



# **REDUNDANCY/REORGANISATION POLICY**

THIS POLICY SHOULD  
ANSWER SOME OF  
THE QUESTIONS YOU  
HAVE WHEN YOUR  
JOB MAY BE  
AFFECTED BY  
REORGANISATION  
OR CHANGES TO THE  
WAY THE COUNCIL  
OPERATES

## Table of contents

1. What does this policy cover?
2. When might a redundancy situation arise?
3. What is meant by a 'place of work' in the context of redundancy?
4. Who has the authority to decide whether staff will be made redundant?
5. Consultation – what does this mean?
6. What is the selection process for posts within a reorganised service?
7. Selection procedure
8. Is an employee taking up a post in a re-organised structure subject to a probationary period?
9. If the Council is transferring work to another organisation and the employee is going to be employed by this new organisation can they be made redundant instead?
10. What is the consultation period for proposed redundancies?
11. What steps do managers need to take in redundancy situations?
12. When might redeployment be a possibility?
13. What is a trial period?
14. What is suitable alternative employment?
15. What might be considered unreasonable refusal of a suitable alternative job offer?
16. What if I am on maternity leave
17. What is pay protection and when might it apply?
18. What will the council do to help me find a new job if I am made redundant?
19. How will the council choose which staff will be made redundant?
20. Will the Council consider asking for volunteers for redundancy?
21. What pay would I be entitled to if I was made redundant?
22. Who does not qualify for a redundancy payment?
23. Redundancy Payment Calculation
24. What notice would I get if I were to be made redundant?
25. What happens if I am served with notice of redundancy and find a new job whilst I am working my notice?
26. Do I have the right of appeal against any decision to make me redundant?
27. If an employee works part time but the manager wants a full time employee. Can a manager dismiss this part time employee by reason of redundancy if they will not work full time?
28. If I am on a fixed term contract what might happen to me if there is a potential redundancy situation?
29. One of the team is approaching age 65 and the service is restructuring and there is a potential redundancy situation. What should the manager do?
30. How should a manager manage a redundancy situation where an employee is on long term sickness absence?
31. What should a manager do if there is a redundancy situation and an employee who is on long term sickness absence is not fit to participate in the selection process?
32. How should a manager handle a redundancy situation which includes a disabled employee?
33. Who does this policy apply to?

## **1. What does this policy cover?**

This policy applies to changes which may occur as a result of reorganisation which result in either:

- a) redundancy
- b) redeployment/slotting in
- c) an offer of suitable alternative employment

The policy of Boston Borough Council is to plan as far ahead as possible to provide secure employment for its staff. However it is recognised that there have been, and may in the future continue to be, changes in the working of the organisation, its finances or organisational requirements which make restructuring and redundancies unavoidable.

### **Our objectives:**

- To take all reasonable steps to avoid and/or minimise the need for redundancy
- Ensure that meaningful consultation and communication takes place with employees and trade union representatives, in accordance with statutory requirements and good employee relations practice
- To ensure that where redundancy is decided the individuals concerned are given as much advance notification as is reasonably possible
- That the employees concerned and their representatives are informed of the decision prior to any public announcement
- Ensure that employees who are declared to be 'at risk' of redundancy have the opportunity to be considered for suitable alternative employment

## **2. When might a redundancy situation arise?**

Under the Employment Rights Act 1996 s.98, 'redundancy' is a potentially fair reason for dismissal.

An employee is deemed to be redundant (and therefore entitled to a statutory redundancy payment) when the dismissal is attributable wholly or mainly due to:

1. The fact that their employer has ceased (or intends to cease) to:
  - a) Carry on the business for the purpose of which the employee was employed by it, or
  - b) Carry on that business in the place where the employee was so employed, or
2. The fact that the requirements of that business have ceased or diminished (or are expected to cease or diminish) for employees to:

- a. Carry out work of a particular kind, or
- b. Carry out work of a particular kind in the place where they are so employed

Therefore a redundancy situation arises where there is a need for a reduction in the number of employees at the place where the employee was employed or a reduction in the number of employees doing a particular kind of work.

