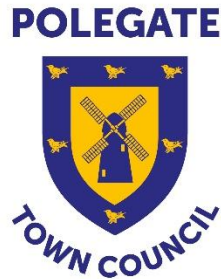


Polegate Town Council



REDUNDANCY POLICY

Policy Number 34		
Issue No.	Date completed	Details of amendments
1	21.04.23	Adopted at Finance and Policy Meeting
2	22.05.23	Adopted at Annual Stat meeting
3	20.05.24	Adopted at Annual Stat meeting
4	19.05.25	Adopted at Annual Stat meeting
5	11.05.26	Adopted at Annual Stat meeting

1. Policy Aim

1.1 It is the aim of Polegate Town Council to ensure, as far as possible, security of employment and the avoidance of compulsory redundancies for its employees means of effective forward planning. However, from time-to-time circumstances may make it necessary to consider reductions in staffing levels. In that event, the provisions of this policy shall be applied.

1.2 The purposed of this policy is to ensure that, wherever staffing reductions are considered necessary:

- All staff who are affected by the anticipation of a redundancy situation and compulsory redundancy will be given fair and equitable treatment;
- Wherever practicable, redundancies will be avoided and alternative measures considered such as flexible working, reduction in overtime, early retirement, seeking voluntary redundancies, retraining or deployment into existing vacancies; and,
- So far as possible, changes will be affected with the understanding and agreement of the staff involved

1.3 This policy reflects the size of the Town Council, currently 9 staff, and therefore no reference is made to statutory provision for collective redundancies of 100 staff or more under the Collective Redundancies and Transfer of Undertakings (Protection of Employment) Regulations 1995. In addition, the Town Council does not recognise a Trade Union for collective bargaining purposed and no reference is made to consulting Trade Unions (where applicable) as set out in statute. However, where redundancies of 2 or more are proposed, employee will be invited to elect an appropriate number of employee representatives for consultation purposes. These representatives will take part in the consultation on behalf of all affected staff.

2. Policy Scope

2.1 This procedure applies to all staff of the Town Council, including those on Fixed Term Contracts provided that they have at least 2 years continuous local government service at the time of the redundancy.

3. Redundancy and the Law

3.1 Redundancy arises where the Council ceases to operate, relocates, no longer needs as many employees to carry out a specific function or where a specific job is no longer required.

3.2 Redundancy is a dismissal in law. The dismissal must result from a diminution or cessation of the employer's need for employees to carry out work of a particular kind or in a particular place. This does not necessarily

mean that the workforce as a whole is being reduced in number, or that the overall work has been reduced. A redundancy can occur in an organisation that is growing, if that growth requires a change in the way work is organised, leading to one or more jobs of a particular kind no longer being needed.

4. Notification

4.1 Written notification of pending redundancies has to be given to the Department for Business, Innovation and Skills (BIS) at least 30 days before the first dismissal if between 20 and 99 employees are likely to be made redundant. There is no requirement to notify BIS if less than 20 employees are expected to be made redundant.

5. Consultation

5.1 Consultation with all affected staff must start at least 30 days before the first dismissal takes effect when between 20 and 99 employees are likely to be made redundant. Consultation must happen as soon as there are formulated proposals which imply a reduction in the workforce.

5.2 For 19 or less employees there is no statutory minimum period, but employers are required to consult as soon as possible. Where only an individual employee is likely to be selected for redundancy, consultation is also necessary and must begin as soon as possible. As a good practice employer, the Town Council will apply the 30-day rule as set out at section 4 of this policy.

5.3 Consultation must be meaningful taking into account the views of the affected staff. Where redundancies of 2 or more are proposed, employees will be invited to elect an appropriate number of employee representatives for consultation purposes in accordance with 1.3. In all cases staff will be notified in writing of the following:

- The reasons for the redundancies;
- The number of redundancies and in which job categories;
- The total number of employees of that description employed at the Town Council;
- The proposed selection criteria;
- The proposed redundancy procedure and timescale; and,
- The proposed method of calculating the amount of redundancy payments.

In addition, consultation will include constructive discussion of ways and means of avoiding redundancy and how the Council can help to limit the effects on those that may be dismissed by reason of redundancy.

- 5.4 Consultation must still be carried out where only one person is proposed for redundancy. The employee will be given the opportunity to comment on their selection and to challenge the results. During consultation, individuals will receive an explanation of why and how the individual post has been selected, possible ways of avoiding the redundancy e.g. by offering retraining and possible alternative work.
- 5.5 Consultation should take place whilst the proposals are still at the formative stage and employee given adequate information and time to respond. Any counter proposals offered by either staff or the individual employee involved, should be responded to in writing. All redundancy proposals will be made by the Town Clerk in conjunction with the appropriate member of the Office team. All redundancy proposals will be approved by the Personnel Committee.
- 5.6 The consultation process must conclude before any redundancy notices are issued.

