



Handling Redundancies Guidance Note

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APPENDICES

1	Redundancy Selection Criteria & Scoring Matrix
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1. Introduction

- 1.1 The purpose of this document is to give some practical guidance to managers on the key stages (and critically the sequence of those stages) and obligations of NLL, towards its employees, which managers should follow as they plan for changes in structures which will result in a reduction in the number of their employees; this will be as a consequence of the requirement for employees to carry out work of a particular kind in the organisation, ceasing or diminishing.
- 1.2 The relevant policy to which this document relates to is NLL's Redundancy Policy, the terms of which are absolute as the framework to be adopted in handling redundancies, which confer contractual obligations in addition to the statutory obligations on the NLL as an employer. This document does not attempt, nor would it be appropriate or possible to do so, to address all the possible scenarios or individual queries which will arise as managers handle the process. While the stages in the process should be consistent, the considerations under some of those stages are likely to be varied and will be determined by the factors prevalent in the organisation at the time. The HR Section should be involved in the process from its commencement to offer support and guidance to managers and employees.

2. Consultation

- 2.1 NLL has a statutory duty to consult with the recognised trade unions when it is proposed that collective redundancies will be necessary. The duty is to consult the trade union representatives of any employees who *may be affected* by the proposed dismissals or measures taken in connection with those dismissals, whether or not the Trust proposes to dismiss them. At the early stages of consultation, managers should keep their employees generally informed on matters (including employees on maternity, adoption, carer's or sick leave) and that the formal consultation is progressing with the trade unions. Ultimately, and importantly, there must be individual consultation with employees selected for redundancy but this will be at a later stage in the consultation.
- 2.2 The statutory period of consultation will either be 30 days where between 20 and 99 employees are to be made redundant within a period of 30 days or less; or 90 days where over 100 are to be made redundant within a period of 90 days or less. While there is no legal obligation to do so, managers should aim as far as possible to apply similar timescales for consultation where less than 20 employees are involved. Where it is anticipated that fixed term contracts will terminate and will not be renewed within the 90 day period, as part of the proposal, these employees should be included in the numbers for the purpose of determining the consultation requirement.
- 2.3 Employees whom the Trust anticipate they may be able to redeploy into suitable alternative employment or who (may) volunteer to be selected for redundancy should be included in these numbers. By contrast, a redeployment relying on a mobility clause in the contract of employment would not amount to a withdrawal of the contract within the definition of a dismissal on redundancy grounds, and employees in this category should be excluded from the proposed redundancy numbers. This would simply be a matter of management action in proper consultation with the employee, the reasonableness of which will turn on the merits of the individual circumstances.
- 2.4 There is also a legal obligation to issue an HR1 notification to the Insolvency Service when it is proposed to dismiss 20 or more employees as redundant within a period of

90 days or less. The notification is issued by the Head of HR & Payroll who will link with managers on the numbers involved and the timescales.

- 2.5 The consultation should be undertaken in good time with a view to avoiding or limiting the effects of redundancies and, therefore, the consultation procedure should be the commencement stage in the whole redundancy process, whether or not employees ultimately are made redundant, either on a voluntary or compulsory basis (although for the purposes of this document both are deemed to be a dismissal on the grounds of redundancy). It is through this process that options should be considered for avoiding dismissals, reducing the numbers to be dismissed or mitigating the consequences of dismissals, and before discussion takes place with individual employees.
- 2.6 The information for consultation purposes with the trade unions must be provided in writing and include:
- The reasons for the proposals;
 - The numbers and description of employees which it is proposed to dismiss.
 - The total number of employees who will form the pool for selection for redundancy (this can be greater than the number of employees anticipated to be made redundant)
 - The proposed method for carrying out the redundancies (the selection criteria, including whether volunteers will be sought
 - The time period over which any dismissals are to be made.
 - The proposed method of calculating the amount of redundancy payments to be made.
- 2.7 In respect of the above, the pool for selection for redundancy should include all employees who are carrying out work that is affected by the proposal. This may include senior and subordinate posts to the particular post(s) proposed for deletion if it would be reasonable to consider a “bumped” redundancy as an alternative to the dismissal of the post holder(s) most directly affected by the proposal.
- 2.8 The consultation must be meaningful. It must be genuine and conducted with a view to reaching agreement, although ultimately no agreement may be reached. It must cover ways to avoid redundancies; the reasons for the redundancies; how to keep the number of dismissals to a minimum, the selection criteria to be adopted, where this is necessary, and the method of application, and how to limit the effects on those dismissed. This will require management to engage actively with the trade unions when discussing options. The process should continue until the issues have been aired and the parties have had a reasonable amount of time to comment on information provided and the proposals and counter proposals which have been made. Consultation should then take place with individuals chosen under that procedure.
- 2.9 It is advised that minutes of meetings with the trade unions should be kept.
- 2.10 Dismissal notices, including dismissal notices to employees who are thereafter offered suitable alternative employment on new contractual terms, should not be issued until the consultation process is completed, including individual consultation with employees.
- 2.11 A failure to follow a proper consultation process may result in a claim for a protective award being made against the NLL. The maximum limit on the protected period is 90

