

Redundancy Policy	
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Executive summary

The Redundancy Policy outlines Leeds Community Healthcare NHS Trust's policy and approach to the consultation and management of employees affected by organisational change and redundancy.

The Trust is required to comply with current employment legislation and its legal obligation to inform and consult in accordance with Section 188 of the Trade Union and Labour Relations (Consolidation) Act 1992 (TULRCA).

This Policy applies to all employees and defines the responsibilities of management, employees and staff side whilst setting the underlying principles of how consultation should be conducted within the Trust.

Equality Analysis

Leeds Community Healthcare NHS Trust's vision is to provide the best possible care to every community. In support of the vision, with due regard to the Equality Act 2010 General Duty aims. Equality Analysis has been undertaken on this policy.

Pension

This policy may affect your pensionable pay and could impact on your pension. Further information is available from the NHS Pension agency on www.nhsbsa.nhs.uk/pensions or (0113) 2066222.

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1 INTRODUCTION

The Trust's vision is to provide the best possible care to every community in Leeds. Our employees are the key element in helping to achieve that vision. It is the Trust's policy to ensure as far as possible security of employment for our employees. However, the Trust's staffing needs may be affected by changes in, for example, the financial climate or organisational requirements.

Organisational change may take several forms. This policy deals with change by way of redundancy. If redundancies are proposed then, in consultation with Staff Side, the Trust will seek to minimise the effect through the provision of sufficient time and effort in finding alternative employment for employees whose posts are surplus and by dealing with employees in a fair and sensitive manner.

2 AIMS AND OBJECTIVES

The purpose of this Policy is to ensure that a framework exists for all staff in the event of an organisational change which may result in a redundancy situation arising.

The Trust recognises and accepts its responsibilities to provide job security to its employees where possible and to fully engage in meaningful consultation with our employees and recognised trade unions where organisational change is required.

The Trust will seek to redeploy employees wherever possible and will only make employees redundant as a last resort.

The Trust will seek to demonstrate values of fairness, consistency, openness and integrity at all stages of the organisational change process.

3. DEFINITION

Organisational Change

This can be as a result of any structural or managerial change in the Trust that impacts on service provision and job content or structure.

Examples include where the Trust examines its structures with a view to:

- Ensuring that they are as efficient as possible in order to deliver the service demands placed upon it
- To take account of employee turnover with a view to minimising recruitment costs or addressing financial pressures
- Restructuring its services to take account of the relocation of services from one site to another
- Changes to commissioning arrangements which may impact on the type and volume of service provided

Assigning Posts

In any redundancy situation, the Trust may give consideration to assigning an alternative role to an employee whose original post is redundant but whose duties in the original post

are comparable in band, skills, experience, qualifications, level of competence and duties to an alternative role in the new structure. In this context 'assigning' means giving priority to the employee holding the redundant post. If there is more than one such employee, then the Trust will also give consideration to ring fencing the alternative employment opportunity so that priority is given to that group of employees who have substantive roles which are comparable to the alternative role. These decisions will be based on the employee's substantive post and not on acting up/secondments etc.

Ring Fencing

In any redundancy exercise the Trust may give consideration to ring fencing any suitable alternative employment opportunities so that priority is given to a particular group or groups of employees.

Suitable Alternative Employment

Suitable alternative employment will take in to account pay, working hours, status (e.g. professional qualifications), grade, the way the work is carried out and location. The employee's circumstances and skills and experience will be taken in to account as will the Trust's pay protection arrangements.

When considering if a post is suitable alternative employment, the roles not the employee need to be the focus of consideration. Whether the proposed role is suitable needs to be considered in its entirety taking into account all of the aforementioned points.

Trial Periods

A trial period is required if an offer of suitable alternative employment is made to an employee who would otherwise be made redundant and where there is a difference between the terms of the alternative and the previous employment. The trial period is normally up to four weeks.

Redundancy

There is a redundancy if the ending of an individual's employment with the organisation is wholly or mainly as a result of one of two factors. These are:

That the Trust has ceased or intends to cease carrying on the business or providing the service in which the employee was employed; or has ceased or intends to cease carrying on that business or providing that service in the place where the individual was employed;

Or

That the requirements of the Trust for an individual to carry out work of a particular kind, or for an employee to carry out work of a particular kind in the place where the employee was employed has ceased or diminished or are expected to cease or diminish.