6. Selection for Redundancy

- 6.1 The first stage in the selection is to identify the pool of job holder who may be affected. A pool could be one employee or the whole workforce depending on the need driving the decision e.g. shutting down a service (so the employee(S) delivering that service would be the pool) or saving x% from the payroll budget (so all employees would be potentially affected).
- 6.2 Once the pool has been identified, the next stage is to identify the selection criteria that will be applied. The Council will seek to agree the selection criteria with the employee representatives. In selecting for redundancy, the Council will ensure that the selection criteria are fair, that they are used in an objective way and applied consistently to ensure that no employees are unfairly selected for redundancy. Fair criteria includes:
- Skills and qualifications;
 - Experience;
 - Standard of work performance;
 - Conduct/ disciplinary record; and,
 - Attendance record (however, the Council will be mindful of any absence related to disability).
- 6.3 It is automatically unfair to select employers for redundancy because of Trade Union membership, activity, non-membership or acting as an employee representative, gender including transgender, marital or civil partnership, race, religion, sexual orientation, ethnic origin, disability, pregnancy, maternity, paternity, adoption, parental or dependents leave, age or seeking to enforce a statutory right. In addition, it may be unfair if they are selected

for redundancy because they are employed on a fixed term or part time basis or have caring responsibilities.

7. Redundancy Compensation

- 7.1 An entitlement to redundancy pay arises when an employee has two years' continuous service with the same employer or one covered by The redundancy Payments (Continuity of Employment in Local Government, etc) (Modification) Order 19999 (known as the Modification Order).
- 7.2 In calculating entitlement to, and the amount of, a redundancy payment, the Town Council must count all continuous local government service and other relevant service up to a maximum of 20 years under the Modification Order.
- 7.3 The Town Council has agreed to calculate the redundancy payment as per the statutory requirement.
- 7.4 The Town Council has the discretion to purchase on behalf of the employee additional annual pension up to the value of £5,000 (this may be purchased in multiples of £250 up to the maximum value of £5,000). In addition to the redundancy compensation, Polegate Town Council has elected not to apply this discretion.

8. Early Retirement on Grounds of Redundancy

- 8.1 Employees qualify for an immediate pension if they are retired early on the grounds of redundancy (or in the interest of the efficiency of the service) and are ages 55 or over with 3 month's membership or have transferred pension rights of any length into the Local Government Pension Scheme from another scheme.
- 8.2 If an employee has not received an enhanced redundancy payment under the Local Government (Early Termination of Employment) (Discretionary Compensation) (England and Wales) Regulations 2006 an authority may compensate a member for redundancy by granting them augmented pension service up to a period of 10 years under Regulation 12 of the Local Government Pension Scheme (Benefits, Membership and Contributions) Regulations 2007. Polegate Town Council has elected to apply an enhancement and therefore this provision will not apply.
- 8.3 The Town Council has the discretion to purchase on behalf of the employee additional annual pension up to the value of £5,000 (this may be purchase in multiples of £250 up to the maximum of £5,000) in addition to the redundancy compensation, Polegate Town Council has elected not to apply this discretion.

9. Notice Period

9.1 The amount of notice that an employee is entitled to receive is set out in s.86 of the ERA 1996 as set out below, unless the contract of employment with Polegate Town Council provides for a greater period.

Length of Continuous service with the Town Council	Notice Period
One month but less than two years	One week
Two years but less than three years	Two weeks
Each additional year	One additional week
Twelve years plus	Twelve weeks

10. Support

10.1 Where practical redundancies will be avoided but where an employee has been issued with a notice of redundancy the following support is available:

- An entitlement to reasonable time off during working hours, with the prior agreement of the Town Clerk to see new employment (e.g. to attend an interview or visit a recruitment agency,) or make arrangements for training for future employment;
- A trial period of 4 weeks when an employee is redeployed into another post to establish whether the new job is suitable without necessarily losing the right to a redundancy payment. Trial periods can be extended to a maximum of 12 weeks to allow for retaining by mutual agreement; and,
- The employee may ask to be allowed to leave the Council's employment before the expiry of their notice period if agreed, this will not invalidate the right to a redundancy payment.

10.2 Where an employee has been redeployed the following is available:

- Salary protection for 3 years where the employee is redeployed into a job at a lower grade than their redundant post. At the expiry of the 3-year period the full terms and conditions of the lower graded post will take effect and the employee's salary will reduce to the maximum scale point of the new grade; and,
- The possibility of protecting pension benefits by the issue of a Certificate of Protection of Pension Benefit and where this is applicable, advice should be sought from the Town Clerk.

10.3 Further advice and guidance can be sought from the Town Clerk by all staff and at any point in the redundancy process.

11. Appeals

11.1 An employee who has had their employment terminated on grounds of redundancy has the right of appeal against their dismissal.

11.2 The employee should write to the Town a Clerk within 5 working days of receiving the notice of redundancy stating one of these specific reasons for appeal:

- The selection criteria used was unfair or unfairly applied; or
- The employer did not seek alternative employment
- And details as to why this is applicable to their situation

11.3 On receipt of the appeal the Town Clerk will inform the Appeal Panel consisting of Members of the Council who will arrange a meeting as soon as possible and normally within 5 working days. The employee will be invited to the meeting and informed of their right to be accompanied by a work colleague or trade union representative at the appeal meeting. At the appeal meeting the employee will have the opportunity to present oral/ and or written submissions. The Appeals Panel will carefully consider the matter and provide a written response normally within 5 working days. The employee will be informed that this is the final stage of the procedure, and the decision for the Appeals Panel is final.

**Statement prepared for adoption by Polegate Town Council at its meeting on
11.05.26**

Signed by

Mayor of Polegate

Town Clerk/Proper Office/RFO