### **3. What is meant by a 'place of work' in the context of redundancy?**

A place of work does not necessarily mean the actual buildings or premises in which you are employed but usually means the employer for which you work. Therefore in the case of Boston Borough Council if work moves from one location to another within the Borough this would not normally constitute a redundancy situation.

### **4. Who has the authority to decide whether staff will be made redundant?**

Members may make policy decisions which may mean that as a consequence a number of posts may need to be declared redundant. For example, if Members decide to close a Council facility such as a Library<sup>1</sup>, it is likely that as a result of this decision some posts may be declared redundant.

Members are unlikely to be involved with the specific details of redundancy. Approval of individual situations may not be made by an Elected Member(s). Such decisions may not either be made by Cabinet, Full Council or any other Council committee unless the post in question is a Chief Officer in which case the Human Resources Manager will refer the case to Full Council for approval.

In all other cases the authority for approving redundancies rests with the Head of Paid Service (Chief Executive).

### **5. Consultation – what does this mean?**

Consultation will start when a proposal has been made regarding the consideration of any changes which may result in redundancy or reorganisation but when a final decision has not been made. Statutory redundancy consultation will occur once a decision has been made which may result in redundancies.

Trade union representatives should be consulted on all redundancy proposals regardless of whether the staff in question are trade union members.

Staff and their representatives must be given reasonable time to be consulted over proposals.

The Council has adopted a Managing Change Agreement (Appendix 2) which should be used in conjunction with the Redundancy & Reorganisation Policy.

---

<sup>1</sup> This is given as an illustration only and is not related to any current Council facility

## 6. What is the selection process for posts within a reorganised service?

Managers should finalise the proposals, job descriptions and person specifications in liaison with HR. HR may need to evaluate jobs prior to any proposals for reorganisation in accordance with the Council's Job Evaluation procedures.

The process for staffing the new structure should then commence, as follows:

- Where a post in the new structure is fundamentally the same as the existing post and where there is just one employee for the job, then the manager should slot in the employee automatically, (assimilate them to the new post), without the need for an interview.
- For slotting to take place, the post has to be fundamentally the same. There is no agreed specific criteria for this, and it is a matter of judgement as to whether the post is fundamentally the same taking account the range and scope of accountabilities and the context in which the post operates. This will usually be outlined during the consultation phase of any proposed changes.
- Where the Council creates a different structure with different jobs, or where there is a reduction in the number of jobs in the new structure, there will normally be a ring-fence and initially only those staff currently employed in the service affected can apply for identified posts.
- An offer of a 'slot-in' may occur when reorganisation takes place which may result in changes to a departmental structure and as a consequence of this some changes to existing jobs.
- In this case a redundancy situation is not likely to apply nor is an offer of alternative employment because the key terms and conditions and duties remain unchanged.

## 7. Selection procedure

Appointment to new posts within agreed structures will be made on the basis of an assessment of skills and competencies through a selection process. Staff not appointed through this process will be identified as being at risk of redundancy.

Where an employee is acting up or has been seconded to take on the **full** duties of an alternative post, the manager can include that employee in a ring fence on the basis of their acting up role or seconded role, provided they:

- have undertaken the duties of the post for a year or more
- their substantive post is within the service which is being restructured, i.e. employees cannot be 'slotted' into a post they are seconded into.
-

**8. Is an employee taking up a post in a re-organised structure subject to a probationary period?**

No. An employee is entitled to a four-week trial period if they are offered suitable alternative employment to help them and the service area determine whether they are suitable for the new role. Following this the normal performance management process would apply with additional support and training identified as appropriate.

