



Boscombe Link, 3-5 Palmerston Road, Bournemouth BH1 4HN.

Tel & Fax: 01202 466130

email: contactus@bournemouthcvs.org.uk

REDUNDANCY POLICY AND PROCEDURE

POLICY STATEMENT

It is the policy of Bournemouth Council for Voluntary Service (BCVS), by careful and forward planning, to ensure as far as possible, security of employment for its employees, backed up by appropriate staff development.

However, it is recognised that the nature of voluntary sector funding is such that posts are frequently funded on a temporary basis, funding may not be renewed, or unexpected economic and political changes can have an adverse effect on funding levels.

BCVS will seek to minimise the effect of redundancies through the provision of measures described in this policy.

Where compulsory redundancy is inevitable, BCVS will handle redundancy in the most fair, consistent and sympathetic manner possible.

WHAT IS REDUNDANCY?

Redundancy occurs when:

- The employer has ceased, or intends to cease, to carry on the business for the purposes for which the employee was employed
- The employer has ceased, or intends to cease, to carry on the business in the place where the employee was employed
- The requirement of that business for employees to carry out work of a particular kind, or for employees to carry out work of a particular kind in the place where the employee was employed, has ceased or diminished or is expected to cease or diminish.

MEASURES FOR MINIMISING OR AVOIDING COMPULSORY REDUNDANCY

BCVS shall endeavour to seek out all possible means for minimising or avoiding compulsory redundancy, such as:

- Natural wastage
- Restrictions on recruitment, where this is appropriate
- Redeployment to other parts of BCVS where the skills, experience, conduct and performance profile meets the person specification and requirement for the alternative work

- Pay freezes
- Reducing the hours of work by the operation of short-time working

VOLUNTARY REDUNDANCY

In some circumstances where a redundancy situation exists, BCVS may invite employees to apply for redundancy. Candidates for voluntary redundancy are treated in the same way as people chosen for redundancy by BCVS.

EARLY RETIREMENT

In some circumstances, BCVS may invite employees to take early retirement. Employees who do so may waive their right to claim unfair dismissal or redundancy pay.

PRECAUTIONARY NOTICE OF REDUNDANCY

Precautionary notice of redundancy may be given to an employee where BCVS is approaching the end of a funding cycle, without knowing whether a grant or contract for the work for which they are employed will be renewed.

If a grant/contract is received for the work for which they are employed, then notice of redundancy will be withdrawn. This amounts to an offer of a job with new funding as suitable alternative employment.

TIME OFF TO LOOK FOR NEW WORK OR TRAINING

Any BCVS member who is under notice of redundancy will be given a reasonable amount of paid time off to look for another job or to arrange re-training, or receive redundancy counselling before expiry of the period of the period of notice. The amount of time is at the discretion of the line manager.

PROCEDURES

CONSULTATION

BCVS shall aim to warn staff as soon as possible that there is an impending situation that may result in a redundancy, including employees on maternity/paternity/adoption/sick leave.

BCVS will consult employees who may be made redundant, both individually and jointly, as soon as possible through face to face meetings and by letter. The initial meeting with those 'at risk' of being made redundant to include:

- the reasons for the potential redundancies
- discuss how the effects of redundancy can be minimised including suggestions from staff
- the numbers and descriptions of employees it is proposed to dismiss as redundant
- the total number of employees of any such description employed by BCVS
- the way in which employees will be selected for redundancy
- how the dismissals are to be carried out, including the period over which the dismissals are to take effect
- the method of calculating the amount of redundancy payments to be made to those who are dismissed.

Following this meeting BCVS will consider suggestions and criticisms made by the employees and will confirm the content of the meeting and final decision on selection criteria.

Where 20 or more employees may be made redundant within a 90 day period BCVS will, in addition, consult the elected representative of the employees and inform the Department of Business, Industry and Skills.

BCVS will aim to keep all staff informed about general events, but not personal and confidential information.

SELECTION FOR REDUNDANCY

BCVS will select staff for redundancy in an objective, fair and reasonable manner.

BCVS will identify the pool of employees that are at risk of being made redundant, such as those who carry out a similar type of work. Members of staff or groups of staff may be associated with particular projects and associated funding sources. This is likely to influence selection for redundancy.

Where circumstances permit, a selection matrix will be agreed containing a number of separate and objective criteria which will as a whole be non-discriminatory, including:

- Performance and experience
- Disciplinary record
- Attendance record (disregarding any absence associated with a protected characteristic, maternity/parental/adoption/family responsibilities leave and one long bout of illness)
- Skills and training
- Length of service

At least two people (usually including the Chief Executive) will score each employee in the pool on a range of 1 to 4 for each criterion to select those who will be made redundant.

