



**Redundancy policy
(including redeployment)**

Information sheet

Information box

For further advice contact: Human Resources

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Version control

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2.0	Jenny Wagner	May 2017	Reviewed following launch of Cabinet Office 2016 Protocol – Civil Service Redundancy Principles

Impact assessment

- A business rationale assessment has been carried out and this policy contributes to Estyn's strategic objectives and delivery principles.
- An equality impact assessment has been carried out and this policy is not deemed to adversely impact on any people on the grounds of age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation or Welsh language.

Policy agreement

This policy and its associated procedures are agreed by Estyn's management and trade unions.

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Introduction

- 1 Estyn is committed to being an exemplary employer that values all its employees.
- 2 Change is a regular occurrence in the public sector and there continues to be a focus on budgetary constraints, efficiency measures and cost reductions. Estyn is not immune from these pressures; recent and future budget settlements are likely to impact our programme of work and will affect our operational requirements and future workforce needs.
- 3 Generally, a redundancy situation exists where:
 - the work is changing, reducing or coming to an end
 - the work will be done in a different way
 - the location of the work is changing or the office is closing
- 4 The purpose of this policy is to set out how we will manage any necessary reduction in workforce numbers for all permanent employees, including members of the Senior Civil Service. These arrangements do not apply to the expiry of Fixed Term Appointments which are managed on an individual basis.
- 5 This policy reflects Estyn's commitment to employee consultation and to provide appropriate support to employees should redundancies take place.
- 6 We will follow the [Cabinet Office 2016 Protocol – Civil Service Redundancy Principles](#) for all employees, should we identify that we have a need to reduce workforce numbers.
- 7 In a redundancy situation we will undertake an impact assessment to consider the impact of planned proposals on the business, employees with protected characteristics and the Welsh language and monitor this during an exit scheme.

Workforce planning

- 8 We undertake regular reviews to identify skills and knowledge required for future business delivery and changes in workforce requirements.
- 9 We will undertake workforce planning when developing any proposals for potential restructuring or a job reduction programme. This planning will ensure:
 - appropriate and affordable organisational structures within Estyn
 - retention of skills/knowledge for future business delivery
 - mechanisms for employee development are in place
- 10 Where workforce planning identifies potential long-term (12 month) reductions in workforce, we will share information about planned recruitment and exits through engagement and discussion with other Civil Service employers.

Early consultation and redundancy avoidance measures

- 11 It is Estyn's intention to consider all measures which might avoid or minimise the need for compulsory redundancies wherever possible, and if they should be unavoidable to mitigate their effect.
- 12 Estyn recognises the benefits of workforce planning and early consultation with Civil Service Local, Recruitment and Redeployment Working Group and the trade unions and also recognises its statutory obligations in respect of consultation.
- 13 Consultation with trade unions will include consideration of the steps to avoid or, failing that, to minimise compulsory redundancy and will be with a view to reaching an agreement. Wherever possible, consultation regarding the appropriateness of these steps will take place prior to formal notification of a redundancy situation, at the point where a potential redundancy situation is identified.
- 14 Affected employees will be informed of plans as soon as possible through discussions with their line manager.
- 15 Estyn will give consideration to the appropriateness of the following measures on each occasion that a redundancy situation arises:
 - trying to make savings in other non-personnel areas
 - reducing workforce numbers by natural turnover
 - review positions filled by loans, secondments, consultants, short-term or agency workers, fixed term appointments and similar appointments, to establish if these would be suitable for permanent employees whose jobs could be at risk
 - a voluntary exit scheme (as defined in the [Civil Service Compensation Scheme](#))
 - training, re-training and redeployment within Estyn
 - facilitating early redeployment across the wider Civil Service in liaison with Civil Service Local, the Recruitment and Redeployment Working Group or in the broader public sector where it is practicable to do so
 - limiting recruitment where appropriate and seeking first to fill any essential vacant posts from existing employees with the appropriate skills and experience
 - considering volunteers for part-time working or job sharing, subject to meeting business needs of Estyn
 - consider options to relocate those affected to alternative posts across the Civil Service
 - considering suggestions from trade unions and employees