**9. If the Council is transferring work to another organisation and the employee is going to be employed by this new organisation can they be made redundant instead?**

This situation is covered by the Transfer of Undertakings (Protection of Employment) (TUPE) Regulations 2006. In this situation the Council usually transfers work to the new organisation with existing staff. Therefore there will not be a redundancy situation. An employee may not wish to transfer to the new organisation and if they choose not to transfer they are treated as having resigned. The employee is not therefore in a redundancy situation. The main consequences of TUPE are:

- The new employer has to take over the contracts of employment of the employees on existing terms and conditions
- All rights, duties, powers and liabilities are transferred
- Employees have continuity of employment for all rights
- Any dismissal connected with the transfer is automatically unfair, unless the employer can show an economic, technical or organisational reason (ETO) which will result in changes to the workforce. Redundancy, however, is one of the most common ETO reasons.
- Collective agreements with recognised trade unions, including an agreed redundancy policy, are transferred to the new employer

Therefore, as there is no dismissal, there will be no redundancy payment.

**10. What is the consultation period for proposed redundancies?**

Consultation should begin as soon as the Council contemplates proposing redundancies. The period of time varies with the number of proposed redundancies:

- For collective redundancies, legislation requires the Council to consult 'in good time' with appropriate representatives. For the purposes of this policy representatives are those recognised as representatives of UNISON and GMB trade unions.
- The Law specifies minimum periods of time for consultation as follows:
- If there are to be between 20 and 99 redundancies in any one establishment within a 90 day period, consultation must take place at least 30 days before the dismissal takes effect.

- If there are to be 100 or more redundancies in any one establishment within a 90 day period, consultation must take place at least 90 days before the first dismissal takes effect.
- There is no set period of time for collective consultation where redundancies involve less than 20 employees however the Council recognises that 30 days would be a reasonable minimum period in normal circumstances.

Consultation with employee representatives will cover those employees likely to be dismissed and those who may be affected by the measures taken in connection with those dismissals e.g. staff having to take on reallocated work.

The Council will supply to the representatives at least the following information:

- Reasons for proposals
- Numbers and descriptions of employees it is proposed be dismissed
- Total number of employees employed at the establishment in question
- Proposed methods of selection
- Proposed method of carrying out the dismissals including the period over which dismissals are to take effect and payment calculation (Appendix 1)

The consultation may also cover the following:

- Arrangements for travel to work where work is available in a different location
- Local arrangements for reasonable time off with pay to seek alternative employment or make arrangements for retraining
- Internal and external help available to find alternative work
- Redundancy counselling

The consultation should include ways of avoiding dismissals, reducing the number of employees to be dismissed and mitigating the effects of dismissals.

The Council's standard Formal Consultation Document (Appendix 3) will be supplied to staff and their representatives where appropriate to ensure that all necessary information is provided.

At whatever point consultation takes place, the Council will consult with representatives and consider any alternatives that are suggested to establish if there are any other viable options to redundancy. At the end of this consultation period the Council will agree with the representatives that the consultation period has been completed and will confirm the outcome. At this point if the decision is that the redundancies will have to take place, then it is at this time that the individual employees affected will be notified that they are to be made redundant.

## 11. What steps do managers need to take in redundancy situations?

Notification must be provided to the Secretary of State for Trade and Industry of the Council's intention to make redundancies, on form HR1 in accordance with the following schedule. At the same time, a copy of the HR1 form should also be given to the trade unions that are being consulted. HR will ensure this notification is made once notified by relevant managers of the proposals.

<b>Number of employees to be made redundant</b>	<b>Time Limits for Notification</b>
Less than 20 employees	Not required
20-99 or more employees within a 90 day period	At least 30 days before the redundancies are effected, in any event, before giving notice to terminate an employees contract
100 or more employees within a 90 day period	At least 90 days before the redundancies are to be effected, in any event, before giving notice to terminate an employees contract

**Failure to notify the Secretary of State for Trade and Industry in accordance with the above requirements can lead to a fine of up to £5,000 being imposed.**

## 12. When might redeployment be a possibility?

Where any post faces redundancy, the Council will make every effort to redeploy the individual wherever possible.

