

TAYSIDE FIRE AND RESCUE BOARD**REPORT BY THE CHIEF FIRE OFFICER****23 AUGUST 2010**

REVISED REDUNDANCY POLICY AND PROCEDURE**Abstract**

This Report provides Members with a revised redundancy policy and procedure for Tayside Fire and Rescue.

1 RECOMMENDATIONS

It is recommended that Members approve the revised policy and procedures described within this Report.

2 INTRODUCTION

Tayside Fire and Rescue's Redundancy Policy and Procedure was agreed by the Board at the Board meeting on 12 November 2007. All Tayside Fire and Rescue's policies and procedures are the subject of regular review. This revised Redundancy Policy and Procedure takes account of current employment legislation and best practice.

Tayside Fire and Rescue intends to ensure as far as possible security of employment for its staff. However, it is recognised that, in the constantly evolving environment within which Tayside Fire and Rescue operates, the need for change will be inevitable and that this may affect staffing requirements or workforce composition. In such situations Tayside Fire and Rescue will comply with existing legislation and agreed practice outlined in this document when selecting staff for redundancy.

This policy, which applies to all employees of Tayside Fire and Rescue, seeks to ensure that management, employees and trade unions are clear on the way any redundancy situation will be handled. By establishing a policy, which is understood by all parties, it is hoped that the impact on employees will be minimised and any redundancy situations can be handled with fairness, consistency and sensitivity.

Redundancy arises when employees are dismissed because:

- The employer has ceased, or intends to cease, to carry on the business for the purposes of which the employee was employed; or
- The employer has ceased, or intends to cease, to carry on the business in the place where the employee was 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.

A Redundancy Procedure Framework in the form of a flow chart is shown for your information in Appendix 1 and a guide to the calculation of redundancy pay is shown in Appendix 2.

3 MEASURES TO AVOID OR MINIMISE COMPULSORY REDUNDANCIES

Tayside Fire and Rescue will make every effort to continuously monitor present and future staffing requirements and thereby minimise the need for compulsory redundancies. This will include utilising the following measures as appropriate:

- Restricting the recruitment of established staff
- Use of flexible working arrangements
- Reducing/eliminating overtime worked
- Inviting applications for voluntary redundancy or early retirement
- Ring fencing vacancies to ensure that employees facing redundancy receive priority ahead of other potential applicants
- Terminating temporary contracts where appropriate with a view to protecting permanent employees.

4 VOLUNTARY REDUNDANCY

Tayside Fire and Rescue has an agreed scheme for early retirement and voluntary redundancy and requests will be carefully considered in line with this but without commitment from either the employee or Tayside Fire and Rescue.

Voluntary redundancies and early retirements will be subject to the organisation's need to make an overall financial saving whilst retaining a balanced workforce with the appropriate mix of skills, experience levels and knowledge to deliver services efficiently and effectively.

5 REDEPLOYMENT

Tayside Fire and Rescue will make every effort to redeploy employees into suitable alternative employment, which is regarded as posts which provide similar earnings and status to the employee's current role, is within the employee's capability and does not involve unreasonable additional inconvenience to the employee. If redeployed into a post with different terms and conditions the employee will be appointed on the conditions of service attached to the new post.

An employee placed within a lower graded post will be entitled to 3 months preservation of salary after which they will be paid at the grade appropriate to the new post.

If the employee is offered a suitable alternative post in Tayside Fire and Rescue they will be entitled to a four week trial in the post. If the alternative post is substantially different this trial period may be extended for a further 4 weeks to allow for post

specific training to take place. If, at the end of the trial period, they unreasonably refuse to continue in that post, they will lose their entitlement to redundancy pay. If their refusal to continue in employment is reasonable, they will be entitled to redundancy pay.

6 CONSULTATION WITH REPRESENTATIVE BODIES

Where the potential need for redundancies has been identified, Tayside Fire and Rescue will consult with the appropriate trade unions and staff representatives in good time and in accordance with legal requirements.

The purpose of consultation is to discuss ways to avoid the redundancies, reduce the numbers of employees to be made redundant and to mitigate the consequences for those employees made redundant.

