

Subject: Human Resources Policies
including Grievance and Redundancy

Status: For Publication

Report to:

Full Council

Date:

14th October 2010

Report of:

Head of People and Policy

Portfolio

Holder: Portfolio Holder for Finance and Resources

Key Decision: No

Forward Plan

General Exception

Special Urgency

1. PURPOSE OF REPORT

1.1 To note the consultation which has been taking place in relation to the modernisation of the Council's Human Resources Policies.

1.2 To agree revised policies in relation to Grievance and Redundancy.

2. CORPORATE PRIORITIES

2.1 The matters discussed in this report impact directly on the following corporate priorities and associated corporate objective.

- Providing value for money services

3. RISK ASSESSMENT IMPLICATIONS

3.1 All the issues raised and the recommendations in this report involve risk considerations as set out below:

The policies need modernization in light of legislation, failure to revise the policies could lead to an inconsistency, a delay in resolving issues and litigation.

4. BACKGROUND AND OPTIONS

4. CONTEXT

4.1 The Council renegotiates policies and local agreements utilising the process of collective bargaining. This is a process where employers and the Trade Union reach agreement regarding the rights and duties of people at work. Collective bargaining aims to reach a collective agreement which sets out issues such as pay, working hours, and training. A period of consultation has been ongoing to modernise some of the Council's broader employment policies in light of changes in legislation, learning and in light of the application of those policies. The Head of People and Policy under delegated authority has renegotiated revised Disciplinary and Absence Management Procedures. In addition, the Trade Union has also agreed to revisions to the Grievance and Redundancy policies which are subject to Full Council approval.

4.2 Grievance Policy

The Council's Grievance Policy should allow for the speedy resolution of concerns and complaints of employees. In addition, it is necessary for the Policy to clearly explain how issues of concern to employees will be dealt with by the employer. Due to the positive employee relations at Rossendale Borough Council, the Grievance Policy is rarely used as most issues are resolved at a managerial level. However, there have been issues where the existing Policy does not provide for the speedy resolution of matters due to the number of levels within the procedure. In addition, there have been situations where the procedure has been used as a mechanism for delaying decision making. The Trade Union have considered the representations of the Council and a new policy has been negotiated. The revised Policy explicitly explains those areas where the Policy can be applied, is more comprehensive and has reduced the number of levels of appeal, the final level being the Chief Executive or their nominated representative.

4.3 Redundancy Policy

The Council has previously had a number of policies and national agreements which deal with redundancy matters. The proposed Redundancy Policy will replace all other compulsory, voluntary, redeployment and redundancy procedures and provide a clear and consistent Policy for dealing with reductions in the workforce. The Policy also confirms the Council's position in relation to discretionary redundancy, added years with regards to the application the pension regulations. Further, it confirms the position of those employees who are redeployed and reduces the level of protection awarded to employees and creates a different mechanism for dealing with redundancy situations.

COMMENTS FROM STATUTORY OFFICERS:

5. SECTION 151 OFFICER

5.1 With regard to the Grievance Policy there are no material financial implications.

5.2 With regard to the Redundancy Policy, positive financial implication do arise from:

- no added years available under pension arrangements,
- no enhanced redundancy under the discretionary redundancy provisions,
- reducing the level of protection from 4 years to 1 year automatic with possibly 2 years providing there is a business need,

5.3 However, adverse implications arise from the automatic 4 weeks additional basic redundancy payment for anyone in a compulsory redundancy situation on top of the statutory arrangement.

6. MONITORING OFFICER

6.1 Any legal implications are commented upon within the body of the report.

7. HEAD OF PEOPLE AND POLICY

7.1 Human Resources implications are included within the report

8. CONCLUSION

8.1 The revised Policies have been developed in light of extensive consultation at a local and regional level with the Trade Union and represent a package of policies to be agreed.

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9. RECOMMENDATIONS

9.1 Members are asked to note the consultation which has been taking place in relation to the modernisation of the Human Resources Policies and Procedures.

9.2 Members are asked to agree the revised Policies in relation to Grievance and Redundancy.

10. CONSULTATION CARRIED OUT

10.1 Management Team, Overview and Scrutiny Committee, Portfolio Holder, Leader, Trade Union.

11. EQUALITY IMPACT ASSESSMENT

Is an Equality Impact Assessment required Yes

Is an Equality Impact Assessment attached Yes

12. BIODIVERSITY IMPACT ASSESSMENT

Is a Biodiversity Impact Assessment required No

Is a Biodiversity Impact Assessment attached No

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Grievance Procedure

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Date last edited:	24.9.2010	Status:	Final
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Problem Resolution Procedure

Grievance Procedure

1.0 Introduction

The Procedure details the process to be followed to deal with concerns, problems or complaints raised by employees at Rossendale Borough Council.

2.0 Scope

The Procedure applies to all Permanent, Temporary or Casual employees who are employed by Rossendale Borough Council with the exception of the Chief Executive and Chief Officers.

3.0 Exclusions

The Procedure can be used to resolve any problem with the exception of the following:

- Disciplinary matters
- Probation
- Job evaluation and grading matters
- Selection for redundancy
- Sickness absence management matters
- Capability
- National Conditions of Service and Local Agreements
- Council policies
- Recruitment and Selection
- Redundancy
- Matters relating to payroll such as income tax, national insurance and pension
- Any other matter where there is already a procedure in place for resolving problems such as the bullying and harassment procedure.

The Procedure cannot be used to delay or used as an obstructive process to impede the process of change and decision making. However, where a grievance is lodged in relation to a matter, consideration must be given to postponing that decision pending the outcome of the grievance, particularly in instances of contractual change.

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4.0 Definition

Grievances are concerns, problems or complaints that employees raise with employers. Employers and employees should always try to resolve problems in the workplace at the earliest possible opportunity and with at least possible formality.

5.0 Informal Stage

If the employee has a grievance or complaint relating to their work, working conditions, working hours, or if they are concerned about their health and safety or a breach of their statutory employment rights or any other issue affecting their employment, they should first talk the matter over on an informal basis with their immediate supervisor. He/she should discuss the employee's concerns in confidence, make discreet investigations, and attempt to resolve the matter speedily and fairly.