Formal consultation

- 16 Where the redundancy avoidance measures outlined above, including redeployment, fail to produce sufficient reductions in employment levels, and it becomes clear compulsory redundancies may be unavoidable, Estyn will:
- begin a formal consultation period with the trade unions and individual employees at risk of redundancy
 - ensure the selection criteria centre on the balance of skills and competencies required for future business delivery
 - notify every employee who is at risk in writing that this is the case
 - offer a voluntary redundancy scheme in line with the [Civil Service Compensation Scheme](#)
 - have early face-to-face conversations with affected employees to seek clarity on what they want to do
 - support those who wish to continue their Civil Service career to find alternative employment
 - hold a Redundancy Mitigation Review meeting prior to the end of the formal consultation period if employees are still at risk of compulsory redundancy
- 17 The length of formal consultation before the first dismissal takes effect will depend on the number of employees at risk of redundancy:
- minimum 30 days consultation for 1-99 employees
 - minimum 45 days consultation for 100+ employees
- 18 During this period, Estyn will continue its efforts to avoid issuing compulsory notices.
- 19 Where it is evident that Estyn has done all that it reasonably can to avoid compulsory redundancies, consultation may come to an earlier end with agreement of the trade unions.
- 20 We will provide the trade unions with the following information:
- reason(s) for the proposed redundancies
 - number and description of employees affected (the unit of redundancy)
 - proposed method of selecting the employees who may be made redundant
 - proposed method of carrying out the redundancies, taking account of any agreed procedure, including the time period over which the dismissals will take place
 - how redundancy payments will be calculated
- 21 Employees affected will be informed of the decision and they will be offered voluntary redundancy. We will provide employees provisionally selected for redundancy with information about:
- the proposed selection criteria and methods

- the redundancy terms and expected compensation payment in line with the provisions of the [Civil Service Compensation Scheme](#)
 - what happens if they do or do not accept voluntary redundancy
 - the redeployment support available in seeking alternative employment
- 22 Employees may be accompanied by a colleague or trade union representative at any meetings arranged to discuss redundancy issues.
- 23 No announcement regarding compulsory redundancies will be made until the employee(s) concerned and their trade union representatives have been informed.
- 24 Employees who do not accept an offer of voluntary redundancy because they wish to continue their Civil Service career will be given four weeks of redeployment support to continue looking for another job before the Redundancy Mitigation Review meeting. Employees are expected to actively engage in seeking redeployment and give careful consideration to the options open to them.

Redundancy selection

- 25 The selection criteria to be used in the case of redundancy will change from time to time to reflect the needs of the business. The criteria to be used will be fair and robust in application and Estyn will consult the trade unions on the proposed criteria.
- 26 Provisional selection for redundancy will ensure that the key skills needed for future business delivery are retained. Selection decisions will be made using a process that is fair, reasonable, non-discriminatory and evidence based.
- 27 The selection method will depend on the nature of the change and the number of employee's affected but will consider the following core criteria:
- retention of key skills, which could include any or all of the following:
 - specialist skills/knowledge, particularly those which would be difficult to replace in the future and which are business critical
 - advanced skills or formal qualifications
 - standard of work performance
 - financial criteria:
 - value for money
 - overall cost of the exit
- 28 Some additional criteria could be used such as:
- competencies
 - attendance or disciplinary records
 - length of service

Suitable alternative work and redeployment

- 29 Estyn will make efforts to find suitable alternative employment where possible when employees are at risk of redundancy.
- 30 A suitable alternative vacancy is one where the work is suitable in relation to the employee and appropriate for the employee to do, and the terms and conditions are not substantially less favourable than the employee's current terms and conditions.
- 31 Estyn will engage with Civil Service Local and the Recruitment and Redeployment Working Group prior to any redundancy situation as part of workforce planning to determine whether there are any redeployment opportunities within the wider Civil Service. Civil Service Local hold meetings to discuss local recruitment and redeployment issues in their regions and liaise with the Recruitment and Redeployment Working Group at the national level who meet regularly to discuss immediate and future plans for recruitment and redeployment requirements across the Civil Services.
- 32 Employees who choose to be redeployed will not be eligible for voluntary redundancy.
- 33 Estyn may apply a selection process for any suitable internal roles where the role may be suitable for more than one employee at risk. Estyn reserves the right to make the final decision on whether or not to offer an alternative position to an employee.
- 34 Employees who are on certain types of family leave (e.g. maternity, paternity, adoption or shared parental leave) when a redundancy situation that affects them arises will be given priority over other employees when offering suitable alternative employment in line with their statutory rights. This priority does not apply to employees on Ordinary Paternity Leave or unpaid Parental Leave.
- 35 Where an offer of suitable alternative employment within Estyn is accepted by the employee we will operate a four-week trial period in the new position to allow both Estyn and the employee to consider the suitability of the alternative post. We will arrange a review meeting before the end of the trial period to discuss and assess whether or not the alternative position is in fact suitable, taking into consideration any relevant factors including, but not limited to, capability and any training required.
- 36 If the post is suitable, the employee will be officially transferred into the role as their substantive post and the employee will no longer be dismissed by reason of redundancy. Where it is established that the alternative position is not suitable for the employee, the employee will remain at risk of redundancy.
- 37 If the employee who is at risk of redundancy refuses a reasonable offer of suitable alternative employment, Estyn may consider whether it should withhold compensation under the [Civil Service Compensation Scheme](#).