days and the protective award is one week's pay for each week of the protected period.

3. Selection Criteria – Volunteers

3.1 Given its advantages, and allied with NLL's aim of minimising compulsory redundancies, NLL may seek volunteers for redundancy within specific areas of the Service or across teams etc. as a preliminary stage to selection. It should be anticipated that more volunteers may apply than the numbers needed. In these circumstances, managers should apply the following criteria in determining which volunteers should be selected:

- Retention of the correct balance of skills and experience in the remaining workforce;
- Cost;
- Interest of the organisation, based on a sound business case.

3.2 Management have the final decision on the selection, or otherwise, of volunteers and there is no right of appeal.

3.3 It should also be borne in mind, as an overarching principle, that applications to volunteer for redundancy will not generally be supported where it would take more than 3 years for NLL to recover the cost of the redundancy from the savings achieved.

4. Selection Criteria – Compulsory

4.1 If NLL has to make compulsory redundancies, a 'pool for selection' will be established and it is to these employees that managers will apply the chosen selection criteria.

4.2 While there is flexibility in defining the pool from which employees will be selected, managers will be expected to act reasonably and with genuine motives. The following factors should assist and guide that consideration:

- Whether other groups of employees are doing similar work;
- Whether employees' jobs are interchangeable;
- Whether the employee's inclusion in the unit is consistent with any previous practice of selection.

4.3 While there is no statutory duty to agree selection criteria with the trade unions it would be best practice to attempt to do so.

4.4 Selection by means of interview should not form part of the process of identifying redundant employees. However, where all posts of a particular kind are proposed to be deleted (i.e. all employees in a pool are at risk of redundancy) and fewer new posts have been created it would be appropriate to consider filling the new posts by means of a restricted competitive appointment process, ring-fenced to the employees that are 'at risk' of redundancy. In this regard, selection by interview would only be appropriate where it can clearly be seen, by any reasonable person, that the 'new' posts differ substantially from the posts that are proposed to be deleted.

Objective Assessment

- 4.5 Criteria for selection for compulsory redundancy must be capable of objective justification. As such, point scoring matrices that can be applied equally and fairly to all employees in the selection pool and that are capable of measurement tend to be favoured. A Redundancy Selection Matrix and Guidance Note for managers are attached (Appendix 1).

Ensuring Fairness

- 4.10 To ensure fairness, the following issues should be borne in mind.
- Skill base, qualifications, and knowledge must have regard to the essential criteria established in employee specifications. Unless jobs have changed, employees should not be measured against a higher standard than they would be recruited to. Skills referenced in the job factor scoring should be based on the future requirements of the Service.
 - Work performance requires to be measured fairly and objectively. This should be linked to the PDR process
 - Discipline record. This will be based on an assessment of accurate and up to date disciplinary issues which remain current.
 - Sickness absence records should be taken into account for selection for redundancy and the proposed reference period is three years. Employees with lesser continuous service with NLL should be adjusted accordingly. However, absences directly related to pregnancy and absences directly related to a disability in terms of the provisions of the Equality Act 2010 should be discounted to prevent the risk of discrimination claims.
 - Length of service with NLL should only be used as a determining factor in selecting employees for redundancy where their overall points score from the other factors is equal, given the risk of claims of less favourable treatment on the grounds of age or gender.
 - It will be unfair to automatically select temporary employees or part time employees, who have separate legal protection under the Fixed Term employees (Prevention of Less Favourable Treatment) Regulations and the Part-Time Workers (Prevention of Less Favourable Treatment) Regulations.

