deletion of funded vacancies wherever possible;
* Promote the use of flexible retirement, providing relevant information to enable employees to make genuine applications;
* Managing change process - assimilation and vacancy preference processes (VPP) will be applied to identify alternative roles. Where competitive interviews are required for posts at the same grade but there are too many people than posts, then all posts should be filled (as would be the case in direct assimilation if there had been enough posts). Where competitive interviews are required for posts at different grades, then as a principal as many posts as possible will be filled (with training and development as appropriate), ensuring the capabilities and experience of the applicant meets business needs.
* However, this cannot guarantee all posts will be filled as business needs mean the correct candidate must demonstrate the necessary skills and experience to fulfil the role, allowing also for any reasonable up-skilling or retraining that would assist the candidate to be appointed or develop into the post.
* Management and Trade Unions to meet at the end of both assimilation and VPP to discuss, examine and challenge outcomes of assimilation, and including potential options for employees who are at risk of redundancy
* Where employees have assimilated or been appointed to posts through VPP they will meet with their manager to agree where any reasonable training is required to equip them for any new duties and/or areas of responsibility. External advertising of remaining vacant posts following assimilation will not take place until VPP and internal/AEP advertising and selection has been completed. The exception to this is where recruitment is essential for safeguarding; statutory or business continuity reasons; the employees in scope confirm they do not wish to be considered for the posts; and/or there are more posts than employees at risk of redundancy, with trade unions advised accordingly.
* All employees who are at risk of redundancy to be supported in securing a role via the alternative employment process (AEP), recognising that this is a joint responsibility between employer and employee.
* Provide trial periods with training for employees who are under notice of redundancy, where appropriate. This will apply to any remaining vacancies within the service and any vacancies applied for via the AEP. Recruiting managers and the employee to develop an appropriate action/training plan for the trial period with support from People Management and Trade Unions.

**3. Support provided to employees**

3.1 The management of change process includes support to be provided to employees who may find themselves at possible risk of redundancy: This includes;

* A clear Management commitment to work with recognised Trade Unions through both formal and informal means to aim to seek opportunities to reduce the risk of redundancy wherever possible. Management will share reshaping proposals as early as possible and in confidence;
* All reshaping consultation documentation and meetings with staff will clearly state that there is a potential risk of redundancy and therefore these are formal redundancy consultations. This should happen even if the options being consulted on are not always a need for headcount reduction. In some of the reshaping exercises new posts at different levels may result in staff being affected that then may result in the potential for redundancy scenarios;
* All reshaping consultation documentation and meetings to contain information outlining the Council’s commitment to avoid or mitigate the risk of redundancy;
* Assimilation process will include a confidential meeting with recognised Trade Unions before the outcomes are shared with staff. Trade Unions will have the ability to look at a selection of assimilation outcomes to scrutinise and challenge the assimilation process in more detail, with the ability for meaningful changes to be made where jointly agreed.
* Opportunity for employees to appeal against the assimilation outcome.

In a county council Directorate:

If an appeal is requested, employees will have a statutory right to be accompanied at the appeal meeting with the appeal heard by an Assistant Director and Senior Manager from a different Directorate to the reshaping. The assimilation appeal outcome is final.

In a School:

If an appeal is requested, employees will have a statutory right to be accompanied at the appeal meeting with the appeal heard by a panel of 2 Governors. The assimilation appeal outcome is final.

* All consultation and supporting information to be made available on the Employee Information Website following the staff consultation meeting. A hard copy information pack to be provided at the end of the first consultation meeting for staff without access to the Council’s ICT network.
* Communication methods and information to be available in a range of formats where required to ensure equal access to the documentation;
* All employees in scope offered at least, one 1:1 meeting during the reshaping process. The purpose of this is to seek the views and ideas of staff in relation to the proposals and provide as much opportunity for personal circumstances to be listened to, collated and considered;
* Voluntary redundancy information and frequently asked questions will be part of the supporting tools available for staff in considering their options;
* Job search support is provided by the Learning and Skills team, this includes; completing application forms, CV writing and interview preparation. The support can be adapted to the specific recruitment methods being used in the reshaping exercise;
* The Employee Information contains a variety of support information including; careers advice, setting up a business, planning for retirement. This will be primarily available on the Employee Information Website however hard copies can be made available for those employees without access to Council ICT systems or external website on request.

**4. Engagement process**

4.1 The managing change process provides the opportunity for engagement, support, challenge and feedback by Trade Unions and employees. The key stages of the process are outlined below:

4.2 Planning & Preparation

* HR1 meeting – Provide TUs with brief information, in confidence, on potential forthcoming service changes and proposals.
* Directorate JCG – Assistant Director to provide update information on the progress of any planned reshaping activity.
* TU briefing meeting – Provide TUs with the detail of proposed changes including a copy of the statement of change, current and proposed structure charts, current and proposed role profiles and indicative grades, rotas in advance of communication with staff. A checklist has been produced to ensure all elements are covered during this meeting.

4.3 Consultation

* First staff meeting- Presenting the proposals to staff, questions and discussion.
* One to one meetings – Individual impact, concerns, preferences.
* Mid-point staff meeting – Presenting any feedback, alternative proposals received and providing a response to any questions and concerns.
* TU briefing meeting – Sharing of the final decisions and the presentation slides in advance of the final staff meeting.
* Final staff meeting – Presenting the final decisions, response to feedback received and rationale for decision making.

4.4 Assimilation/Implementation

* Assimilation meeting – Management and Trade Union discussion and challenge regarding assimilation outcomes prior to staff being notified.
* Appeal against assimilation outcome – Employees have the opportunity to submit an appeal against the assimilation outcome and will have the statutory right to be accompanied at the appeal meeting. Trade Unions will be advised of the outcome of any appeals and the impact this may have on the wider reshaping scenarios.
* VPP meeting – Management and Trade Union to discuss the outcome of the VPP process and potential impact and options for individuals.
* Individual staff meetings – Where an employee has not been appointed to a post through the reshaping, a meeting will be arranged to discuss options such as suitable alternatives, VR, and trial periods. Individual action plans will then be developed to support the employee in securing alternative employment and could for example include attendance at interview skills workshop, financial advice and awareness of upcoming vacancies that may be suitable to apply for.
* Notice meeting – Redundancy notice meeting where all other options have been exhausted.

4.5 HR1 meetings will continue to take place on an approximately six weekly basis and provide an opportunity for Trade Unions to raise any concerns regarding the process.

This Memorandum forms an integral part of the Management of Change procedure and can only be altered by negotiated agreement between the employer and the recognised Trade Unions.

**Assistant Director with responsibility for People Management.**

**14 February 2018**