- An entire business or service or a particular workplace is closed down
- A job disappears as there is no longer any need for the work to be performed
- There is a reduction in the Trusts requirements for employees to do their work

This may arise from there being less work (perhaps after contracting out work) or from the need to have fewer employees for the same amount of work (perhaps after the introduction of new technology). TUPE legislation would need to be considered in any contracting out situations and advice sought from the workforce team.

4. RESPONSIBILITIES

The Executive Team

The Executive team has overall responsibility for ensuring compliance with this Policy.

The Director of Workforce

The Director of Workforce is strategically responsible for ensuring that there are robust processes and procedures in place to allow for effective management of organisational change and redundancies that associated policies remain up to date and in line with current legislation.

The Workforce team

It is the responsibility of the Workforce team to:

- Oversee the implementation, monitoring and review of this Policy
- Work in partnership with managers and trade union representatives to ensure employees are treated fairly and consistently within the framework of the Policy
- Advise managers and employees of options available should an employee be managed under this Policy
- Be responsible for requesting redundancy calculations from payroll
- Ensure managers are updated in the contents of this Policy and best practice in relation to organisational change and redundancy

Management responsibility

It is the responsibility of management to:

- Act fairly and consistently in line with Policy and legislation
- Disseminate Policy to employees and ensure shared understanding
- Engage in meaningful consultation
- Provide Staff Side with information in line with collective consultation requirements
- Consult with Staff Side with a view to reaching agreement where possible

Employee responsibility

It is the responsibility of the employee to:

- Attend any consultation meetings as requested
- Actively consider any amendments to their post or offers of redeployment to suitable alternative employment and trials where appropriate
- Outline any preferences for redeployment and personal constraints for alternative employment where appropriate
- Undergo any reasonable training required to assist with redeployment

Trade Union responsibility

It is the responsibility of the trade union to:

- Work in partnership with managers and workforce representatives to agree consultation methods and promote a culture of involvement
- Attend consultation meetings and represent members in any formal meetings held in line with this Policy
- Advise employees of their rights and responsibilities

5. EQUALITY ANALYSIS

Leeds Community Healthcare NHS Trust's vision is to provide the best possible care to every community. In support of the vision, with due regard to the Equality Act 2010 General Duty aims. Equality Analysis has been undertaken on this policy (see Appendix 1).

6. WHEN IS THERE A REDUNDANCY SITUATION?

A redundancy situation arises in three ways;

- "Business" closure
That is – ceasing or intending to cease to carry on the business for the purposes of which the employee was employed by it;
- Workplace closure
That is – ceasing or intending to cease to carry on that business in the place where the employee was so employed;
- Reduction of workforce
That is – having a reduced requirement for employees to carry out work of a particular kind or to do so at the place where the employee was employed to work

7. ALTERNATIVES TO REDUNDANCY

Whilst ultimately it may be necessary to propose redundancy dismissals, the Trust will consider alternatives which may include:

- Restricting recruitment
- Deferring new joiners
- Secondment, internal and external
- Sabbaticals/Career breaks
- Unpaid leave (at the request of the employee)
- Ceasing/reducing the use of agency workers
- Reducing/removing overtime opportunities

8. CONSULTATION

Depending on numbers, the Trust will consult collectively with its recognised Trade Union ("Staff Side").

The Trust will always consult individually with an employee it proposes to dismiss by reason of redundancy.

9. COLLECTIVE CONSULTATION

Length of Collective Consultation

The Trust will inform and consult Staff Side when it is proposed to dismiss as redundant 20 or more employees at one establishment within a period of 90 days or less.

This collective consultation period will last for at least;

- 30 days – where 20 or more redundancies are proposed
- 45 days – where 100 or more redundancies are proposed

There are two stages to collective consultation – providing information and the consultation process.