5. Individual Consultation

- 5.1 In addition to any collective consultation, management must also consult individually with affected employees. Such consultation should include an indication that the employee has been provisionally selected for redundancy; confirmation of the basis for selection; an opportunity for the employee to comment on his or her redundancy selection assessment (i.e. the outcome of the assessment and the scores attributed to the employee under each factor); consideration as to what, if any, alternative jobs are available, and an opportunity for the employee to address any other matters that he or she may have.

6. Appeals Process

- 6.1 Where an employee is selected for redundancy on the basis of the agreed selection criteria then they are entitled to appeal within five days of being notified of their selection, on the basis that they consider the selection criteria has not been fairly applied to them. The appeal should be submitted in writing to the Service and will be heard by the HR Sub Committee.

7. Suitable Alternative Employment

- 7.1 Management will be expected to identify if suitable alternative posts exist within the organisation which can be offered to employees who have been identified as provisionally redundant. The HR Section will be responsible for co-ordinating and identifying potential vacancies across the NLL.
- 7.2 The offer and potential acceptance of alternative employment is a two stage process. In the first instance, it is for managers, in consultation with HR, to identify posts that are deemed suitable for consideration by the employee. The suitability of a post will be determined by reference to factors such as the skill/experience requirement, status, pay, responsibilities, etc. The second stage requires that the employee assesses the extent to which the alternative employment offered is reasonable, having regard to their own personal circumstances, including lifestyle and career choices. Whether or not an employee acts reasonably in rejecting an offer of alternative employment which is deemed to be suitable will depend on the extent to which the grounds for refusal are considered to be reasonable.
- 7.3 Where an alternative post is agreed as potentially suitable to be offered, the employee must be given contractual notice of dismissal of their current contract of employment because of redundancy and offered re-employment on the terms of the new job. This offer must be made before expiry of the contractual notice period under the existing contract of employment. In addition, the employee has a right to a trial period, for a period of four weeks, in the alternative post. Further details on this should be obtained from HR.
- 7.4 As with each stage of the redundancy process, NLL must have regard to employees on maternity, or adoption, carer's or sick leave to ensure that they are fully considered in the exercise. The legislation confers preferential rights on employees on maternity and adoption leave in particular, in relation to suitable alternative job offers and there is a mandatory duty to offer the post to an employee on maternity or adoption leave in preference to any other employee who is similarly affected by the redundancy situation but who is not on such leave. Further advice should be obtained from HR as necessary.
- 7.5 NLL will be expected to continue to identify any alternative posts during the period of notice, and for a period of 4 weeks after termination. However, the termination date should not be extended in anticipation of posts becoming vacant in the future. Such a practice runs the risk of undermining the basis on which the redundancy has been set out as well as potentially establishing a new contract basis beyond the date when the post has been deleted from the structure.
- 7.6 Normal recruitment processes in relation to references should not feature as part of the redeployment exercise however the requirement to obtain a disclosure check for posts governed by that framework will always remain a legal requirement.

8. Normal Retirements

- 8.1 NLL no longer operates a normal retirement age and it should not, therefore, be assumed that employees will leave their employment when they reach the age of 65. Nor should employees be approached to establish if they have an intention to retire at the age of 65. Further information on the applicability in individual circumstances, including before age 65, should be sought from HR.

9. Miscellaneous

- 9.1 Employees selected for redundancy will be entitled to time off work with pay to seek alternative work, etc. during the notice period, as well as have the opportunity for additional support measures from the NLL, details of which should be given by HR Teams.

REDUNDANCY SELECTION CRITERIA & SCORING MATRIX (Appendix 1)

SELECTION FOR REDUNDANCY

During times of unprecedented change, it is essential that North Lanarkshire Leisure retains a competent and balanced workforce appropriate to future business needs. The Redundancy Selection Matrix provides a robust method for the selection of employees for redundancy. The objective of the process is to ensure that where appropriate, every employee affected by redundancy is evaluated against a key set of criteria which is applied fairly and consistently.

Where it becomes necessary to reduce the number of employees in a specific job, i.e. where the number of existing employees exceeds the number of jobs required, this process will be used. The selection criteria and scoring system outlined below should be used to determine which employees should be retained and those to be selected for redundancy.