Staff at risk of redundancy or those who have been served notice of redundancy will automatically have all suitable vacancies 'ringfenced' to them.

If an employee is offered and accepts employment in another establishment of the Council within reasonable daily travelling distance of his/her home but involving additional distance and cost, the Council may provide some financial assistance. This is unlikely to occur whilst all of the establishments of the Council are within the Borough of Boston. Consideration would be given where the place of work changed to outside of the Borough depending on distance to be travelled and any other relevant circumstances.

## 13. What is a trial period?

Offers of alternative employment (at the same, lower or higher grade) are subject to a statutory four-week trial period. This only applies if any key term of the new contract differs from the corresponding term in the old contract for example a change in terms and conditions of employment. This would only be relevant if the employment on offer is considered to be a suitable alternative.



An offer of a trial period in the new role may include training and support where appropriate. Should staff accept an offer of alternative employment within the Council prior to any formal notice of redundancy being served the Council will endeavour to offer a trial period or secondment for a minimum of four weeks.

Any offer of a new position will be made in writing. The employee must reply in writing to the offer confirming their acceptance, or not, of the new position.

The new job must start immediately after the old one finished or within a four week period.

The employee is entitled to try the new job for a four week trial period. A longer trial period may be agreed if this is necessary for retraining. If he/she decides not to accept the job during or at the end of the trial period he/she will be treated as having been dismissed for redundancy when the old job ended or will be on notice of dismissal if the old job has not yet ended.

If at the end of an agreed retraining period the employee is not competent or if during the training period it is judged that he/she will not become competent, his/her employment will be terminated and he/she will still qualify for a redundancy payment.

Managers can only extend trial periods by agreement for retraining purposes. The agreement must:

- be in writing
- set out the date on which the period of retraining will apply
- set out the terms and conditions that will apply to the employee at the end of the retraining period

It is important to note that an employee who works longer than the four-week trial period in the new role without an agreed extension is deemed to have accepted the new position and would therefore lose the right to any redundancy payment.

#### **14. What is suitable alternative employment?**

##### **Suitable Alternative Employment**

It is up to the employee to decide whether the alternative work offered is considered to be suitable. If a suitable job offer is made which is broadly comparable to the existing job (e.g. grade, job content, status, place of work etc.) and the employee unreasonably refuses it there may be no liability to make a redundancy payment.

In cases of redundancy and/or restructuring, flexibility on the part of employees is paramount. Alternative offers of employment may be made to staff at risk of redundancy and they should be reasonable about any alternative offers made to them and accept trial period or secondments where possible. It is of paramount importance that employees should be prepared to consider a wide range of alternative jobs.

Employees should also be aware that in any organisation they would be expected to adapt to new methods of working and techniques in their current and any revised roles.

The following factors might influence employee's decisions about whether the alternative employment on offer is suitable:

### **Status**

Any loss of status may be eased by allowing the employee preferential treatment should the original job become available again following a change in circumstances.

### **Location**

The employer should consider the degree of disruption likely to be caused by a change of location and any additional expense incurred. Any increase in travelling time should be considered in relation to the personal circumstances of the employee.

### **Working environment**

This may be especially important for those employees who suffer a health complaint or disability. Consideration of workplace assessments should be given in these circumstances to assess suitability.

### **Hours of work**

Any change in an employee's hours of work, for example in shift patterns, may be considered unsuitable if it fails to take account of the individual's personal circumstances (this does not apply to situations where proposals to change shift patterns are made to jobs not at risk of redundancy).