6.0 Stage 1

- 6.1 If the employee remains concerned following the informal meeting with their supervisor, the employee must formally write to their supervisor setting out their grievance and the basis for it and ask for a meeting.
- 6.2 The employee has the legal right to be accompanied at that meeting, and at any further such meetings, by a colleague, or a trade union representative of their choice. The meeting may be postponed, at their request, and for up to five working days, if their chosen companion is not available to attend on the date set for the meeting in question.
- 6.3 Employees and their representatives should make every effort to attend the meeting.
- 6.4 At the meeting, employees should explain their grievance and how they think it should be resolved. Consideration should be given to adjourning the meeting for any investigation that may be necessary.
- 6.5 The supervisor will provide the outcome to the grievance within 10 working days of the meeting, and will give the employee his/her reasons in writing. This timescale may be extended depending on the issues raised and the length of time it takes to resolve them. The outcome should be provided within a reasonable timescale and the reasons for any delay should be communicated to the employee.

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6.6 Should the employee remain dissatisfied with the outcome, they will have the right to pursue the matter further by submitting an appeal to the next tier of line management (the supervisor's line manager). The appeal should be submitted to the supervisor within 5 working days of receipt of the written outcome.

7.0 Stage 2

7.1 The next tier of line management (the supervisor's line manager) will discuss the issue with the employee at a meeting convened for that purpose. The meeting may be postponed, at the employee's request, for up to five working days, if their chosen companion is not available to attend on the date set for the meeting.

7.2 The line manager will also meet with the supervisor to obtain information and the outcomes from the previous meetings held under this procedure.

7.3 The line manager will consider the facts, make his/her decision and communicate to the employee and the supervisor their findings in writing within the next ten working days.

7.4 This timescale may be extended depending on the issues raised and the length of time it takes to resolve them. The outcome should be provided within a reasonable timescale and the reasons for any delay should be communicated to the employee.

7.5 Should the employee remain dissatisfied with the outcome, they will have the right to pursue the matter further by submitting an appeal to the Chief Executive or their nominated representative. The appeal should be submitted to the Head of People and Policy within 5 working days of receipt of the written outcome.

8.0 Appeal

8.1 The Chief Executive or their nominated representative will discuss the issue with the employee at a meeting convened for that purpose. The meeting may be postponed, at the employee's request, and for up to five working days, if their chosen companion is not available to attend on the date set for the meeting in question.

8.2 The Chief Executive or their nominated representative will also meet with the supervisor and line manager to obtain information and the outcomes from the previous meetings held under this procedure.

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- 8.3 The Chief Executive or their nominated representative will subsequently consider the facts, make his/her decision and communicate to the employee and the line manager and supervisor their findings in writing within the next ten working days.
- 8.4 This timescale may be extended depending on the issues raised and the length of time it takes to resolve them. The outcome should be provided within a reasonable timescale and the reasons for any delay should be communicated to the employee.
- 8.5 The Chief Executive or their nominated representative's decision will be final.

9.0 The Role of the Colleague/Trade Union representative in Formal

Meetings

To exercise the right to be accompanied, an employee must make a reasonable request. What is reasonable will depend on the circumstances of each individual case. However, it would not normally be reasonable for employees to insist on being accompanied by someone whose presence would prejudice the meeting.

The companion is allowed to address the hearing to put and sum up the employee's case, respond on behalf of the employee to any views expressed at the meeting and confer with the employee during the hearing. The companion does not, however, have the right to answer questions on the employee's behalf, address the hearing if the employee does not wish it, or prevent the employee from explaining their case.

10.0 Mediation

A mediator can sometimes help resolve grievance issues although a mediator may not always be appropriate where the issue is serious. The mediator may be someone who works for the Council or who is external to the Council.

Mediation is a voluntary process where an independent and impartial third party helps two or more people in a dispute to reach agreement. Mediation is only useful where both parties are willing to undertake the mediation.

Mediation can be used at any stage in the dispute to try and reach agreement.

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11.0 Collective Grievances

Collective grievances (i.e. more than one employee has concerns) may be dealt with under this procedure. A collective grievance can be brought by the trade union or an elected spokesperson to be discussed and resolved as appropriate with the line manager in the first instance. Where the issue is not resolved, the matter will be considered by the relevant Director. The Director's decision is final.

12.0 Supporting Notes

- 12.1 Once the Grievance Procedure has been invoked, additional issues cannot be added as the grievance progresses through the stages. New grievance issues must commence at the informal stage.
- 12.2 Where a grievance is deemed to have been suitably resolved because the employee did not progress the grievance within the specified time period, the employee will not be able to re-submit the same grievance.
- 12.3 Once the Grievance Procedure has been completed in accordance with this Procedure, the employee will not be able to re-start the procedure in respect of the same grievance unless the action decided by management to resolve the grievance has not been implemented.
- 12.4 Any employee who raises a vexatious grievance may be subject to disciplinary action.

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Grievance Form

Name: _____

Department: _____

Line Manager: _____

Date of informal meeting: _____

This form is to be used throughout the formal stages of the Grievance Procedure.

Background – What has happened? (Please give details of time(s) and date(s) if appropriate)	
Why are you aggrieved?	

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<p>What was the outcome, of the discussion with your supervisor.</p>	
<p>What remedy do you want?</p> <p>What do you think Management should do to resolve the grievance to your satisfaction?</p>	

Signed _____ Date _____

Please retain a copy of this document along with any written responses you receive for your records and future reference.

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Community Impact Assessment

Checklist & Signature Sheet

This should be commenced at the start of the Community Impact Assessment (CIA) process.