The redundancy selection criteria and scoring matrix form the basis on which employees can be objectively and fairly measured. Managers should use all of the criteria listed in this matrix. However, if one specific criteria is not applicable to those in scope of redundancy, a 0 should be marked in the scoring matrix. This excludes the use of Length of Service which could be perceived as discriminatory against certain age categories. The Length of Service criterion should only be used as a tie-breaker where, following the scoring of other criteria, two or more employees are scored equally.

As a minimum, two managers should undertake the selection for redundancy exercise. Each manager will be responsible for independently scoring employees in scope of redundancy using the agreed criteria and scoring matrix. Once independent assessment has been undertaken, managers will meet to discuss and agree final selections. An independent moderator from HR should be present at this meeting to oversee the process, to provide professional/technical advice and to ensure the process is fair and transparent. If there is more than one selection exercise taking place, there should be consistency in the individuals making redundancy assessments to ensure the process remains fair. It is recommended that managers involved in the redundancy selection exercise have direct knowledge of the employee and the work s/he performs or has access to verified records of the employees' performance. Individuals involved in redundancy selection exercises will need to be able to objectively justify their decisions and scores in the event of an appeal.

SCORING & WEIGHTING

An employee who is declared redundant on the basis of the selection criteria has the right to be provided with the breakdown of their score and limited information about their position on the matrix relative to other employees in the selection pool. Under no circumstances should the scores of other named employees in the pool be revealed.

It is important that scores are supported by accurate records and managers are required to provide documentary evidence for this purpose. The matrix should be used in conjunction with the Redundancy Policy.

SELECTION CRITERIA & DEFINITIONS

In assessing against the selection criteria, higher positive scores reflect better achievement against the criteria. Negative scores are given to deduct points for undesirable performance against the criteria. Therefore, the employees selected for redundancy will be those with the lowest cumulative scores.

PERFORMANCE

Performance should only be selected as a redundancy criterion if targets/objectives were set for all employees within the redundancy pool; and if performance assessments of all employees were made. It will be necessary to be able to evidence that a review has taken place and that clear targets were in place during the review period. For employees who have been absent for a substantial period of time during the review period, it may be necessary to extend the timeframe to take account of performance before or after that period of absence.

Score	Definition
5	Meets and exceeds performance targets
4	Meets performance targets most of the time
3	Meets performance targets some of the time (i.e. meets half or more of performance targets)
2	Fails to meet performance targets some of the time (i.e. meets fewer than half of performance targets)
0	Fails to meet performance targets most of the time.

KNOWLEDGE

Assessment of knowledge should be based on that which will be required for continuing business/service needs. Allocation of scores should reflect the depth and breadth of knowledge which is relevant to the job. It is important that assessments about knowledge have a direct link to the job role which the individual is being assessed against and not broader organisational knowledge which, whilst valuable, has no bearing on the job role for which redundancies are being considered. Managers using knowledge as redundancy selection criteria should make sure that they have clearly identified what knowledge areas are requirements for the job, so that fair assessments of an individual's knowledge can be made.

Score	Definition (will need to be specified by the redundancy selecting manager)
5	Displays the full range of knowledge required for the role
4	Displays the core knowledge required of the post
3	Displays some of the required knowledge, but there are clearly identifiable gaps in knowledge required for the role
2	Displays limited knowledge in relation to the job role
0	Has insufficient knowledge to operate effectively without close supervision

SKILLS

Assessment of skills should be based on those which will be required for continuing business/service needs. Allocation of scores should reflect the range of skills that the individual has which are relevant to the job. It is important that assessments about skills have a direct link to the job role which the individual is being assessed against and not broader skills strengths which, whilst valuable, have no bearing on the job role for which redundancies are being considered. Managers using skills as redundancy selection criteria should make sure that they have clearly identified the full skills set required for a job, so that fair assessments can be made.

Score	Definition (will need to be specified by the redundancy selecting manager)
5	Displays the full range of skills required for the role
4	Displays a good range of skills required for the post
3	Displays some of the required skills, but there are clearly identifiable gaps when compared to the skills set required for the role
2	Displays few skills in relation to the job role or has had limited opportunities to display skills
0	Has insufficient skills to operate effectively without close supervision

EXPERIENCE

Assessment of experience should be based on that which is directly relevant to the continuing needs of the business/service. Allocation of scores should reflect the depth and breadth of experience which is relevant to the job. It is important that assessments about experience have a direct link to the job role which the individual is being assessed against and not on wider experience which, whilst valuable, has no bearing on the job role for which redundancies are being considered. Managers using experience as redundancy selection criteria should make sure that they have clearly identified previous experience which is relevant to the job role and, where appropriate, should indicate the depth and breadth of experience required. Managers should guard against defining timeframes of experience required as this would contravene the Employment Equality (Age) Regulations (2006).