Supporting employees at risk

- 38 Estyn will make every reasonable effort to support any employee who is at risk of redundancy or being made redundant. Depending on resources available at the relevant time, Estyn will consider paying for reasonable and relevant additional support to assist employees in gaining alternative employment e.g. arranging for outsourced support.
- 39 Estyn will endeavour to assist employees for whom alternative work cannot be found within Estyn or the wider Civil Service to find other employment.
- 40 Examples of support include:
- access to professional counselling services through the Employee Assistance Programme to ensure the employee is able to talk to someone about the effects of redundancy and seek advice on managing personal finances and availability of state benefits
 - help in CV writing and preparing for interviews, as appropriate
 - arranging for refresher skills training where appropriate e.g. presentation and interview skills
 - providing reasonable time off to look for work, attend interviews or to arrange training to prepare them for alternative employment

Redundancy Mitigation Review

- 41 Where employees remain at risk of redundancy during the formal consultation period, a Redundancy Mitigation Review (RMR) meeting will be chaired by Estyn and attended by representatives from the Cabinet Office, Estyn's trade unions and the relevant national unions.
- 42 The RMR meeting will be held as soon as Estyn considers we have done all that is reasonably possible to avoid a redundancy situation, usually after completion of the formal consultation period.
- 43 The purpose of the RMR is to review the individual cases in question, the redeployment activity that has taken place and consider if there are any further options to avoid compulsory redundancy.
- 44 The RMR may take place by telephone, through correspondence or face to face.
- 45 At the end of the RMR meeting we will make a final decision on the notice(s) of redundancy. If the review concludes that all steps have been taken under the [Cabinet Office 2016 Protocol – Civil Service Redundancy Principles](#) to avoid the issue of notices of compulsory redundancy, we will be required to issue compulsory redundancy notices.

Compulsory redundancy

- 46 Following the conclusion of the RMR, we will write to the trade unions and the employee(s) selected for redundancy confirming formal consultation has concluded. Notices will be issued to employees for whom a suitable alternative employment offer was not found or to employees who refused such an offer.
- 47 The employees selected for compulsory redundancy will be notified individually in writing, together with details of the selection criteria and methods that resulted in their selection, what it means for them and any future steps.
- 48 Refusal by an employee at risk of receiving notice of compulsory redundancy, of what is seen by Estyn management and the trade unions as a reasonable offer of suitable alternative employment may lead to conclusions which could include that the individual has acquiesced to the acceptance of compulsory redundancy.

Appeal

- 49 An employee who is dismissed under compulsory redundancy will have the right to appeal to an appeal panel comprised of Estyn Non-Executive Directors. The appeal must set out the grounds for the appeal and be submitted in writing within five working days of the employee receiving the letter giving notice of redundancy.
- 50 The appeal panel will arrange a meeting as soon as possible with the appellant to discuss the appeal and will give a decision on the representations within ten working days of the meeting. The appellant can be accompanied to the appeal meeting by a colleague or a trade union representative.

Notice period

- 51 Where selection for redundancy has been confirmed, those selected for redundancy will be given notice in accordance with contractual entitlement. Employees will normally be required to work their period of notice, however in certain circumstances, where it is considered appropriate by the Executive Board, employees may leave with payment in lieu of notice. Where required by business needs, Estyn may extend the notice period, in exceptional circumstances.
- 52 Following the issue of compulsory redundancy notices, employees can continue to search and apply for Civil Service wide roles until their last week of employment.
- 53 If an employee is successful in securing a permanent alternative Civil Service role, compulsory redundancy notice will be withdrawn.

- 54 If an employee is successful in securing a fixed term appointment lasting a reasonable length in an alternative Civil Service role, compulsory redundancy notice will be suspended or withdrawn as appropriate.

Redundancy pay

- 55 Voluntary and compulsory redundancy payments will be calculated by reference to the rules of the [Civil Service Compensation Scheme](#) on the employee's last day service in Estyn.

Supporting employees who remain

- 56 The Executive Board will consider the impact on the motivation and morale of remaining employees within Estyn and will:
- give all employees a full explanation of the situation and explain the policies and practices adopted to those made redundant
 - demonstrate the necessity for change
 - give an appraisal of future employment prospects and details of changes in working arrangements
 - provide a forward-looking, positive attitude for the future and confirm the value of remaining employees in that future

Management information

- 57 We will publish the numbers of exits through exit schemes and report the number of voluntary exits, voluntary redundancies and compulsory redundancies to the Cabinet Office.

Overview of process