## **16. What might be considered unreasonable refusal of a suitable alternative job offer?**

Unreasonable refusal may arise where the differences between the new and old jobs are negligible or where the employee assumes rather than investigates the changes that a new job might involve in, for example, travelling time or working conditions. Refusal may be reasonable if the new job would cause domestic upheaval, for example if there was a considerable change in working hours. In deciding whether to accept an offer of alternative employment it will be sensible for employees to bear in mind the availability of other employment should they refuse the offer.

## **16. What if I am on maternity leave**

- The manager should include this employee in the consultation process that they have with the other staff. The manager should send them the information about the new structure, proposed new posts and changes.
- It is important for managers to send communications in a format agreed with the employee - e.g. sent in the post or emailed - so that the employee can pick up important information as quickly as possible.

There are other important considerations to bear in mind when a member of staff is on maternity leave:

- Managers will need to make arrangements to include the employee in the

selection process and allow them sufficient time to make child-care arrangements, for example. Employees on maternity leave have the right, but not the obligation, to attend for selection interviews at the same time as others if they wish. The Council cannot require an employee on maternity leave to attend a selection interview. Once the employee has returned to work, she will be required to participate in a selection process at that stage.

- Where it is not practicable either to continue to employ a woman who is on maternity leave or to permit her to return to work because she is redundant, the employer must offer her any suitable vacancy that exists.
- A manager should not select a woman on maternity for redundancy except in a situation where the Council has decided that a whole group of staff are no longer needed. In that case, managers would not apply selection criteria because the whole service has closed. However, in this circumstance there would be a need to try to identify suitable alternative employment (redeployment) to avoid the redundancy situation.
- Managers must offer a woman on maternity leave who is under notice of dismissal on the grounds of redundancy any suitable alternative vacancy available. There would be no need for a woman absent on maternity leave to compete for a suitable alternative post as legislation imposes an obligation on the employer to offer a vacancy to the absent employee.
- It is automatically unfair dismissal to select a woman for redundancy on the Grounds of her pregnancy
- Under the Maternity and Parental Leave Regulations 1999, it is automatically unfair to dismiss an employee for reasons connected with pregnancy, maternity, parental leave or dependant care leave.
- Redundancy during maternity leave will end the contractual obligations to both maternity pay and the right to return. Redundancy does not affect statutory maternity pay (SMP). This continues to the end of the Maternity Pay Period.
- Any payments made to the employee in respect of occupational maternity pay go towards meeting the employer's obligations in respect of notice pay.

Please refer to the maternity leave and pay policy.

- A woman who is pregnant or on maternity leave and is dismissed is entitled to a written statement of the reason for dismissal. The employee does not have to request this statement.

## **17. What is pay protection and when might it apply?**

Where an employee accepts an offer of suitable alternative employment in a lower graded post as an alternative to redundancy the Council's normal pay protection arrangements will apply. Please see the Pay Protection Policy for more details.

Should an employee be aged 50 or over at the point where their salary is reduced because of this grade change, the Local Government Pension Scheme flexible retirement provision becomes an option. Please refer to the Retirement & Pensions Policy.

Employees who are appointed to a job with a lower salary can also apply for a certificate to protect their pension. . Please refer to the Retirement & Pensions Policy.

## **18. What will the council do to help me find a new job if I am made redundant?**

Employees given notice of redundancy are entitled to reasonable time off to seek alternative work or for retraining. The Council will, where possible, assist employees in their search for alternative work and seek assistance from other organisations where necessary e.g. JobCentrePlus.

The following additional support measures may be available:

- Outplacement support will be sourced (if appropriate)
- Retraining
- Support in applying for alternative employment
- Financial advice

## **19. How will the council choose which staff will be made redundant?**

The process of choosing which staff will be made redundant is known as redundancy selection.