Score	Definition (will need to be specified by the redundancy selecting manager)
5	Has a broad and varied experience which is highly relevant to the role
4	Has a good range of experience, gained in relevant settings, required for the post
3	Has some good experience, but there are clearly identifiable gaps in experience
2	Has limited previous experience in relation to the job role
0	Has no previous experience of the job role

QUALIFICATIONS

Use of qualifications as a selection criterion should be based on the essential and desirable qualifications or equivalent listed in the person specification for the post. If there are no qualifications required for the post, then this selection criterion should not be used.

Score	Definition
5	Fully qualified or equivalent as specified in the person specification
4	Part qualified and actively training towards full qualification
3	Part qualified but not actively training towards full qualification
2	Not qualified, not part-qualified but training towards qualification
0	Unqualified

ATTENDANCE

Use of attendance as a selection criterion will require up to date attendance records. Care should be taken when considering absence to be sure not to include time taken off for maternity and paternity leave; maternity related sickness absence, ante natal, parental and dependency leave; all disability related leave including impairment related sick leave; adoption leave; training; health & safety; jury service; Territorial Army or trade union membership duties. This list is not exhaustive; if unsure about the type of absence to include please check with HR for further advice and guidance.

When using sickness absence as a criterion, Managers should consider both the hours lost due to sickness absence and the number of occasions over which the absence was taken. This will help to determine an individual's absence pattern. Managers should use the table below to attain an overall score for absence. To ensure fairness, absence for all employees should be counted as a percentage of available working hours. Sickness absence reports can be obtained from the HR Section. The absence period to be considered should be the 12 month period preceding the issuing of the scoring matrix.

To calculate the percentage absence rate:

$$\text{Percentage absence rate} = \frac{\text{cumulative hours of absence over 12 month period}}{52.14 \times \text{normal weekly working hours}} \times 100$$

Once scores are calculated, the total figure should be converted into a minus figure and this should be deducted from the employee's total score.

Employees who have a 100% attendance record should automatically be awarded 5 points.

Number of Occasions	Score A	% Absence rate	Score B
1 – 3 occasions in a rolling 12 month period	1	< 2% absence in a rolling 12 month period	1
4 – 6 occasions in a rolling 12 month period	2	2 – 3.9 % absence in a rolling 12 month period	2
7 – 9 occasions in a rolling 12 month period	3	4 – 5.9 % absence in a rolling 12 month period	3
10 - 15 more occasions in a rolling 12 month Period	4	6 – 7.9 % absence in a rolling 12 month period	4
More than 15 occasions in a rolling 12 month period	5	8% or more in a rolling 12 month period	5

Overall Score – add score for occasions to score for total hours absence and convert to a minus figure (Total Score = A + B)

e.g. 1-3 occasions (1 point) + 3% absence (2 points) = 3 points in total = -3

Worked example

An employee who is employed to work 37 hours per week has taken 2 weeks of sick leave in 12 months in one period of absence. 1 occasion scores 1 point

$$\text{Percentage absence rate} = \frac{74 \text{ hours} \times 100}{52.14 \times 37} = 3.8\% = 2 \text{ points}$$

Total points score is 1 + 2 = 3 points = -3 as the score to be added to the matrix

An employee who is employed to work 25 hours per week has taken 3 weeks of sick leave in 12 months over 6 separate occasions. 6 occasions scores 2 points

$$\text{Percentage rate absence} = \frac{75 \text{ hours} \times 100}{52.14 \times 25} = 5.75\% = 3 \text{ points}$$

Total points score is 2 + 3 = 5 points = -5 as the score to be added to the matrix

An employee who has a 100 % sickness absence record score **5 points** and this is added to the matrix

DISCIPLINARY AND CAPABILITY

To use disciplinary/capability as a selection criterion, be sure that all records are up to date and that all warnings are current. Expired warnings must **not** be used. Points allocated for outstanding/live warnings should be deducted from the selection matrix score, weighted as shown on the Redundancy Selection Matrix Form.

