

ABERDEEN CITY COUNCIL

COMMITTEE	Education, Culture and Sport
DATE	18 February 2010
DIRECTOR	Annette Bruton
TITLE OF REPORT	Managing Redundancy Policy
REPORT NUMBER	ECS/10/07

1. PURPOSE OF REPORT

On 24th November 2009 the Education, Culture and Sport Committee approved the **Protocol on the Management of Excess Teaching Staff**. This protocol sets out the circumstances which may result in excess teaching staff and the various options available to address such an excess.

Whilst the aim of the protocol is to avoid redundancies wherever possible, the protocol makes reference to the need to consider redundancies as a last resort, where all other alternatives to mitigate the risk of redundancies - as set out in the protocol - has regrettably not proved possible.

The protocol refers to the need for a redundancy policy for teachers in these circumstances. No such policy presently exists within this Authority. The purpose of this report is to introduce a policy that sets out the employer's approach to dealing with potential redundancies, which is to a large extent, governed by statute.

The proposed policy is derived from these statutory requirements as well as the arrangements that currently apply to employees other than teachers.

The purpose of this report is to seek approval of the Managing Redundancy Policy in respect of teaching staff.

2. RECOMMENDATION(S)

It is recommended that Committee approves the application of the attached Policy to teaching staff.

3. FINANCIAL IMPLICATIONS

The financial implications associated with the Managing Redundancy Policy relate to the payment of statutory redundancy payments in cases where compulsory redundancy applies.

Statutory redundancy payments are calculated based on the employee's age and length of service.

4. SERVICE & COMMUNITY IMPACT

The Authority is committed to delivering the Single Outcome Agreement in line with the principles of best value. At times, changes in demand or in priorities can result in posts no longer being required. The Managing Redundancy Policy allows such situations to be addressed in cases where it has not been possible to resolve the overstaffing situation through alternative means.

Vibrant, Dynamic and Forward Looking gives a commitment to “ensure expenditure on education delivers maximum benefit to pupils’ education.” The Managing Redundancy Policy is one of the tools which can be applied to ensure that the staffing budget is being spent in the most appropriate way to ensure that pupils receive maximum benefit.

The Managing Redundancy Policy complies with equalities legislation, ensuring that selection criteria are appropriate and objective.

5. OTHER IMPLICATIONS

The Managing Redundancy Policy details the steps Aberdeen City Council will take to apply the legislation relating to redundancy contained within the Employment Rights Act 1996 (as amended.)

6. REPORT

Background

The existing ACC Managing Redundancy Policy has not previously been agreed as applying to teaching staff, with reductions in the requirement for teachers being managed through the Compulsory Transfer for Teachers and Early Retirement for Teaching Staff procedures or by holding staff in excess within schools.

The current financial situation in the Authority, combined with the Council’s commitment to ensure best value, no longer allow for excess staff to be held where the requirement for the work has diminished. Nor is it equitable for the Managing Redundancy Policy to apply to only some groups of staff.

It is for this reason that there was a need to introduce a Protocol on the Management of Excess Teaching Staff providing for consideration of redundancies as a last resort to address excess staffing. With the introduction of this protocol, it was recognised that a redundancy policy required to be adopted with some urgency to ensure that employees at risk of redundancy are treated fairly and in line with statutory requirements.

As an employer, Aberdeen City Council is committed to attempting to ensure that, wherever possible, those employees who wish to continue in the service of the Authority are able to do so.

A number of factors, including falling school rolls, reviews of the City Learning Estate and the budget pressures on the Authority may mean that it is not possible to deploy all teaching staff identified as excess within the City. The Managing Redundancy Policy will be applied to staff at risk of redundancy.

The attached draft Managing Redundancy Policy reflects the current arrangements that apply to support staff, thus ensuring equity of treatment for all staff employed by the Authority.

Consultation meetings have taken place with the teaching professional associations, and the Redundancy Policy was agreed at the Local Negotiating Committee for Teachers on 5th February 2010.

7. REPORT AUTHOR DETAILS

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8. BACKGROUND PAPERS

The Managing Redundancy Policy should be read in conjunction with the following:

- The Protocol on the Management of Excess Teaching Staff

DRAFT



ABERDEEN
CITY COUNCIL

MANAGING REDUNDANCY POLICY

February 2010

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SECTION 1: POLICY STATEMENT

Introduction

This policy sets out Aberdeen City Council's approach to dealing with potential redundancies.

Although the Council's policy is to avoid redundancies occurring wherever possible, the needs of the organisation may from time to time require a reduction in the overall number of staff we employ or organisational changes that result in some employees facing redundancy, and there may be occasions where compulsory redundancies are unavoidable.