For the purposes of consultation, Tayside Fire and Rescue will confirm in writing

- The reasons for proposed redundancies
- The proposed number and categories of employees to be made redundant
- The total number of employees in each category currently employed
- The proposed method of selecting employees to be made redundant
- The proposed method of carrying out the dismissals and the timescales
- The proposed method of calculating redundancy payments

7 CONSULTATION WITH EMPLOYEES

It is integral to the fair handling of redundancy that individual employees are consulted with. When a potential redundancy situation arises a meeting will be held by a Head of Department with the staffing group at risk of redundancy to explain the reasons for the potential redundancies and the procedure that will be followed.

Individual meetings will then be scheduled with a manager and a member of the HR team. The employee has the right to be accompanied by a trade union representative or work colleague at all individual meetings held. The purpose of individual meetings is to discuss the situation directly with the employee.

8 SELECTION OF EMPLOYEES FOR REDUNDANCY

In selecting employees for redundancy, Tayside Fire and Rescue needs to ensure that it retains a balanced workforce to help achieve strategic and operational objectives.

Tayside Fire and Rescue does not believe it is possible or appropriate to lay down selection criteria to be used in all redundancy situations. The criteria to be used in each redundancy situation will be based on the organisation's current and anticipated staffing needs with a view to ensuring the retention of a sufficiently skilled and knowledgeable workforce.

At the time that selection is necessary, management will seek to agree selection criteria with the Trade Unions, however, if agreement is not possible, management

shall make the final decision. Once appropriate selection criteria have been established, those employees in the affected pools will be advised accordingly.

Examples of criteria that may be used are:

- Technical skills and expertise
- Attendance and disciplinary record

The appropriate Line Manager/Head of Department or Principal Manager, in conjunction with a Human Resources representative, will assess all employees and a score for each will be established.

The employees with the lowest scores and therefore at risk of redundancy will be written to informing them of their provisional selection for redundancy and inviting them to a meeting with their Head of Department and an HR representative to discuss the position, their assessment and any other options.

The letter will contain the following information:

- The reason for potential redundancy
- Their personal assessment against the selection criteria
- The effective date for termination of employment if the redundancy cannot be avoided
- Any offers of redeployment and the terms and conditions associated with any new post
- Details of any redundancy and other payments due

Any proposals made by the employee or their representative during this meeting will be carefully considered. A further meeting will be held to advise the employee if their proposal has altered the situation or if redundancy will apply.

All employees will be entitled to full notice as detailed in their terms and conditions of employment with due regard to minimum legislative requirements. Where appropriate, payment in lieu of notice may be made.

9 APPEALS

Any employee who has been selected for redundancy and who is dissatisfied with the way in which the organisation has applied its redundancy selection criteria, or who believes that they have been unfairly disadvantaged by the selection criteria or not given a fair opportunity to put forward representations, can appeal against their selection for redundancy. The employee will have the right to be accompanied at this meeting by a trade union representative or a work colleague.

The appeal should be made in writing to the Head of Personnel, outlining the grounds for the appeal, within seven working days of the formal notification of redundancy being given. A meeting will then be arranged, within ten days, with a member of the Management Team who will consider the process undertaken and determine whether or not to uphold the decision to make the employee redundant.

10 FINANCIAL IMPLICATIONS

Financial implications will arise if and when Tayside Fire and Rescue are required to make redundancies from their workforce, and these will be considered at that time, however there are no direct financial implications arising from the approval of this report.

11 CONSULTATION

The Clerk and Treasurer have been consulted in the preparation of this Report.

12 CONCLUSION

This revised Redundancy Policy and Procedure takes account of current employment legislation and best practice.