MEETING WITH EMPLOYEES WITH LOWEST SCORES

BCVS will write to each potentially redundant employee setting out:

- Their reasons for the redundancies and their provisional selection for redundancy
- The employee's and the other pool members (anonymous) scores and how they were calculated;
- Inviting them to a consultation, with at least 7 days notice, to discuss the proposed redundancy: and
- Allowing them to be accompanied by a trade union representative or colleague at this meeting

At the meeting there will be discussion of their scores, the proposals to select them for redundancy and the terms of the redundancy. BCVS will also consider whether there are alternatives to redundancy (see below).

A second meeting will be arranged no sooner than 7 days after the first meeting. Prior to this meeting BCVS will have considered all suggestions and issues raised by the employee. Any alternative roles identified should have been provided to the employee. At the second meeting BCVS will confirm to the employee that they have been selected for redundancy and will go through the particulars of the redundancy package. The employee will be informed of their right to appeal (see below). After the meeting BCVS will confirm in writing the decision to make the employee redundant and their right to appeal.

SUITABLE ALTERNATIVE EMPLOYMENT

BCVS will offer suitable alternative work if this is available, including making reasonable adjustments for disabled employees. If suitable work is offered and the employee accepts it, there is no redundancy, if the new contract starts as soon as the old contract ends, or within four weeks of the

termination. If suitable work is offered and the employee unreasonably refuses it, he/she loses the right to redundancy pay.

If the alternative employment differs in any significant way from the previous contract the employee has the right to a trial period of four weeks. In the event of unsatisfactory performance during this time the employee will be made redundant.

Employees who are pregnant, or on maternity or additional paternity or adoption leave have the legal right to be offered any suitable vacancy first.¹ Where there are insufficient alternative jobs available for the remaining number of employees being made redundant, all these employees will be invited to apply for the alternative work, provided that they all have the relevant skills. Selection will be made by interview.

REDUNDANCY PAYMENTS

Employees are eligible for statutory redundancy pay if they

- Have been continuously employed by BCVS for more than two years
- Will be dismissed for reasons of redundancy

WHAT ARE THE PAYMENTS

Statutory redundancy payments shall be calculated as that laid down in legislation. The amount of redundancy pay depends on the employee's length of service, age and weekly pay. BCVS does not provide for redundancy pay over and above the statutory entitlement. For the current formula please ask the Finance Officer.

WHAT IS A WEEK'S PAY

A week's pay is that which the employee is entitled to under his/her terms of the contract at the 'calculation date', being the date on which the employer gives the employee the minimum notice to which he/she is legally entitled. A statutory redundancy payment is not taxable. The redundancy payment will be subject to the statutory limit applicable at the time.

HOW DOES THE EMPLOYEE CLAIM PAYMENT?

There is no need for the employee to claim, as the payment will be paid automatically. Employees under notice of redundancy will be given a written statement showing the date of termination and how the amount of redundancy payment was calculated.

¹ Maternity & Paternity Leave Regulations 1999 [S1 1999/3312] reg.10; Paternity & Adoption Leave Regulations 2002 [S1 2002/2788] reg.23; Community Task Force v Rimmer [1986] IRLR 203 EAT

NOTICE

Any member of staff affected by redundancy will be given written notice of redundancy as follows, as a minimum:

- One week's notice in the first six months of service
- One month after six months and up to four years' service
- One week for each year of continuous employment after four years' service with a maximum of twelve weeks' entitlement

CONTINUOUS EMPLOYMENT

An employee's period of continuous employment is reckoned in complete calendar years, starting with the first day of work and ending with the 'relevant date'. The 'relevant date' is defined as the date on which the notice given to the employee expires, that is normally the date on which the job or employment contract ends.

APPEAL

An employee selected for redundancy has the right to appeal that decision by writing to the Chair of Bournemouth CVS without reasonable delay. The Chair will arrange to conduct an appeal hearing with the employee or will appoint another Trustee to do so on their behalf. This meeting will be held without reasonable delay.

The employee should make every effort to attend this meeting. The employee has the right to be accompanied at the appeal hearing by a colleague or a trade union representative or an official employed by a trade union.

Where any person involved in the meeting is unable to attend then a suitable time and date should be arranged within five further working days.

The Chair or other Trustee conducting the hearing, will consider evidence from the Chief Executive on why the employee was selected and evidence from the employee of why they should not have been selected. They will set out their decision in writing to the employee without unreasonable delay. This decision will be final.

Date: 14/4/11

Signed: 



Chair of BCVS Board

Chief Executive BCVS

Policy agreed: 14/4/11