Name of Strategy/Policy/Service or Function:	Grievance Policy
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Please check the following steps have been completed before signing below:

- Sections 1 to 4 completed
- Action Plan completed (where appropriated)
- Notified all relevant Officers/Service Areas/Partners

Signed:

Job Title: Head of People and Policy

Department: People and Policy

Date commenced Assessment: 4.12.2008

Date completed: 24.10.2010

Received by and date received in the People & Policy Team:

Please sign the CIA as indicated above, retain a copy and send a copy of the full CIA, including the Action Plan, to:

Liz Murphy
Head of People and Policy
Rossendale Borough Council
Stubbylee Hall
Stubbylee, Bacup
Rossendale
OL13 0DE
lizmurphy@rossendalebc.gov.uk

MANAGEMENT ACTION REQUIRED (to be completed by the Head of P&P)

- Referred back to Assessor for amendment. Date:
- Refer to Committee. Specify Committee & Date:
- Considered by Community Impact Assessment & Scrutiny Group. Date:
- Published/made publicly available on. Date

Signed:..... (Head of P&P) Date:
 Date of Review¹:

¹ This date will be set on an annual basis as default for review unless otherwise specified by you.

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Community Impact Assessment Form

Name of Strategy/Policy:	Gievance Policy	
Officer Name(s):	Liz Murphy	
Job Title & Location:	Head of People and Policy	
Department/Service Area:	People and Policy	
Telephone & E-mail Contact:	01706 252452 lizmurphy@rossendalebc.gov.uk	
Date Assessment:	Commenced: 4.12.2009	Completed: 24.9.2010

1. Impact Assessment – Policy and Target Outcomes

- a) Summarise the main aims/objectives of the strategy, policy, procedure, project or decision (refer to "**Notes for Guidance**" for details).

<p>To ensure that employees complaints and grievances are resolved quickly and fairly .</p>

- b) Is the policy or decision under review (please tick)

New/proposed

Modified/adapted

Existing

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c) Main or intended groups identified as beneficiaries, targets or users of (or affected in any other way) this strategy, policy, project, procedure or decision?
Please specify in box below:

- Customers/citizens of the district
- Targeted/specific groups of customers/citizens (indicate below in [d]).
- Elected Members/Councillors
- Internal colleagues/customers or other public authorities e.g. government agencies
- Community Groups/voluntary sector groups or campaign/interest groups
- Staff/employees (in their contractual position) and/or potential employees/trainees.
- Any other stakeholder e.g. trade unions, contractors, suppliers, district partners, public agencies (not directly under Council control), intermediaries representing interest groups e.g. tenants, developers, legal agencies or third parties.

Main beneficiaries:
Employees of Rossendale Borough Council

d) Please detail below specific equality groups who will be the main beneficiaries, targets and users of this strategy, policy, project, procedure or decision, or who will be affected in any other way.

Key equality groups as main beneficiaries or affected in any other way (where appropriate):
All employees are affected. Extensive consultation has taken place with the JCC. The Portfolio holder has also been consulted

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e) To assist with the assessment you may need to consider collecting the following information, before completing the table in Section 2:

- NATIONAL DATA e.g. surveys, reports, statistics, etc which point up specific areas/issues.
- LOCAL DATA e.g. demographics, service mapping studies & relevant research.
- MANAGEMENT INFO e.g. data collected for operational/financial or other purposes.
- MONITORING DATA e.g. information already available or collected. For example: disability type, age band, gender, location. (ref. existing LPSIs).
- CONSULTATION/CONTACT DATA e.g. user group feedback, representations, specific consultation events etc.
- CUSTOMER COMPLAINT/FEEDBACK e.g. results of investigations, inquiries, elected member cases, normal complaints/compliments etc.
- Views of LSP Officers, independent externals, contractors/suppliers, partners and academia (if relevant).
- OTHER e.g. frontline employee feedback, other research, experiences of other agencies/local authorities, councillors mailbags/surgeries.

Please detail in the box below, the information you have considered to make this decision/recommendation regarding the communities affected by this.

Workforce Profile
Grievance Monitoring Data. There were no grievances during 2009
One collective grievance was received during 2010 by a group of staff of mixed gender and age, no disability or race in relation to car users, this matter was considered by the Chief Executive.

f) Is further consultation, data collection or research still required?

Yes

No

(If yes then complete Action Plan)

Key Actions (note responsible officer(s)):

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2. Impact – Evidence

Using the table below please tick whether you have evidence that the policy/strategy/decision has a negative, positive or neutral impact **from an equalities perspective** on any of the equality groups listed below. **Throughout this document please also give consideration to the wider community cohesion impacts within and between the groups identified.**

		Positive Impact – (It could benefit)	Negative Impact – (It could disadvantage)	Reason	Neutral Impact (Neither)
Gender	Women	<input type="checkbox"/>	<input type="checkbox"/>		<input checked="" type="checkbox"/>
	Men	<input type="checkbox"/>	<input type="checkbox"/>		<input checked="" type="checkbox"/>
Race (Ethnicity or Nationality)	Asian or Asian British people	<input type="checkbox"/>	<input type="checkbox"/>		<input checked="" type="checkbox"/>
	Black or black British people	<input type="checkbox"/>	<input type="checkbox"/>		<input checked="" type="checkbox"/>
	Chinese or other ethnic people	<input type="checkbox"/>	<input type="checkbox"/>		<input checked="" type="checkbox"/>
	Irish people	<input type="checkbox"/>	<input type="checkbox"/>		<input checked="" type="checkbox"/>
	White people	<input type="checkbox"/>	<input type="checkbox"/>		<input checked="" type="checkbox"/>
	Chinese people	<input type="checkbox"/>	<input type="checkbox"/>		<input checked="" type="checkbox"/>
	Other minority communities not listed above (please state)	<input type="checkbox"/>	<input type="checkbox"/>		<input checked="" type="checkbox"/>
Disability	Physical/learning/mental health	<input type="checkbox"/>	<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>
Sexuality	Lesbians, gay men and bisexuals	<input type="checkbox"/>	<input type="checkbox"/>		<input checked="" type="checkbox"/>
Gender Identity	Transgender people	<input type="checkbox"/>	<input type="checkbox"/>		<input checked="" type="checkbox"/>
Age	Older people (60+)	<input type="checkbox"/>	<input type="checkbox"/>		<input checked="" type="checkbox"/>
	Younger people (17-25), and children	<input type="checkbox"/>	<input type="checkbox"/>		<input checked="" type="checkbox"/>