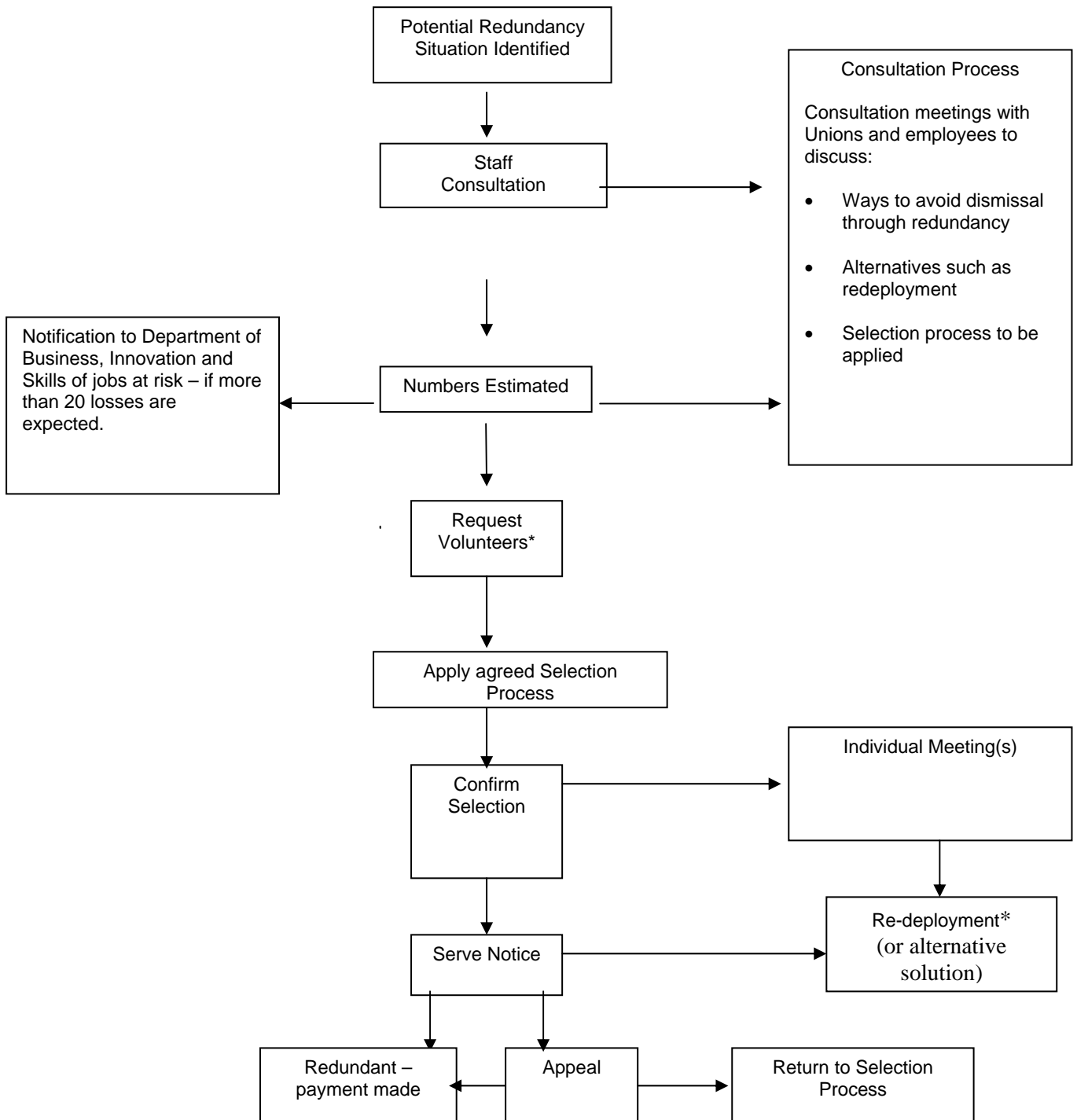
S Hunter
Chief Fire Officer

Background Papers

No background papers, as defined in section 50d of the Local Government (Scotland) Act 1973 (other than any containing confidential or exempt information) were relied on to any material extent in preparing the above Report.

Fire and Rescue Headquarters
DUNDEE

REDUNDANCY PROCEDURE FRAMEWORK



* Volunteers and re-deployment will be considered at any stage in the process

CALCULATION OF REDUNDANCY PAY

Employees must have two years continuous relevant service to be entitled to redundancy pay. The date for reckoning continuous service is the effective date of redundancy.

All employees who are made redundant and who qualify for payments will be provided with a written explanation of how their payments were calculated.

The number of weeks of pay used in assessing the amount of redundancy payment due will be determined by the employee's continuous years of service up to a maximum of 20 years and his/her age when those years are being worked.

The calculation will be made by working backwards from the relevant date and applying the following formula:

- 0.5 week's pay for each full year of service when the employee was under 22
- 1 week's pay for each full year of service when the employee was 22 or above, but under 41
- 1.5 week's pay for each full year of service when the employee was 41 or above

A week's pay is the basic weekly pay where the employee has worked normal hours and their pay does not vary. Where earnings vary, the amount will be the average weekly earnings during the 12 weeks prior to termination. Overtime payments are not a contractual entitlement and will not be included in the calculation for redundancy pay.

Redundancy pay will be the normal amount of a week's pay multiplied by the number of weeks pay due.

