

# READING COMMUNITY LEARNING CENTRE



## REDUNDANCY POLICY

---

**November 2015**

### **Introduction**

It is the agreed aim of Reading Community Learning Centre Ltd (RCLC) and its employees to maintain and enhance the efficiency and financial sustainability of the organisation which will, as far as possible, safeguard the current and future employment of those employees.

However, it is recognised that there may be changes in funding arrangement, competitive conditions, organisational requirements and technological developments which may affect staffing needs. RCLC must ensure that the balance of skills and experience within its workforce is appropriate to both its current and future needs. In such circumstances RCLC, in consultation with its employees, will seek to minimise the effect of redundancies through the provisions made in this policy.

RCLC is committed to ensuring that this policy does not discriminate directly or indirectly on grounds of race, colour, ethnic or national origin, sex, sexual orientation, marital status, disability, age, or for any other prohibited reason.

This policy will be reviewed regularly to ensure that it reflects changing organisational needs. It may be amended or terminated by negotiation and/or consultation.

### **Application**

This section details the process to be undertaken where withdrawal of funding or changes in funding arrangements, competitive conditions, organisational requirements and technological developments may affect staffing needs.

### **Consultation**

In the event of loss of funding, a decline in the client base, reduction of contract or programme work, organisational restructuring, proposed transfer of work, or any factor likely to cause a potential reduction in staff levels, RCLC's trustees and management will notify all employees who are at risk at the earliest possible time to discuss the proposals for the future. All staff affected by the redundancy proposals, not just those who are facing redundancy, must be involved in this meaningful consultation.

This consultation period will be no fewer than 30 calendar days before any notice of redundancy is served.

The consultation period shall commence on the date of RCLC's notification to

the relevant employees that they are at risk of redundancy. The notification shall state the reasons why they are believed to be at risk and shall suggest a meeting or a series of meetings with employees.

Consultation with the employees and their representatives (if applicable) will cover:

- (i) reasons for the proposed redundancies
- (ii) numbers and descriptions of the employees whom it is proposed to dismiss
- (iii) the proposed method of selecting staff who may be dismissed
- (iv) the proposed method of carrying out dismissals with due regard to any agreed procedure, including the period over which dismissals are to take effect.
- (v) proposals for voluntary redundancies.

### **Preventative Measures**

During the consultation period, the following measures will be taken unless it is jointly agreed that they are not practicable or that exceptions need to be made in special circumstances. Consideration will be given to:

- (i) a salary freeze for a specified period
- (ii) suspending advertising and recruitment
- (iii) discontinuing temporary labour
- (iv) the likely effects of natural wastage
- (v) existing workloads and overtime levels
- (vi) job-sharing, part-time employment and/or other flexible arrangements
- (vii) discontinuing the engagement of consultants, if any are in use. Such a measure will need to ensure that it does not adversely affect service development; or cause RCLC to default on client contracts; or prevents RCLC from recruiting personnel to help avert or prevent the conditions which give rise to the problem.

RCLC will seek voluntary redundancies wherever possible. The job roles of employees will be made known and volunteers will be sought at least 15 days before any compulsory notices are issued.

### **Compulsory Redundancy**

#### **Selection criteria**

Selection in drawing up redundancy lists will be the responsibility of RCLC's trustees and management. When selecting staff for redundancy the following objective criteria will be taken into account. This list is not exhaustive and is not necessarily in order of priority:

- loss of contract based work or funding for the post
- length of service
- attendance and disciplinary records

- appraisal/review records
- relevant experience, qualifications, capability and adaptability
- further social criteria relevant to affected employees such as poor employment prospects due to physical disability, age, etc

No employee will be selected for redundancy for any of the following reasons:

- health and safety-related reasons
- for asserting a statutory right
- maternity-related reasons
- for carrying out the function of or standing as an employee representative
- on grounds of sex, race, marital status or (without sufficient justification on operational grounds) disability.

### **Suitable Alternative Employment**

Employees under notice of redundancy shall be informed of all actual and expected vacancies at RCLC during the period of their notice. RCLC will arrange an interview for each employee declared redundant. The employee may have a work colleague or companion present at the interview in an advisory capacity.