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		Positive Impact – (It could benefit)	Negative Impact – (It could disadvantage)	Reason	Neutral Impact (Neither)
Belief	Faith groups *	<input type="checkbox"/>	<input type="checkbox"/>		<input checked="" type="checkbox"/>
Other Groups (e.g. carers, rurally isolated, gypsies & roma travellers, people on low incomes)		<input type="checkbox"/>	<input type="checkbox"/>		<input checked="" type="checkbox"/>

Notes:

* Faith groups cover a wide range of groupings, the most common of which are Muslims, Buddhists, Jews, Christians, Sikhs, Hindus. Consider faith categories individually and collectively when considering positive and negative impacts

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3. Impact – Nature/Type

- a) Could you further improve the strategy, project, policy, procedure or decision's positive or neutral impact? If "Yes", this should be detailed in the Action Plan.

YES NO

- b) You need to think about how you can mitigate any adverse or negative impact(s) of the proposal, or how you might use the policy, strategy, project, procedure or decision to promote a positive impact. You must consider whether you have identified that this proposal has a:

High Impact: that the policy, project or decision will have a high, negative impact i.e. that it may be or is unlawfully discriminating against some groups, you will have to take immediate action to mitigate this.

OR:

Lower Impact: the policy, project or decision will have a negative or adverse impact (that may not be lawful). You will also need to consider what changes you could make to remove this impact.

If you have identified adverse impact you must determine whether you will recommend that the Council should:

- Change the policy/decision, stating what the changes should be
- Revise the policy/decision, stating the revisions
- Consult further if you feel that you do not have enough information.

Actions arising from the impact assessment should form part of the Service Planning Process.

Key Actions:

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4. Impact Assessment - Summary

Key Findings

Please list the major outcomes/results/findings of this assessment in relation to equality which require action by the Council detailing these in the Action Plan at the back at this document. If no specific actions have been identified please detail your key findings below:

Key Findings:

The opportunity to put forward a grievance is available to all employees, representation is contained within the procedure as is a level of appeal.

5. Impact Assessment – Further Action

Please give the details of the monitoring/evaluation/review process that has/will be set up to check the successful implementation of the policy, project, strategy or decision including improved outcomes/impact and identify the review date.

Evaluation/ monitoring/ review process:

The use of the Grievance Policy is monitored in relation to the Equality Strands and is reviewed and reported annually to the Overview and Scrutiny Committee.

Review Date: 1.12.2012

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6. IMPACT ASSESSMENT ACTION PLAN

Please list below any recommendations for action that you plan to take as a result of this impact assessment (refer to Sections 3 & 4).

Issue	Action required	Lead officer	Timescale	Resource implications	Comments

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Redundancy Policy

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1.0 Introduction

- 1.1 This policy and procedure applies to all employees of Rossendale Borough Council except the Chief Executive and Chief Officers who are covered by other policies and procedures.
- 1.2 This policy replaces all other compulsory, voluntary, redeployment and redundancy procedures.
- 1.3 The early forward planning of employee requirements and the control of recruitment is the surest way of establishing security of employment and the most efficient use of employee resources. The Council undertakes to endeavour to maintain security of employment as far as possible.
- 1.4 However, it is recognised that there may be changes in competitive conditions, organisational requirements and technological developments which may affect staffing needs. It is the agreed aim of the Council, and the trade union, to enhance efficiency, quality of service and competitiveness in order to safeguard the current and future employment of the Council's employees.

2.0 Consultation

- 2.1 Where it becomes necessary to consider redundancies, employees and trade unions will be notified at the earliest possible opportunity of the reasons for the potential redundancy situation and the proposals.
- 2.2 In accordance with the Trade Union and Labour Relations (Consolidation) Act 1992, consultation will be carried out over the following time periods:
 - A minimum of 90 days' consultation where 100 or more jobs are to be made redundant.
 - A minimum of 30 days' consultation where 20 or more jobs are to be made redundant.
 - As much consultation as is reasonably practical where fewer than 20 jobs are affected.
- 2.3 During consultation, full information will be provided to employees and trade union representatives about the proposed redundancies and will give adequate time to respond. Information provided will include:
 - The reasons for the proposed redundancies;

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- The posts, numbers and categories of employees who may be redundant;
 - The proposed method of carrying out any redundancy dismissals;
 - The time period over which the redundancies may be carried out;
- 2.4 The purpose of consultation is to enter into a meaningful and open dialogue with employees and trade union representatives on the proposals. The objectives of consultation will be to:
- Avoid the need for redundancies wherever possible;
 - Reduce the number of employees who are to be made redundant to a minimum;
 - Determine the criteria to be used to select employees for redundancy; and
 - Mitigate the consequences of any dismissals.
- 2.5 Some posts will be selected for redundancy on the basis that there is only one post carrying out a function which is no longer required.
- 2.6 Once provisional selections for redundancy have been made using the agreed selection criteria, individual consultation with each employee selected will take place. Each employee will have the right to be informed of the basis of their selection and invited to put forward any representations. All representations will be fully considered before a final decision will be made as to which employees are to be made redundant.

3.0 Measures to Avoid or Minimise Redundancy

- 3.1 The Council will make every effort to reduce the number of redundancies by considering the following:
- Natural wastage
 - Vacancy control management
 - Voluntary options (e.g. voluntary early retirement; voluntary redundancy; voluntary reduced working hours)
 - Redeployment including commitment to training and retraining.
- 3.2 The above methods will be considered on a case by case basis in accordance with the qualifications, skills and competencies required by the organisation, the needs of the service and budgetary constraints.