Where redundancies require to be considered, the Council will ensure that

- **The total number of redundancies made are kept to a minimum**
- **Employees and their trade union representatives are fully consulted on any proposals**
- **Selection for redundancy is based on clear criteria that will be objectively and fairly applied**
- **Every effort is made to redeploy employees whose employment is at risk on redundancy grounds**
- **Other alternatives are considered to mitigate the risk of redundancies**

This procedure applies to all permanent employees of Aberdeen City Council, including teachers and chief officers.

SECTION 2: CONSULTATION

Aberdeen City Council will meet its statutory redundancy consultation and notification obligations as contained in Part IV of the Trade Union and Labour Relations (Consolidation) Act 1992.

The following information will be disclosed, in writing, to the trade unions:

- reasons for the proposals
- number and descriptions of employees who it proposes to dismiss as redundant
- total number of employees of that description employed in the place in which the requirements to carry out that work have ceased or diminished
- proposed selection procedure to be used
- proposals on how dismissals are to be carried out, including the timescale
- proposed method of calculating redundancy payments

Consultation will begin where management are considering redundancies but no firm decisions have been reached, and will be undertaken with the relevant trade unions with a view to reaching agreement. This consultation will include discussions on ways to:

- avoid the dismissals
- reduce the numbers of employees to be dismissed
- mitigate the consequences of the dismissals
- the proposed pool for selection
- the proposed selection criteria

Timescales

To meet its legal obligations the Council will consult within the following timescales, however where reasonably practicable the consultation will begin at the earliest possible stage:

- at least **30 days** before the first dismissal takes effect if **20 to 99 employees** are at risk of redundancy over a period of 90 days or less
- at least **90 days** before the first dismissal takes effect if **100 or more employees** are at risk of redundancy over a period of 90 days

Consultation with trade unions **must** be completed **before** notices of redundancy dismissals are issued.

Notifying central government

The Council will notify the relevant central government department of proposed redundancies of 20 employees or more in writing on the relevant form. Such notification will be made according to the following timescales.

At least 30 days written notification will be given if 20 to 99 days employees are at risk of redundancy dismissal. At least 90 days written notification will be given if 100 or more employees are at risk of redundancy dismissal. These timescales are before the first dismissal takes effect.

A copy of this notification will be supplied to the trades unions at the time of notification to central government.

SECTION 3: STEPS TO AVOID OR MINIMISE COMPULSORY REDUNDANCIES

Preventative measures

The Council will seek to mitigate the effects of any necessary staffing reduction by considering alternative courses of action other than compulsory redundancy. Such courses of action may include:

- natural wastage
- recruitment freeze
- reducing or removing overtime
- sabbaticals (paid or unpaid)
- reduction in working week
- secondments to other organisations
- deployment of staff to other parts of the organisation

In the event that the above measures do not mitigate the need for redundancies, management will consider the following options:

Redeployment

The Council will make every effort to redeploy any employee who is selected for redundancy. This will be carried out in accordance with the Council's Redeployment Policy and Procedure.

Voluntary Redundancies

The Council may consider voluntary redundancies from **within** the pool of affected employees. This will be carried out by inviting noted interests through the approved Early Retirement/Voluntary Severance Scheme.

It is important to note that in the interest of retaining employees with particular skills and competencies, it is emphasised that not all volunteers will be allowed to leave under the Early Retirement/Voluntary Severance Scheme and applications will be considered at management's discretion.

"Bumped" Redundancies

The Council may consider voluntary redundancies from **outwith** the pool of affected employees if there has been, or there is expected to be, an insufficient number of volunteers from within the affected pool. In these circumstances, employees may be invited to volunteer for redundancy to make way for employees with transferable skills whose job has become redundant and who do not wish to volunteer to leave the organisation.

Where the required reductions cannot be achieved by the means stated in this section the affected employees will be selected for compulsory redundancy.

SECTION 4: SELECTION CRITERIA FOR COMPULSORY REDUNDANCIES

The Council will construct a fair and robust set of selection criteria for each pool of affected employees. This will be determined by measuring those in the pool against the skills, knowledge and competencies that need to be retained by the Council.

SECTION 5: TIME OFF WORK

An employee under notice of redundancy will be entitled to reasonable paid time off to look for alternative work, attend interviews, etc. Employees wishing to take advantage of this right should make the appropriate arrangements with their line manager.

SECTION 6: COMPENSATORY PAYMENTS

The compensatory payments made to employees who leave by either voluntary or compulsory redundancy are stated in whichever early retirement/voluntary severance scheme that applies to those employees.

The amount of compensation payable will be confirmed when the employee is selected for redundancy and the sum will be paid along with the employee's final salary payment.

Employees who unreasonably refuse an offer of suitable alternative employment are not entitled to a statutory redundancy payment.

SECTION 7: APPEALS

Any employee who feels that they have been unfairly dismissed on redundancy grounds has the right of appeal.

The appeal should be submitted in writing to the Council's Appeals by Employees Committee or the Corporate Director within 10 days of receipt of the letter terminating their employment.

SECTION 8: FLOWCHART