Providing information to Staff Side

The Trust will provide Staff Side with written details about the proposed redundancies by:

- Posting it to the head office of each relevant trade union; **and**
- Giving it to the appropriate Staff Side representative

The information provided to Staff Side will include:

- The reasons for the proposed dismissals
- The numbers and description of employees whom it is proposed to dismiss as redundant
- The total number of employees of any such description employed by the Trust at the establishment in question
- The proposed method of selecting the employees who may be dismissed
- The proposed method of carrying out the dismissals, with due regard to any agreed procedure, including the period over which the dismissals are to take effect
- The proposed method of calculating the amount of any redundancy payments to be made over and above the statutory redundancy payment to employees who may be dismissed
- The number of agency workers working temporarily for and under the supervision and direction of the Trust
- The parts of the Trust in which the agency workers are working. The types of work the agency workers are carrying out
- Information on the Trust's consideration of its public sector equality duties

10. COLLECTIVE CONSULTATION PROCESS

The Trust will undertake consultation with Staff Side with a view to reaching agreement on three key points:

- Ways and means of avoiding the redundancy dismissals; and
- Reducing the number of dismissals; and
- Mitigating the consequences

Whilst it may not be possible to reach agreement, the Trust will try to do so and will therefore;

- Consult when proposals are still at a formative stage
- Enter into consultations with an open mind and with a willingness to be persuaded
- Give Staff Side a fair opportunity to understand fully the matters about which it is being consulted, and to express its views
- Conscientiously consider such views

11. INDIVIDUAL CONSULTATION

Timescales

Once any required collective consultation is over, the Trust will consult with individuals selected for redundancy.

There is no set timescale for individual redundancy consultation. However, the Trust would aim to give at least 14 days.

Purpose of individual consultation

Whilst the matters to be discussed in an individual consultation period will depend on the specific circumstances, the following should be included:

- An opportunity for the employee to comment on the basis for selection (both in terms of the pool and the selection criteria)
- An opportunity for the employee to challenge his/her redundancy selection assessment and to explain any factors that might have led to his/her selection and of which the Trust might not have been aware
- An opportunity for the employee to put forward any suggestions or ways to avoid his/her redundancy
- Consideration of any alternative employment positions that may exist (this will also continue after any confirmation of redundancy)
- An opportunity for the employee to address any other matters or concerns that s/he may have

Individual Consultation Process

The Trust will write to each employee selected for redundancy and explain:

- That an individual redundancy consultation is starting
- How long it is proposed the consultation should last (length of the individual consultation period is, however, subject to the matters raised during the consultation)
- The reasons for the proposed redundancy
- The pool for selection
- The selection criteria
- The purpose of the individual consultation period
- The availability of any suitable alternative employment
- How redundancy pay will be calculated (e.g. in accordance with Agenda for Change)

The Trust will give each employee selected for redundancy an opportunity to attend at least one individual consultation meeting during the individual consultation period.

At the end of the individual consultation period, the Trust will write to each employee and confirm his/her position. If the outcome of the individual consultation period is that the redundancy is confirmed, the employee will be given full contractual or statutory notice, whichever is the greater, to terminate employment and will be notified of the right of appeal. The search for alternative employment will continue during the notice period.

12. APPEAL

An employee wishing to appeal against the confirmation of redundancy must do so in writing to the Director of Workforce within 5 working days of the date of the redundancy confirmation letter. The appeal letter must set out the grounds of appeal – e.g. why the employee feels that the consultation was flawed and/or the pool or selection was unfair.

Appeals will be heard by two directors and supported by an HR representative. The appeal will be conducted within 5 working days of the notification of appeal being received. The outcome of the appeal will be final. If the employee exercising his/her right of appeal is a director then the appeal will be heard by a panel, by two non-executive directors and supported by an HR representative.

13. SELECTION CRITERIA

The selection criteria used will be a paper based exercise using selection criteria that are objective and capable wherever possible of independent verification. Staff Side will be informed in line with Section 9.

Examples of selection criteria include a variety of criteria such as length of service, disciplinary record, performance and ability alongside skills, knowledge and experience. Some additional example criteria for medical and dental staff have been agreed.

The Trust may attach weightings to criteria to reflect their relative importance.

An individual's scores will be disclosed to the individual employee only.

The selection process will be undertaken by a manager and HR representative.