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3.3 Vacancy Match Process

3.1.1 Where a potential redundancy situation is identified, the Vacancy Match Process (VMP) will be followed. The purpose of the VMP is to ensure that vacancies are not advertised and recruited to externally before considering possible internal candidates. This process is part of vacancy control management and can create movement within the organisation which may prevent having to make redundancies. The Vacancy Match Process is contained within Appendix 1.

4.0 Selection Criteria

4.1 The Council is committed to a fair, consistent, objective and non-discriminatory selection procedure. Selection for redundancy will be made on the basis of the future skills, knowledge and experience required by the Council to continue its business effectively.

4.2 The Selection Criteria and Selection Process can be found at Appendix 2.

5.0 Suitable Alternative Employment

5.2 Redeployment

5.2.1 Where employees have been selected for redundancy they will have the right to be considered for redeployment into suitable alternative posts. Where appropriate, training and retraining will be provided to enable employees to fulfil the requirements of the alternative post. The level and amount of training provided will be decided on a case by case basis by the Head of People and Policy, taking into account the estimated length of time and cost.

5.2.2 Where an employee has expressed an interest in a suitable alternative post, the employee will be interviewed on a prior consideration basis. The purpose of the interview will be to determine whether or not the position is suitable for the employee taking into account the following information:

- The employee's qualifications, skills, experience and knowledge;
- Grade and level of seniority;
- Terms and conditions applicable to the post;
- Location.

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- 5.2.3 Management reserve the right to make the final decision as to whether or not to offer the employee the post. If an offer of suitable alternative employment is made, but the employee unreasonably refuses to accept it, the employee will lose his/her right to a statutory redundancy payment and any enhanced redundancy payment.
- 5.2.4 Redeployed employees have a statutory right to a trial period of four weeks in an alternative post where the provisions of the new contract differ from the original contract. The trial period may be extended by written agreement before the start of the trial period.
- 5.2.5 The trial period can be used by the recruiting manager to assess the employee's capability. Should the manager or the employee wish to end the new contract within the four weeks for a reason connected with the alternative post, the employee will preserve the right to a redundancy payment under the old contract. If the dismissal was due to a reason unconnected with redundancy (e.g. discipline) the employee may lose that entitlement.
- 5.2.6 The Redeployment Procedure is contained at Appendix 3.

7.0 Redundancy Payment

- 7.1 A redundancy payment will be paid to employees with at least two years' continuous service, in accordance with the statutory number of weeks per year of service. A week's pay will be paid at the actual amount and not capped at the statutory minimum.
- 7.2 The statutory number of weeks is currently calculated as:
- 0.5 week's pay per year of service in which the employee was aged 21 and under;
 - 1 week's pay per year per year of service in which the employee was aged between 22 and 40; and
 - 1.5 weeks' pay per year of service in which the employee was aged 41 and over.
- 7.3 The maximum number of years of employment that can be taken into account is 20 years, which equates to a maximum of 30 weeks' pay.

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- 7.4 A discretionary payment of an additional 4 weeks pay will be paid to all employees who are in a compulsory redundancy situation. The payment will not be applicable to anyone who voluntarily requests redundancy.
- 7.5 There is no longer any discretion to award added years on top on the Payments payable under the Local Government Pension Scheme (LGPS) for eligible employees.
- 7.6 There is no longer the discretion to award any other forms of enhanced Compensation benefits.

8.0 Support for Redundant Employees

8.1 Time off to look for work

8.1.1 Employees who have been issued with notice of redundancy with at least two years' continuous service at the effective date of termination have a statutory right to reasonable paid time off to look for new employment or to arrange training for future employment.

8.1.2 Guidelines as to what constitutes reasonable time off can be provided by the Head of People and Policy or their representative. In determining what is reasonable, the needs of the service will be taken into account, the employee's field of employment and the current employment market. It will be determined on a case by case basis.

8.2 Further Support

8.2.1 The People Team will assist employees who have been issued with notice of redundancy. Such support may include:

- Guidance on job searching;
- Advice on the recruitment and selection process;
- Provision of outplacement support;

9.0 Appeal Against Dismissal by reason of Redundancy

9.1 Appeals against dismissal by reason of redundancy are excluded from the Council's Grievance procedure.

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- 9.2 Employees who feel that they have been unfairly selected and dismissed by reason of redundancy have the right to appeal against their dismissal. Appeals should be submitted in writing to the Head of People and Policy within 5 working days of written notice of dismissal.
- 9.3 An Appeal Hearing will be convened to consider the employee's case as soon as reasonably practicable. The Appeal Panel will consist of three Council Members plus their nominated representative, and a representative from the People Team or a legal representative.
- 9.4 Employees will have the right to be represented at the hearing by either a work colleague or trade union representative.
- 9.5 The decision of the Appeal Panel will be final and will be confirmed in writing to the employee within 5 working days.

10.0 Monitoring

- 10.1 The Head of People and Policy is responsible for the monitoring of the effectiveness of this policy.

11.0 Review

- 11.1 This policy will be reviewed to meet the changing needs and demands of the Council.
- 11.2 The policy will be reviewed every three years and thereafter as necessary to reflect changes in HR policy and practices, legislation, relevant Council decisions and any other developments which impact upon redundancy.

11.0 Law Relating to this Document

- Employment Rights Act 1996
- Trade Union and Labour Relations (Consolidation) Act 1992
- Employment Act 2002
- Employment Act 2002 (Dispute Resolution) Regulations 2004
- Redundancy Payments (Continuity of Employment in Local Government, etc) Modification Order 1999
- Fixed-term Employees (Prevention of Less Favourable) Treatment Regulations 2002
- Employment Equality (Age) Regulations 1996

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- Local Government (Early Termination of Employment) (Discretionary Compensation) (England and Wales) Regulations 2006

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Appendix 1

Vacancy Match Process

Vacancy Match – Review Process

It is recognised that the Council will periodically go through periods of change which leads to a consequential review of roles and posts within our organisational structure. These reviews can lead to proposals for change being developed.

Any change is always subject to a period of consultation, during that time thoughts and ideas in relation to proposals may change. However, there is a need to balance the need to ensure continuity of employment for individuals, the consultation period prior to any final decision being taken and to fill vacancies within the Council to ensure business continuity.