In the case where an employee has more than one live warning for separate disciplinary offences, then scores will be deducted for each separate warning as set out in the table below. For example, -2 for a live oral warning and -3 for a separate live formal written warning brings the total score for the individual to -5.

Employees who have both disciplinary and capability action against them, managers should deduct appropriate scores for each offence. For example, Employee A has one current formal written warning for a disciplinary offence; and is at a stage 1 capability hearing, the manager should deduct a score of -4 for capability and a score of -6 for the disciplinary offence = **-10 points in total** .

Score	Type of Warning
0	No current disciplinary/capability warning
-4	Current oral warning/Stage 1 capability
-6	Current formal written warning/Stage 2 capability
-8	Current final written warning/Stage 3 capability
-10	Current final written warning plus action short of dismissal

COST OF REDUNDANCY AND PENSION RELEASE

Those employees with the lowest cost to release should have a larger negative score. To avoid an imbalance in the scoring process, part time staff will have their actual cost of redundancy payments and any pension costs scaled up to full time equivalent. This will ensure comparison of like-for-like costs.

Score	Total Cost of Severance (estimated redundancy pay plus capital cost of pension)
-8	Nil cost
-7	£1,000 - £10,000
-6	£10,001 – £20,000
-5	£20,001 – £30,000
-4	£30,001 - £40,000
-3	£40,001 - £50,000
-2	Board approval required – £50,001 – £70,000
-1	Board approval required – Over £70,000

LENGTH OF SERVICE

To avoid unfair discrimination, length of service must **not** be used as a main criterion for selection. However, length of service may be used as a tie-breaker where, following scoring of other criteria, two or more employees are scored equally.

Where length of service is used, managers must obtain employee start dates from HR. The individual with the longest service, according to start date with NLL, will be deemed as the employee to be retained in employment. The individual with the shortest employment will be selected for redundancy. Employment will be classed as ***North Lanarkshire Leisure Ltd employment only*** and not continuous local government service.

REDUNDANCY SELECTION MATRIX FORM

EMPLOYEE NAME:		POST TITLE:	
DIVISION			

CRITERIA	DEFINITION	EVIDENCE USED	WEIGHTING	SCORE	WEIGHTED SCORE	NOTES
Performance			X	/5		
Knowledge			X	/5		
Skills			X	/5		
Experience			X	/5		
Qualifications			X	/5		
Attendance			X	/-10	(minus)	
<i>Please note, unless the employee has a 100% attendance record, this figure should be a minus number</i>						
Disciplinary/ Capability			X Minimum weighting of 2	/ -n	(minus)	
<i>Please note, unless the employee has had no disciplinary/capability action against them, this figure should be a minus number</i>						
Cost of Redundancy			X	/-8	(minus)	
Length of Service			N/A	N/A		Tie Breaker Only
Total Score						

Signed:.....

Post Title:.....

Date:.....

DIVISION	
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Factor	[Name]	[Name]	[Name]	[Name]	[Name]	[Name]	[Name]
Performance							
Knowledge							
Skills							
Experience							
Qualifications							
Attendance							
Disciplinary							
Cost of Redundancy							
Length of Service							
Total Score							

Signed:.....

Post Title:.....

Date:.....



GUIDANCE FOR MANAGERS ON USING THE REDUNDANCY SCORING MATRIX

Redundancy Vs Organisational Review – Knowing the appropriate approach to take

The redundancy selection criteria and scoring matrix should only be used where there is a redundancy situation arising from the need to reduce the number of employees in a specific job, i.e. where the number of existing employees exceeds the number of jobs required. This is likely to be a result of a reduction in the service being offered; or a reduced demand for a specific service. For example, where a service reduces its opening hours and therefore, needs only one member of reception staff rather than two.

Redundancy situations may also arise as a result of organisational review and restructuring. In these cases, service areas may be re-shaped and jobs may be re-designed. Within organisational change situations, some job roles may no longer be needed. In these circumstances, the redundancy scoring matrix **should not** be used; and redundancies should be made in accordance with the Organisational Review and Redundancy Policy.

Managers should seek advice from the HR Section if there are any questions about whether the redundancy scoring matrix should be used.

Agreeing the selection pool

The group from which employees will be selected for redundancy (the selection pool) must be carefully identified. It will usually consist of those who undertake a similar type of work in a particular department, who work at a relevant location, or whose work has ceased or diminished or is expected to do so. Individuals to be selected for redundancy must come from this wider pool.