14. SUITABLE ALTERNATIVE EMPLOYMENT

Search

The Trust will make a reasonable search for suitable alternative employment within the Trust and, where there is a memorandum of understanding between local NHS employers in place and operational, this will be utilised in the search for suitable alternative employment opportunities.

Employees will also be required to demonstrate that they are seeking suitable alternative employment within the NHS. This is a requirement of NHS Improvement (NHSi).

A search for alternative employment will continue up to the date the employee's employment contract terminates.

Appendix A details the process for the management of the search for suitable alternative employment.

Ring Fencing/Assigning

The Trust may give consideration to ring fencing any suitable alternative employment opportunities or to assigning into an alternative role an employee whose original post is redundant but whose role is comparable (see section 3) of the alternative role. The Trust may give consideration to ring fencing any suitable alternative employment opportunities so that priority is given to a particular group or groups of employees. Decisions will be based on the employee's substantive post.

Offer

An offer of suitable alternative employment must be made before the employee's employment under the previous contract ends. However the new employment need not start until 4 weeks after the previous contract ends.

Suitability

In considering whether or not alternative work is "suitable", the Trust will take account of:

- The requirements* of the existing role compared against those of the proposed role
- The employee's skills, aptitudes and experience

NB*Requirements include, pay, working hours, grade, status, the way the work is carried out and location.

Alternative employment one band below the previous employment, with pay protection, is normally regarded as suitable alternative employment.

If already in receipt of pay protection, a post 2 bands lower than the protected grade would not be considered as suitable alternative employment but it may be considered as alternative employment as an agreed alternative to redundancy.

Pay Protection will be in accordance with the Trust's Protection of Pay and Conditions of Service Policy.

[The fact that a post is temporary, including fixed term contracts and secondments, will not make it unsuitable alternative work. Appointment to a temporary post extends employment in the Trust and gives a longer period in which other suitable alternative employment may be found. The employee retains his/her right to a redundancy payment at the end of such a period of temporary employment if eligible.

If a post is regarded as suitable for a redundant employee then the post will be ring fenced and the employee will be given priority over any other internal/external applicant.

If a post is regarded as suitable for more than one potentially redundant employee, then the Trust will devise a means of deciding between one candidate and another that is fair in all of the circumstances, the Trust may use the scores used to select for redundancy.

Refusal

The right to a redundancy payment is lost if an employee unreasonably refuses suitable alternative employment. In this case the dismissal is, however, still by reason of redundancy.

Whether or not an employee's refusal of a suitable job is reasonable depends on the reasons the particular employee has for rejecting it. This covers factors relating to the employee's personal circumstances. An employee is required to be flexible when considering whether or not alternative employment is suitable for them.

The TDA will require evidence from an employee and employer to support seeking alternative roles and may not approve a redundancy payment if this cannot be satisfactorily demonstrated.

Employees on maternity leave

Maternity and Parental Leave Regulations 1999 ('the Regulations') takes effect when dealing with those staff selected for redundancy.

If there are proposed redundancies in a service and this does not involve a change in role or contract of employment but does include a headcount reduction then regulation 10 applies after selection for redundancy process is complete.

If there are proposed redundancies in a service and this involves a post being removed and replaced with something different which may be considered as suitable alternative employment regulation 10 applies from this point.

Staff who are on maternity leave and are selected for redundancy must be allocated any alternative work that satisfies the requirements of Regulation 10(3) – i.e. of a kind which is both suitable in relation to the employee and appropriate for her to do in the circumstances, and no less favourable than her previous contract with regard to terms and conditions including capacity and place of employment.

The employee on maternity leave must be allocated this alternative work even if there are other candidates that the Trust feels are more suitable or better qualified

If an employee on maternity/adoption leave unreasonably refuses a suitable alternative vacancy then entitlement to a redundancy payment is lost.

Employees on additional paternity leave and ordinary or additional adoption leave have the same protection as provided by Regulation 10 of the Regulations (see Regulation 28 Additional Paternity Leave Regulations 2010 and Regulation 23 Paternity & Adoption Leave Regulations 2002).

15. TRIAL PERIODS

Entitlement and purpose

An employee is entitled to a trial period if there is a difference between the terms of the alternative and the previous employment. All differences count unless they are trivial or insignificant. Terms will be considered individually and it is irrelevant if new terms are more favourable than the old.