Consequently, even though no decision has been made about your post, we are aware that your area is subject to review. As a review has been identified, we need to consider all vacancies prior to advertisement to ensure that any vacancies are frozen in case there are any staffing reductions within your area.

Please provide the following details so this can be considered:

Name:	
Post Title:	
Grade:	
Qualifications:	
Any Special Skills or attributes: e.g. Use of a particular IT System	

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<p>Details of Previous Experience</p>	
<p>Any special conditions: e.g. Work 18.5hpw.</p>	
<p>Any other factors which are material where vacancies are being considered. e.g. Indoors only.</p>	

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Appendix 2

Selection Criteria and Selection Process

1.0 Introduction

- 1.1 Post holders may be selected for redundancy by the nature of there being only one post, carrying out a function that the Council no longer requires.[Ref 1.4]
- 1.2 Alternatively employees within the area affected (or wider where considered appropriate such as where the duties are interchangeable) will be selected for redundancy using the criteria outlined below.
- 1.3 However, it may be that selection for redundancy will be made on the basis of the future skills, knowledge and experience required by the Council to continue its business effectively.
- 1.4 Where a specific function is to be discontinued then those employees directly related to the provision of the function will be selected for redundancy. If it is a reduction in provision of this function which continues to demand the retention of some employees, the criteria set out below will determine the selection for redundancy.
- 1.5 Where specific abilities are required for the future effective operation of the service (e.g. Solicitor, Planning Officer, Arborist etc.) those employees will be excluded from redundancy selection. Where more employees possess the ability than are needed, the criteria set out below will determine selection for redundancy.
- 1.6 The detailed factors comprising the selection criteria will be determined and evaluated by the Executive Director or nominated Officer and applied in an objective and non-discriminatory way.

2.0 Selection Criteria

2.1 Knowledge, Skills, Experience and Abilities

- 2.1.1 The fairest and most objective method of selecting employees to meet the future requirements of the service is to follow a recruitment and selection process.
- 2.1.2 Job descriptions will specify the duties and responsibilities that will be needed for retained posts.

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2.1.3 Person Specifications will specify the knowledge, skills, experience, and abilities required to perform the above duties.

3.0 Selection Process

- 3.1 Affected employees will have completed a Vacancy Match Form as part of the consultation process. This form, plus their current job description, will be used in order to select which employees will be required for the future running of the Service. Employees will be asked to identify which of the new posts they would be interested in, in order of priority.
- 3.2 The Director or their nominated Officer will compare the new job descriptions and person specifications with each affected employee's knowledge, skills, experience and abilities as detailed on their Vacancy Match Form and job description.
- 3.3 The following matrix may be adopted by the Director or their nominated Officer to score employees against the requirements for each post:

Employee:			
Current Job Title:			
Post matched to:			
Criteria as stated in Person Specification	Score (1-10)	Weighting (1-5)	Total Score
Qualifications			
Knowledge			
Experience			
Skills			
			Total Score:
			Percentage:
Signed (Manager):			
Date:			

- 3.4 Where the score for an employee equates to a percentage higher than 70% for a particular post, that employee can be redeployed into that post. Redeployment to posts will follow the Redeployment Procedure detailed in Appendix 3.
- 3.5 Where two or more employees' scores equate to a percentage higher than 70% for a particular post, those employees will be ringfenced and interviewed for that post. Selection will be made against the

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Person Specification for the post. The employee(s) who are unsuccessful at interview will remain at risk of redundancy and will be considered against remaining posts using the above matrix.

- 3.6 Employees whose scores equate to a percentage less than 70%, and where there are no employees with a score of 70% or more for that particular post(s), will be ringfenced to the post(s) and interviewed. Selection will be made against the Person Specification for the post. The employee(s) who are unsuccessful at interview will remain at risk of redundancy and will be considered against remaining posts using the above matrix.
- 3.7 Where possible, employees' preferences for posts will be accommodated. However, there may be instances following the scoring exercise where posts are deemed suitable and offers of employment to alternative posts may be made.

4.0 Appeal Against Selection for Redundancy

- 4.1 Appeals against selection for redundancy are excluded from the Council's Grievance Procedure.
- 4.2 Employees who feel that they have been unfairly selected for redundancy have the right to appeal against selection. Appeals should be submitted in writing to the Head of People and Policy within 5 working days of written notification of selection of possible redundancy.
- 4.3 An Appeal Hearing will be convened to consider the employee's case as soon as reasonably practicable. The Appeal Panel will consist of the Chief Executive, or their nominated representative, and a representative from the People Team or a legal representative.
- 4.4 Employees will have the right to be represented at the hearing by either a work colleague or trade union representative.
- 4.5 The decision of the Appeal Panel will be final and will be confirmed in writing to the employee within 5 working days.

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Appendix 3

Redeployment Procedure

1.0 Introduction

- 1.1 This procedure covers employees who remain displaced following the Selection Process.
- 1.2 The aims of the Redeployment Procedure are:
- To enable the Council to provide efficient services which respond quickly and flexibly to the demands placed upon them by allowing the most effective deployment of staff;
 - To enable the Council to prevent redundancies;

2.0 Identification of Suitable Vacancies

- 2.1 Where it has been established that redundancies are to be made, the Council has a duty to take steps to identify any suitable alternative employment that exists for the employees who are affected. This duty continues throughout the employees' notice periods until the date of termination.
- 2.2 In general, "suitable alternative employment" means work that:
- The employee can reasonably be expected to do taking into account his or her level of seniority and skills; and
 - Is on terms and conditions that are not substantially less favourable to the employee.
- 2.3 In accordance with the Vacancy Match Process, employees identified as being at risk of redundancy will complete Vacancy Match Forms. When vacancies arise, the Vacancy Match Forms will be checked by the People Team prior to advertising.
- 2.4 Where no match is found, the vacancy will be advertised internally for one week. Where no applicants are received, the vacancy will be advertised externally in the usual way.
- 2.5 Where a match is found, the vacancy will be held until the completion of the Redeployment Process outlined above. Employees remaining displaced following the completion of the Selection Process will be entitled to an interview for vacancies that they are matched to.