Where selection for redundancy is necessary e.g. in areas where it has been identified that, for example, 5 out of 20 staff are to be made redundant rather than the situation where a single post is no longer required, the redundancy selection process should incorporate the following:

- Fair selection ( selection for redundancy must not be based on criteria such as age, sex, membership of a trade union and other factors governed by legislation)
- Assessment of employee skills and performance against the requirements for remaining work
- Selection should not necessarily be made on a “last in – first out” basis
- Attendance records (taking into account any disability or pregnancy related absences)

The Council may be liable to pay compensation for unfair dismissal if it:

- Does not select fairly those to be made redundant
- Fails to carry out proper consultation
- Does not make arrangements for redundancy in a reasonable way

The Council will ensure that not only will the drawing up of selection criteria be done objectively and consistently but also the application of the criteria.

Care will be taken to ensure that selection criteria are not directly or indirectly discriminatory on grounds of race, gender, disability etc.

Where a member of staff may feel that they have been unfairly selected for redundancy they may lodge a grievance through the Council's Grievance Procedure.

## **20. Will the Council consider asking for volunteers for redundancy?**

Where volunteers are sought from the workforce for redundancy as opposed to compulsory redundancy, the Council will select from the list of volunteers those who are to be dismissed. In situations where the number of volunteers exceeds requirements, employers should be alert to the potential reaction of some employees not selected. Selection for voluntary redundancy will be carried out as selection for compulsory redundancy above.

## **21. What pay would I be entitled to if I was made redundant?**

Before an employee has entitlement to redundancy pay, he/she must have completed two years continuous service with the Council (or continuous local government service) since the age of 18 years. Service after the age of 65 does not count towards redundancy pay.

If an employee who is under notice of redundancy receives an offer of a job from another Modification Order<sup>2</sup> body before the termination of his or her employment and takes it up within 4 weeks of the end of the old employment, there will be no dismissal for redundancy payment purposes and a redundancy payment will not be payable.

If an employee does take up the offer of the new job with the Modification Order body in these circumstances, the provisions relating to a trial period within the Employment Rights Act will apply. Therefore, if the employee decides not to continue with the job during the first four weeks he or she will be able to terminate the contract (with or without notice) and receive a redundancy payment from the old employer.

### **NB**

If an employee unreasonably refuses a suitable offer of employment from a modification order body, then he or she may not be entitled to a redundancy payment.

(A Modification Order Body is usually another local authority, regional development agency or other related employer. Employees should view the full list if they are uncertain of whether a prospective employer is included.)

## **22. Who does not qualify for a redundancy payment?**

- Those employees subject to a fair retirement procedure
- Apprentices who are not employees at the end of their training

## **23. Redundancy Payment Calculation**

Please see appendix 1 for details of the Council's redundancy pay entitlements. Redundancy payments are calculated on the employee's actual weekly pay rather than the statutory minimum.

---

<sup>2</sup> A list of Modification Order bodies can be obtained from <http://www.lge.gov.uk/lge/aio/54795>.

The value of all unused annual leave is to be considered remuneration and as such will be paid via payroll with appropriate tax and National Insurance deductions made.

Pay and benefits are taxed in the normal way while notice of redundancy is being served.

Compensation of redundancy is not subject to tax or National Insurance deductions provided it does not exceed £30,000. NB this limit is set by the Inland Revenue and is subject to change.

Employees over the age of 50 with two years service will be entitled to early release of benefits from their pension scheme which include the lump sum and ongoing annual pension.

**24. What notice would I get if I were to be made redundant?**

If you were dismissed by reason of redundancy, you would be entitled to the period of notice stated in your contract of employment or to the relevant period of statutory notice if that is longer.

**25. What happens if I am served with notice of redundancy and find a new job whilst I am working my notice?**

If an employee under notice of dismissal requests to leave prior to the end of their contractual notice period they will forfeit their right to a redundancy payment unless express permission has been received in writing. Permission will not be unreasonably refused but each case will be dealt with on its own merits.

Employees may issue the employer with a written counter-notice and this will not invalidate the right to a redundancy payment except where an employer successfully contests the application.