The purpose of the trial period is for both the Trust and the employee to assess the suitability of the alternative employment for the employee.

Termination during trial period

If the employee terminates (or gives notice to terminate) their employment during a trial period, they will be treated as having been dismissed on the date on which the original employment contract ended. The reason for termination of employment will be redundancy.

An employee who unreasonably terminates his/her employment during a trial period will be treated as having refused the offer of alternative work. If the employee's refusal is unreasonable, then s/he will lose entitlement to a redundancy payment.

The Trust may terminate (or give notice to terminate) the employee's employment during a trial period for a reason connected with/arising out of any difference between the new contract and the previous employment contract. For example, the Trust may consider the employee to be unsuited to the new role. In this case, the employee will be treated as having been dismissed for redundancy on the date the original employment contract terminated and redundancy pay will be calculated from this date.

Completion of a trial period

If the trial period is successful, then the employment continues.

If the trial period is unsuccessful, the redundancy dismissal stands.

Multiple trial periods

The Trust will not limit the number of trial periods that may take place. However, if they all fail then redundancy pay entitlement will be calculated from the date the original employment came to an end.

Duration of trial period and extension

A trial period will last no longer than 4 consecutive calendar weeks.

The Trust will extend a trial period but only for the purposes of retraining the employee in the alternative employment. If there is to be an extension then:

- Both the Trust and employee must agree;
- The agreement must be in writing and finalised before the employee begins work under the new contract;
- State the date on which the employee's retraining will finish; and
- Identify the terms of employment that will apply after the employee's retraining has finished.

There is no limit on the amount of time for which an extension to a trial period will be agreed by the Trust although this will be no more than is needed for the purposes of retraining the employee.

16. EMPLOYEES NOT PRESENT IN THE TRUST DURING A REDUNDANCY SITUATION

Employees affected by a redundancy situation may not be present in the Trust at the time. Reasons for absence include maternity or adoption leave, sick leave [and secondment and career break].

Absent employees affected by a redundancy situation are equally entitled to participate in collective and individual redundancy consultations and be considered for suitable alternative employment.

Such absent employees will be contacted by the Trust and appropriate arrangements made for their participation.

17. RIGHT TO REPRESENTATION/SUPPORT

The Trust encourages an employee attending an individual consultation meeting to be accompanied by a trade union representative or a work colleague (not acting in a legal capacity).

18. REVIEW ARRANGEMENTS

This Policy will be reviewed every 3 years unless legislation is changed and amendments are subsequently required earlier.

19. ASSOCIATED DOCUMENTS

NHS Terms and Conditions of Service Handbook
Recruitment and Selection Policy and guidance
Protection of Pay Policy
Transfer of Undertakings (Protection of Employment) Regulations 2006

20. REFERENCES

ACAS
CIPD
Trade Union and Labour Relations (Consolidation) Act 1992 (TULRCA)
Transfer of Undertakings (Protection of Employment) Regulations 2006
Equality and Human Rights Commission
Maternity and Parental Leave Regulations 1999

21. TRAINING NEEDS

There is a non-mandatory training course available to support managers with managing organisational change through restructuring which may result in redundancies. Full details are available in the Course Catalogue which can be accessed through the Trust's Intranet.

22. MONITORING COMPLIANCE AND EFFECTIVENESS

A workforce lead will be identified to monitor compliance with the policy. Issues identified will require the formation of an action plan.

23. APPROVAL AND RATIFICATION PROCESS

This policy will be ratified at JNCF and the Remuneration Committee.

24. DISSEMINATION AND IMPLEMENTATION

Following ratification this policy will be available to all staff via the Trust intranet site. A short summary of its contents will also be published with a further notification appearing in Community Talk. All senior managers will be notified via e-mail of the Policy and training available.

Process for the management of redeployment on the grounds of suitable alternative employment (SAE)

1. Support

Once an employee has been identified as at risk of redundancy and has been issued with notice from the Trust they will be supported to find redeployment on the grounds of suitable alternative employment within the Trust.