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- 2.6 Where a match is made and the post is of a lower grade, the employee will be protected for a 12 month period following commencement of the post. After a 12 month period the employee's duties will be reevaluated, where the employee is undertaking the grade of duties for the post they will revert to that grade. If higher graded duties can be found for the employee for up to 24 months, protection will be allowed depending on the needs and requirements of the service.
- 2.7 Employees who remain displaced following the Selection Process who have not been successfully matched to any vacancies, or who have not successfully attained a post at interview, will continue to be matched to vacancies as appropriate as they arise in the period leading up to the issuing of notice of redundancy and during their notice period.

3.0 Offer of Suitable Alternative Employment

- 3.1 Where an employee is considered for an available alternative post, management reserves the right to make the final decision as to whether or not to offer the employee the position. If a decision is made to offer the employee the position, the employee will be redeployed into that position. This will be confirmed in writing by the People Team.
- 3.2 The offer of suitable alternative employment is subject to a trial period of four weeks in the new post. This time period may be extended by written agreement before the start of the trial period.
- 3.3 The trial period is a statutory provision enabling both the employee and the Council to assess whether or not the post is genuinely suitable for the employee. A review meeting should be convened with the employee towards the end of the trial period to discuss whether or not the new post is suitable, taking into account how the employee has performed, the amount of training required (if any), and any other relevant factors.
- 3.4 If it is established that the post is not objectively suitable for the employee, his/her employment will be terminated. Management reserves the right to make the final decision on this matter, although the views of the employee will be taken into account.
- 3.5 In the event that the Council decides to terminate the employee's employment at the end of the trial period, he/she will retain the right to a redundancy payment as detailed in Section 7.0 above. The relevant date for the purpose of calculating redundancy pay in these circumstances will be the date on which the employee's original job ended and not the date that marked the end of the trial period.

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3.6 If an offer of suitable alternative employment is made, but the employee unreasonably refuses to accept it, the employee will lose their right to a redundancy payment.

4.0 Training

4.1 Reasonable training will be provided where appropriate to enable the employee to fulfil the duties of the new post.

4.2 Training could be provided on the job, or could be provided through an external supplier.

4.3 When making offers of redeployment, the training needs of the employee concerned will be taken into account.

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Community Impact Assessment

Checklist & Signature Sheet

This should be commenced at the start of the Community Impact Assessment (CIA) process.

Name of Strategy/Policy/Service or Function:	Redundancy Policy
---	-------------------

Please check the following steps have been completed before signing below:

- Sections 1 to 4 completed
- Action Plan completed (where appropriated)
- Notified all relevant Officers/Service Areas/Partners

Signed:

Job Title: Head of People and Policy

Department: People and Policy

Date commenced Assessment: 30.11.2009

Date completed: 24.9.2010

Received by and date received in the People & Policy Team: 24.9.2010

Please sign the CIA as indicated above, retain a copy and send a copy of the full CIA, including the Action Plan, to:

Liz Murphy
Head of People and Policy
Rossendale Borough Council
Stubbylee Hall
Stubbylee, Bacup
Rossendale
OL13 0DE
lizmurphy@rossendalebc.gov.uk

MANAGEMENT ACTION REQUIRED (to be completed by the Head of P&P)

- Referred back to Assessor for amendment. Date:
- Refer to Committee. Specify Committee & Date:
- Considered by Community Impact Assessment & Scrutiny Group. Date:
- Published/made publicly available on. Date

Signed:..... (Head of P&P) Date: 24.9.2010

Date of Review¹: 24.9.2013

¹ This date will be set on an annual basis as default for review unless otherwise specified by you.

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Community Impact Assessment Form

Name of Strategy/Policy:	Redundancy Policy	
Officer Name(s):	Liz Murphy	
Job Title & Location:	Head of People and Policy	
Department/Service Area:	People and Policy	
Telephone & E-mail Contact:	01706 252452 lizmurphy@rossendalebc.gov.uk	
Date Assessment:	Commenced: 30.11.2009	Completed: 24.9.2010

1. Impact Assessment – Policy and Target Outcomes

- a) Summarise the main aims/objectives of the strategy, policy, procedure, project or decision (refer to "**Notes for Guidance**" for details).

Where there is a reduction in the workforce, alternative employment is identified and made available. Employees are dealt with in a fair and consistent way and are offered appropriate support.

- b) Is the policy or decision under review (please tick)

New/proposed

Modified/adapted

Existing

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c) Main or intended groups identified as beneficiaries, targets or users of (or affected in any other way) this strategy, policy, project, procedure or decision?
Please specify in box below:

- Customers/citizens of the district
- Targeted/specific groups of customers/citizens (indicate below in [d]).
- Elected Members/Councillors
- Internal colleagues/customers or other public authorities e.g. government agencies
- Community Groups/voluntary sector groups or campaign/interest groups
- Staff/employees (in their contractual position) and/or potential employees/trainees.
- Any other stakeholder e.g. trade unions, contractors, suppliers, district partners, public agencies (not directly under Council control), intermediaries representing interest groups e.g. tenants, developers, legal agencies or third parties.

Main beneficiaries:
Employees of Rossendale Borough Council

d) Please detail below specific equality groups who will be the main beneficiaries, targets and users of this strategy, policy, project, procedure or decision, or who will be affected in any other way.

Key equality groups as main beneficiaries or affected in any other way (where appropriate):
.All employees may be affected

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e) To assist with the assessment you may need to consider collecting the following information, before completing the table in Section 2:

- NATIONAL DATA e.g. surveys, reports, statistics, etc which point up specific areas/issues.
- LOCAL DATA e.g. demographics, service mapping studies & relevant research.
- MANAGEMENT INFO e.g. data collected for operational/financial or other purposes.
- MONITORING DATA e.g. information already available or collected. For example: disability type, age band, gender, location. (ref. existing LPSIs).
- CONSULTATION/CONTACT DATA e.g. user group feedback, representations, specific consultation events etc.
- CUSTOMER COMPLAINT/FEEDBACK e.g. results of investigations, inquiries, elected member cases, normal complaints/compliments etc.
- Views of LSP Officers, independent externals, contractors/suppliers, partners and academia (if relevant).
- OTHER e.g. frontline employee feedback, other research, experiences of other agencies/local authorities, councillors mailbags/surgeries.