The purpose of the interview is to:

- (i) establish whether, with a reasonable amount of training if necessary, the employee might have a sufficient number of the skills listed in the person specification for the post in question to undertake the tasks detailed in the job description satisfactorily. This will be done by:
  - considering the employee's full work experience to date (whether paid or voluntary);
  - the skills she has acquired, and
  - whether these constitute at least a majority of the essential requirements for the alternative post as listed in the person specification;
- (ii) to establish whether the employee is willing to accept the vacant post.

Where two employees are equally qualified in applying for the same post, management will conduct a formal selection procedure. Management will consider the possibility of the post being offered to both as a job-share, if an additional alternative post cannot be found.

Where an employee under notice of redundancy is to be redeployed, RCLC will use its best endeavours to provide retraining which is compatible with the work and business of RCLC so far as is reasonably practicable, having regard to both the cost of retraining and the requirement for the employee to carry out the duties of the redundant post during the notice period.

RCLC shall be entitled to invite staff at risk to apply for any suitable alternative post. A member of staff successful in applying for such a post shall have her redundancy notice withdrawn, subject to below.

### **Trial period**

Redundancy rights will not be lost if the employee or RCLC decides after a trial period of up to 4 calendar weeks, from the date at which the new job was taken up, that the new job or the staff member's performance in that post is not suitable.

In such case either party may terminate or give notice and on termination the staff member shall be treated as though she has been made redundant on the date the old job ended.

The trial period shall be extended for up to 3 months for the purpose of training for the new post, provided that the trial period and terms and conditions of appointment applying after training are agreed in writing prior to the commencement of the new job.

### **Appeals**

Employees to be made redundant are entitled to appeal against this decision if they feel that the selection criteria have been unfairly applied in their case.

Employees, who have not been offered suitable alternative employment following the interview process outlined above, are also entitled to appeal against this decision.

Staff wishing to appeal are entitled to be accompanied at the appeal hearing by a work colleague of their choice.

Appeals must be submitted within ten working days of the decision in either of the above being communicated to the employee.

In order to hear any complaints outlined above, RCLC will set up an Appeal Panel made up of the Board's Chair and either another Trustee or a member of management. These two individuals shall not have been directly involved with the specific case to be heard. If they have been directly involved then other trustees of RCLC will take their place. The employee and his or her representative will be given the opportunity to state their case to the panel.

The Panel shall be called within ten working days of the appeal being submitted. The decision of the Panel is final and shall be communicated to the employee within five working days of the Appeal Hearing.

### **Employee's Entitlements**

The period of notice given that an employee will be made redundant will at

least be in accordance with either the contractual or the statutory right to notice, whichever is the greater.

Employees affected are encouraged to contribute to the consultation process through their manager with their own ideas for preventative measures or possible alternative employment with RCLC.

Employees to be made redundant are entitled to an appeal as set out above.

All employees with more than 2 years` continuous employment with RCLC (or its predecessor organisation, Worker`s Education Authority) are entitled to Statutory Redundancy Pay. This is currently calculated as the following:

*0.5 weeks' pay for each full year they were under 22; one week's pay for each full year they were 22 or older, but under 41; 1.5 weeks' pay for each full year they were 41 or older. (Source: ACAS)*

In addition, payment in respect of outstanding accrued holiday entitlement shall be made if it is not reasonably practicable for such holiday entitlement to be taken during the notice period. Holiday time taken up to the annual allowance but not earned shall not be deducted.

During their notice period employees with more than 2 years` continuous employment are entitled to reasonable time off without loss of pay to attend interviews or undertake training. Employees with less than 2 years` employment will be allowed time off for the same purpose at the discretion of management. Use of RCLC telephones, computers and other equipment by employees for job search activity will be allowed at the discretion of management.

During the period of notice, and by mutual agreement, the employee may be allowed to leave RCLC without loss of entitlement. Agreement by RCLC will be considered in each case and will depend on whether the request is made on reasonable grounds. An offer to commence alternative employment by an alternative employer during the notice period, where failure to commence will result in the offer being withdrawn, shall constitute reasonable grounds.

This policy forms part of the terms and conditions of employment of all RCLC employees. The Board and management reserve the right to make appropriate changes to the policy in the light of experience or changed circumstances. If such changes are thought necessary the views of staff will be considered before changes are made.

Date Approved by Board

Nov 2015

Review Date

Nov 2017

Signed on behalf of the Board of Trustees

Date

\_\_\_\_\_

\_\_\_\_\_