The employee must complete a Redeployment Skills Profile Form to help assist all parties in the identification of potential SAE opportunities. Once complete, the form must be returned to the HR Officer supporting the redeployment process. The form can be found [here](#)

Upon receipt of the form, the HR Officer will ensure that both the employee and their line manager are provided with the web addresses / links to the Trust's internal and external jobs via the NHS jobs website.

At regular intervals during the search for suitable alternative employment, the employee will check the Trust vacancies listed on the NHS jobs website and will immediately highlight any roles of interest to their line manager - either by telephone or e-mail contact.

In addition to the employee regularly checking the NHS jobs website, the HR Officer will also regularly check all Trust vacancies listed and discuss them with the line manager. If any are thought to be potentially suitable, the line manager will discuss these with the employee.

Working with the line manager, the HR Officer will keep a record of all vacancies considered as potentially suitable and the employee's response

The web addresses and links to access both internal and external Trust jobs are:

Internal Jobs

www.jobs.nhs.uk/extsearch?client_id=123892,123893,123894,122058&internal_only=Y

External Jobs

www.jobs.nhs.uk/in/LCH

If an employee is unable to use the internet / NHS jobs website for a reason linked to a disability, the search for suitable alternative employment will be led by the line manager, supported by the HR Officer.

In such circumstances, the HR Officer will regularly check the Trust vacancies listed on the NHS jobs website and discuss them with the line manager. If any are thought to be potentially suitable, the line manager will discuss these with the employee – either verbally or by e-mail – to ensure that the employee has the opportunity to consider the vacancies and assess their suitability.

Working with the line manager, the HR Officer will keep a record of all vacancies considered as potentially suitable and the employee's response.

Working together, the employee and their line manager (supported by the HR Officer) must consider each vacancy advertised and compare the skills, knowledge and experience required for the role against those detailed on the employee's Redeployment Skills Profile Form.

Where either the line manager or the HR Officer considers that a vacancy appears, on paper, to be a potentially suitable alternative to redundancy but the vacancy is not identified as such by the employee, the line manager will contact the employee and fully discuss the suitability of the role in terms of knowledge, skills and experience and confirm the outcome of the discussion in writing, copying the outcome to the HR Officer.

2. Potential SAE

If the line manager and employee consider that the role could potentially be suitable, the HR Officer will contact the recruiting manager and arrange a meeting with the employee to discuss suitability and agree whether or not a work trial is appropriate.

A maximum period of 2 weeks is allowed for the exploration of the suitability of the role, the potential for a 4 week work trial, consideration of whether or not any extension to the timeframe is needed to allow for specific job related training and, if found suitable, date for work trial to commence. At all meetings, the employee can be accompanied by a Trade Union Rep or work colleague for support. A record of all discussions will be kept by the HR Officer.

For the duration of the work trial, regular contact with the employee is maintained by the HR Officer and the Recruiting / Work Trial manager to discuss and record progress, as follows:

- Week 1 – Employee and Recruiting / Work Trial Manager
- Week 2 – Employee and Recruiting / Work Trial Manager
- Week 3 – Employee, Recruiting / Work Trial Manager and HR Officer
- Week 4 – Employee and Recruiting / Work Trial Manager – final meeting

At all work trial meetings the employee can be accompanied by Trade Union Rep or work colleague for support. However, weekly meetings within the 4 week work trial period will not be postponed if support is not available.

If the work trial is successful, redeployment to the role will be confirmed in writing and actioned on ESR by the Recruiting / Work Trial Manager.

If redeployment to the new role means that pay protection is applicable as per the Trust's Pay Protection policy, the terms and responsibilities detailed within that policy regarding the new manager and the employee will apply from the point of redeployment.

3. Disputed SAE

If the line manager and the recruiting manager believe that the role is potentially suitable / reasonable but this is disputed by the employee, the line manager must immediately inform the HR Officer who has been supporting the process.

The HR Officer will make the arrangements for a formal hearing which will explore the difference of opinion between the line manager / recruiting manager and the employee. The employee, the line manager and / or the recruiting manager will attend the hearing which will be convened as per the Trust's Appeal policy but with the following differences:

The panel will comprise 3 members of staff

An independent senior manager ideally from the employee's current business unit
An HR Advisor with no prior involvement in the SAE process
A professional or specialist advisor to consider the disputed suitability

In order to avoid any potentially detrimental delays within the time limited redundancy redeployment period, the hearing will be convened within 10 working days of notification by the line manager of the dispute.