Please detail in the box below, the information you have considered to make this decision/recommendation regarding the communities affected by this.

Workforce Profile
Exit Interviews

f) Is further consultation, data collection or research still required?

Yes

No

(If yes then complete Action Plan)

Key Actions (note responsible officer(s)):
No

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2. Impact – Evidence

Using the table below please tick whether you have evidence that the policy/strategy/decision has a negative, positive or neutral impact **from an equalities perspective** on any of the equality groups listed below. **Throughout this document please also give consideration to the wider community cohesion impacts within and between the groups identified.**

		Positive Impact – (It could benefit)	Negative Impact – (It could disadvantage)	Reason	Neutral Impact (Neither)
Gender	Women	<input type="checkbox"/>	<input type="checkbox"/>		<input checked="" type="checkbox"/>
	Men	<input type="checkbox"/>	<input type="checkbox"/>		<input checked="" type="checkbox"/>
Race (Ethnicity or Nationality)	Asian or Asian British people	<input type="checkbox"/>	<input type="checkbox"/>		<input checked="" type="checkbox"/>
	Black or black British people	<input type="checkbox"/>	<input type="checkbox"/>		<input checked="" type="checkbox"/>
	Chinese or other ethnic people	<input type="checkbox"/>	<input type="checkbox"/>		<input checked="" type="checkbox"/>
	Irish people	<input type="checkbox"/>	<input type="checkbox"/>		<input checked="" type="checkbox"/>
	White people	<input type="checkbox"/>	<input type="checkbox"/>		<input checked="" type="checkbox"/>
	Chinese people	<input type="checkbox"/>	<input type="checkbox"/>		<input checked="" type="checkbox"/>
	Other minority communities not listed above (please state)	<input type="checkbox"/>	<input type="checkbox"/>		<input checked="" type="checkbox"/>
Disability	Physical/learning/mental health	<input type="checkbox"/>	<input type="checkbox"/>		<input checked="" type="checkbox"/>
Sexuality	Lesbians, gay men and bisexuals	<input type="checkbox"/>	<input type="checkbox"/>		<input checked="" type="checkbox"/>
Gender Identity	Transgender people	<input type="checkbox"/>	<input type="checkbox"/>		<input checked="" type="checkbox"/>
Age	Older people (60+)	<input type="checkbox"/>	<input type="checkbox"/>		<input checked="" type="checkbox"/>
	Younger people (17-25), and children	<input type="checkbox"/>	<input type="checkbox"/>		<input checked="" type="checkbox"/>

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		Positive Impact – (It could benefit)	Negative Impact – (It could disadvantage)	Reason	Neutral Impact (Neither)
Belief	Faith groups *	<input type="checkbox"/>	<input type="checkbox"/>		<input checked="" type="checkbox"/>
Other Groups (e.g. carers, rurally isolated, gypsies & roma travellers, people on low incomes)		<input type="checkbox"/>	<input type="checkbox"/>		<input checked="" type="checkbox"/>

Notes:

* Faith groups cover a wide range of groupings, the most common of which are Muslims, Buddhists, Jews, Christians, Sikhs, Hindus. Consider faith categories individually and collectively when considering positive and negative impacts

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3. Impact – Nature/Type

- a) Could you further improve the strategy, project, policy, procedure or decision's positive or neutral impact? If "Yes", this should be detailed in the Action Plan.

YES NO

- b) You need to think about how you can mitigate any adverse or negative impact(s) of the proposal, or how you might use the policy, strategy, project, procedure or decision to promote a positive impact. You must consider whether you have identified that this proposal has a:

High Impact: that the policy, project or decision will have a high, negative impact i.e. that it may be or is unlawfully discriminating against some groups, you will have to take immediate action to mitigate this.

OR:

Lower Impact: the policy, project or decision will have a negative or adverse impact (that may not be lawful). You will also need to consider what changes you could make to remove this impact.

If you have identified adverse impact you must determine whether you will recommend that the Council should:

- Change the policy/decision, stating what the changes should be
- Revise the policy/decision, stating the revisions
- Consult further if you feel that you do not have enough information.

Actions arising from the impact assessment should form part of the Service Planning Process.

Key Actions:

The discretion in relation to redundancy payments has been removed.
All employees at risk of compulsory redundancy will receive an additional 4 weeks pay irrespective of age/gender/length of service.
Alternative employment will be considered on the basis of the skills and competencies of the employee and the needs of the organisation this will be conducted through an open and transparent process which includes a level of appeal

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4. Impact Assessment - Summary

Key Findings

Please list the major outcomes/results/findings of this assessment in relation to equality which require action by the Council detailing these in the Action Plan at the back at this document. If no specific actions have been identified please detail your key findings below:

Key Findings:

There is a need to ensure that the application of any payments is done so equitably and not to indirectly or directly discriminate.

There is a need to have appropriate appeal mechanisms in relation to selection of redundancy and in relation to dismissal to ensure there is no breach of Human Rights

5. Impact Assessment – Further Action

Please give the details of the monitoring/evaluation/review process that has/will be set up to check the successful implementation of the policy, project, strategy or decision including improved outcomes/impact and identify the review date.

Evaluation/ monitoring/ review process:

The number of redundancies will be considered on an annual basis and will be monitored by the equality strands

Review Date: 24.9.12.2013

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6. IMPACT ASSESSMENT ACTION PLAN

Please list below any recommendations for action that you plan to take as a result of this impact assessment (refer to Sections 3 & 4).

Issue	Action required	Lead officer	Timescale	Resource implications	Comments

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