**26. Do I have the right of appeal against any decision to make me redundant?**

Yes. The Council will follow the Statutory Minimum Dismissal Procedures in dealing with any redundancy situation which includes the employee being offered the right of appeal once a decision has been made.

**27. If an employee works part time but the manager wants a full time employee. Can a manager dismiss this part time employee by reason of redundancy if they will not work full time?**

Part time employees cannot be treated less favourably than full time employees. If there are clear business reasons why a job cannot be undertaken on a part time basis or job share arrangement for example, then each case would need to be considered on an individual basis and advice sought from HR to enable an evaluation of the circumstances to be made.

**28. If I am on a fixed term contract what might happen to me if there is a potential redundancy situation?**

The Fixed-term Employees (Prevention of Less Favourable Treatment) Regulations 2002 provides that employees on fixed term contracts should not be treated less favourably than comparable permanent employees, on the grounds that they are fixed term employees, unless this treatment can be objectively justified.

Selection for redundancy purely because of fixed term status is likely to amount to less favourable treatment.

Employees on fixed term contracts with 2 years service or more would be entitled to a redundancy payment if they are dismissed for redundancy.

**29. One of the team is approaching age 65 and the service is restructuring and there is a potential redundancy situation. What should the manager do?**

Employees have the right to request to stay on after 65. Any such request must be considered but the fact that the service needs to reduce the number of its employees would be a valid reason for not agreeing to extend the employee's service. As long as the retirement procedure is followed correctly, and the employee is retired on the day before their normal retirement date (the day before their 65th birthday), the employee's service is brought to an end by reason of retirement and then do not have a claim for redundancy. Managers should not agree an extension of service just to enable an employee to access a redundancy payment. If there is a service need to retain an employee over 65, even where the service is downsizing, then a new intended retirement date should be agreed, and the retirement procedure followed.

**30. How should a manager manage a redundancy situation where an employee is on long term sickness absence?**

In the case of those who are on long term sick leave, it is necessary for the manager to obtain medical advice about their position via HR. This advice will indicate to the manager whether:

- The employee is fit to participate in the selection process for posts
  - The likely date of return to work
  - Any particular arrangements or support which will need to apply to the employee during the selection process and/or on their return to work.
  - This assessment by occupational health will indicate whether the employee is considered to be disabled under the Disability Discrimination Act.
- Should the employee be determined to be fit to participate in the selection process, then the manager should include them in any arrangements to select for posts in the new organisational structure. The manager should take account of reasonable adjustments necessary in the selection process should the employee be identified as 'disabled'. Please refer to HR for further guidance.

**31. What should a manager do if there is a redundancy situation and an employee who is on long term sickness absence is not fit to participate in the selection process?**

Each case will have to be considered upon its own merits depending on the circumstances of the case. In such cases, managers are advised to talk to HR for further advice.

**32. How should a manager handle a redundancy situation which includes a disabled employee?**

Disabled employees have the right not be treated less favourably because of their disability or impairment. It is not discriminatory to include disabled people in the redundancy selection process. However, the effect on the individual must be borne in mind. Where the arrangements, for example the selection process, made by the employer as part of the redundancy process put the disabled person at a substantial disadvantage, it will be necessary for the manager to make reasonable adjustments. It may be necessary to allow for the employee to apply for jobs in other areas or it may mean that a transfer to another job may not need a competitive interview. Managers are advised to speak to HR for further advice in such cases.

**33. Who does this policy apply to**

All permanent Boston Borough Council employees including new employees still subject to their probationary period.

Employees on temporary/fixed term contracts who have completed one year's service with the Council as the date of implementation of any changes.



**This policy has been agreed by Boston Borough Council and the Trade Union representatives for the workforce at Joint Consultative Committee.**

**Signed:**

**Date:**

**Chief Executive**

**Signed:**

**Date:**

**UNISON Branch Secretary**

**Signed:**

**Date:**

**GMB Representative**