The employee can be accompanied at the hearing by a Trade Union representative or a work colleague. However, the hearing will not be delayed if a TU representative is not available to attend within the 10 working days timeframe due to the potential impact of disputed SAE on other employees undergoing a redeployment process. If a TU representative is unavailable, the employee will be encouraged to attend with a work colleague.

To support the panel, the line manager / recruiting manager and the employee will provide their argument and rationale as to why the role is / is not suitable / reasonable in writing using the template assessment forms (to access, [click here](#)) but can also be viewed from page 20 below.

These forms must be completed and sent to the HR Advisor 2 working days before the panel. The purpose of the forms is to provide a basis for discussion and further consideration by all parties at the appeal hearing in order to understand the opinion / position of both the employee and the line manager.

At the formal appeal hearing, the panel will consider the forms submitted and explore the argument and rationale from both the employee and the line manager / recruiting manager and will then decide whether or not the role is suitable and the reasonableness of the employee's refusal to accept it as potentially suitable alternative employment.

The decision of the panel is final and there is no further right of appeal against the suitability of the alternative employment offer.

If the panel decide that the role is SAE, the employee can either choose to accept the panel's decision and commence the work trial process outlined at 2 above or choose not to accept both the decision and the role but they will then be made redundant from the Trust with no redundancy payment.

If the panel decide that the role is not SAE, then the employee will continue to be managed and supported as per the redundancy redeployment process.

The above process detailing the appeal, hearing and SAE assessment forms will equally apply if the dispute arises from the employee believing that the role is potentially suitable / reasonable but this is not supported by the line manager / recruiting manager

Redundancy redeployment SAE assessment form

Employee	
Business Unit / Department	
Current job role	
Potential redeployment role	

When completing this form, consider how your current job role compares with the proposed redeployment role and note down any examples or evidence where you feel it doesn't. For example, it may be that the demands that will be placed on you in the proposed role you cannot meet or that the experience required is specialist and you haven't worked in the specialism for some time.

When assessing if the potential redeployment role is suitable, the appeal panel will need to look at the role as a whole and not just one specific area ie a difference in working pattern. Try to complete as much of the form as possible and give examples as to why you feel that the potential redeployment role is not suitable.

	Specific areas	Current job role	Potential redeployment role
Pay	A4C Band		
Working pattern	Hours & pattern		
	Permanent / temporary		
Location	Base		
Working environment	ie office or community based, lone working or as part of a team		

Status ie line management responsibilities and requirement for leadership	Level of seniority		
	Will the role allow the employee to continue to manage staff?		
	Will the role allow the employee to maintain professional registration?		
Responsibility	Duties of the role		
	Level of responsibility		
Skills & Experience	Experience for the role (in current organisation and previous companies)		
	Transferable skills		
Specific personal situation ie impact upon caring responsibilities or travelling distance	Employee comments		
In summary, I believe that this post is not SAE for the following reasons:			

Signed / Dated	

Redundancy redeployment SAE assessment form

Employee	
Business Unit / Department	
Current job role	
Potential redeployment role	
Line manager	
Recruiting manager	

When completing this form, consider how the current job role of the employee compares with the proposed redeployment role and note down any examples or evidence to support your belief that the role is suitable. For example, it may be that whilst the duties in the role are within a different specialist area, the skills and experience that the employee has developed during their career are transferrable and, with reasonable update training and support, can be successfully transferred to the new role.

When assessing if the redeployment role is suitable, the appeal panel will need to look at the role as a whole and not just one specific area ie a difference in working pattern. The panel will also need to consider the reasonableness of the employee's arguments in terms of suitability. It will help all parties if you complete as much of the form as possible and give relevant information and evidence.

	Specific areas	Current job role	Potential redeployment role
Pay	A4C Band		
Working pattern	Hours & pattern		
	Permanent / temporary		
Location	Base		

Working environment	ie office or community based, lone working or as part of a team		
Status ie line management responsibilities and requirement for leadership	Level of seniority		
	Will the role allow the employee to continue to manage staff?		
	Will the role allow the employee to maintain professional registration?		
Responsibility	Duties of the role		
	Level of responsibility		
Skills & Experience	Experience for the role (in current organisation and previous companies)		
	Transferable skills		

Specific personal situation ie impact upon caring responsibilities or travelling distance	Employee comments		
In summary, we believe that this post is SAE for the following reasons:			
Signed / Dated Signed / Dated			

LCH Policy Equality analysis (reviewed April 2017)

Name of Policy	Redundancy Policy	
Name and role of people completing the equality analysis	Richard Worlock Patient Experience & Inclusion Lead	
	Ruth Davies Senior HR Manager	
Date of analysis	10 th September 2014	
	18 th April 2017	

The purpose of the policy	<p>The purpose of this Policy is to ensure that a framework exists for all staff in the event of an organisational change which may result in a redundancy situation arising.</p> <p>The Trust recognises and accepts its responsibilities to seek to provide job security to its employees where possible and to fully engage in meaningful consultation with our employees and recognised trade unions where organisational change is required.</p> <p>The Trust will seek to redeploy employees wherever possible and will only make employees redundant as a last resort.</p> <p>The Trust will seek to demonstrate values of fairness, consistency, openness and integrity at all stages of the organisational change process.</p>	
	<ul style="list-style-type: none"> • Consideration of relevant information – what is known about peoples and groups access, experience or outcomes • Any real or potential impact positive or negative that any policy change will have on the protected groups 	
Age	No - The policy itself does not have an impact on age. The implementation may well be influenced by unconscious or conscious bias by those conducting the selection process for redundancy. Any redundancy process must record staff's age to allow analysis to be conducted in the future to help prevent ageism or preferential treatment to a particular age group	
Disability	Yes - Consideration should be given to making any reasonable adjustments to vacancies for staff with disabilities. Any redundancy process must collect staff's declaration if they have a disability under the Equality Act 2010 definition or not, to allow analysis to be conducted in the future to help prevent discrimination on the grounds of disability. Staff on long term sick should be kept involved in the process and invited to meetings or home visits to be carried out, as required.	
Sex	No - The policy itself does not have an impact on sex (gender). The	

	implementation may well be influenced by unconscious or conscious bias by those conducting the selection process for redundancy. Any redundancy process must record staff's gender to allow analysis to be conducted in the future to help prevent sexism or preferential treatment to a particular gender group
Race	No – The policy itself does not have an impact on race, the implementation may well be influenced by unconscious or conscious bias by those conducting the selection process for redundancy. Any redundancy process must record staff's ethnicity to allow analysis to be conducted in the future to help prevent institutional racism.
Religion or belief	No - The policy itself does not have an impact on Religion or Belief. The implementation may well be influenced by unconscious or conscious bias by those conducting the selection process for redundancy. Any redundancy process must record staff's religion to allow analysis to be conducted in the future to help prevent religious persecution or preferential treatment to a particular religious group.
Sexual orientation	No - The policy itself does not have an impact on sexual orientation. The implementation may well be influenced by unconscious or conscious bias by those conducting the selection process for redundancy. Any redundancy process must record staff's sexuality to allow analysis to be conducted in the future to help prevent homophobia or biphobia in the organisation.
Gender reassignment	No - Any redundancy process must record staff's self-identified gender to allow analysis to be conducted in the future to help prevent discrimination.
Pregnancy and maternity	Yes - An employee on maternity leave who has been selected for redundancy must be offered a suitable vacancy before any other employee.
Marriage and civil partnership (<i>only eliminating discrimination</i>)	No - Any redundancy process must record staff's marital status to allow analysis to be conducted in the future to help prevent discrimination.

Actions to address potential or real inequality as a consequence of the policy.			
Action	Progress milestones	Lead	How will impact be measured
Monitoring of staff selected for redundancy by protected characteristic group.	Annual report on staff selected for redundancy	Workforce informatics 31 Dec each year	Analysis of data will be conducted as part of the Equality Act 2010 Public Sector Equality Duty and presented in the annual Equality Strategy update to the Trust Board