Guidance on agreeing the redundancy selection pool can be obtained from the HR Section.

Defining the criteria for redundancy selection

When it has been established that there is a need to reduce the number of employees in a specific job role; and the redundancy scoring matrix is to be used, managers need to make a decision about which of the redundancy selection criteria they will use to make assessments against. Consultation with the Trade Unions and Employee Representative over the selection criteria to be used should take place.

Within some service areas, it may not be appropriate or practical to make use of some of the criteria available; or it may not be possible to make fair and objective judgements against some criteria. For example, in some areas, recorded notes from annual performance appraisals may not be available for all employees, and therefore, this criterion should not be selected for use.

Managers should use their judgement to select the criteria against which they can make the most fair and objective decisions. Guidance on the selection of redundancy criteria can be gained from the HR Section.

Identifying a team to make the redundancy selections

Once the redundancy selection criteria have been identified, the line manager needs to make arrangements for the assessment of employees within scope of redundancy, against the criteria. As a minimum, two managers should be involved in the process. When selecting other managers to be involved with redundancy selection, the following should be considered:

- Does the manager have an understanding of the service area within which redundancies will be made
- Is the manager clear about the requirements of the job against which selections will be made
- If the manager is not familiar with the job role, can they be given access to detailed and verified records of the employee and their performance, so that objective, evidence-based decisions can be made

Making an independent assessment

Once the managers to be involved in the redundancy selection have been identified, copies of the redundancy criteria and scoring matrix will be issued and managers will be required to make independent assessments of each employee against the agreed criteria. All appropriate evidence and/or records will be made available to all managers involved in redundancy selection from the HR Section.

Managers should consider the specific details of the criteria and make judgements, based upon evidence, about the score which an employee is assigned.

When making judgements about performance, appraisal/review documentation should be examined and performance against targets should be measured. If during the selection process it becomes clear that employee performance records are incomplete for one or more employee, the performance criteria should be removed as a selection criterion.

If using knowledge, skills or experience as selection criteria, the specific requirements in relation to these areas should be identified at the outset of the process, so that fair and consistent judgements about individual employees can be made.

The moderation meeting

Once managers have made independent assessments of employees and have assigned scores appropriately, a moderation meeting should take place to agree the final scores. The scoring managers should attend this meeting; as should a representative of the HR Section, who will oversee the moderation and will act as a critical friend to the process to ensure that the decisions made are robust and can hold up to external scrutiny.

The importance of a fair and transparent process

The decision's made about which employees are selected for and ultimately made redundant, should be evidence-based, robust and should stand up to external scrutiny. The consequences of this not happening are that the employee may seek redress for unfair dismissal, and redundancy selection decisions may end up being scrutinised in an Employment Tribunal. All decisions made should be objective and should avoid factors which are potentially discriminatory.

Guidance on ensuring the fairness of decisions can be obtained from the HR Section.

Communicating the results

Once selection for redundancy decisions are made, Managers should meet with each individual employee included within the scope of the selection pool, to discuss with them the results of the selection exercise, and the specific scoring that the individual employee had received. During this meeting, the Manager should explain to the employee the specific methods/calculations used in the selection process. During this meeting, Managers should give employees the option to challenge any points of accuracy in relation to the scoring exercise, for example, the number of days sickness used. This opportunity will ensure that any inaccuracies in the base data used for selection are addressed. Where errors are identified, the individual employee's scores should be amended accordingly, and any changes to the selection for redundancy should be amended. Line managers should consult with HR where uncertainties/inaccuracies arise as a result of this meeting. Following employee meetings, confirmed outcomes for the redundancy selection should be provided to the employee in writing. A copy of the individual's scoring matrix should be included with their written notification of redundancy. All employees have the right to appeal against their selection for redundancy to their head of service, who would be accompanied by an HR representative. Employees must register their appeals in writing within 10 working days of receiving written notice of dismissal on grounds of redundancy. An appeal hearing will be convened and the outcome of the appeal will be confirmed in writing to the employee within 10 working days of the date of the hearing.

If, once the appeal process is concluded, the employee's selection as redundant is upheld it should be confirmed in writing, giving the employee notice of dismissal on grounds of redundancy. The letter should set out the period of notice to which the employee is entitled, the date on which dismissal would be effective in the event of no suitable alternative post becoming available and the redundancy payment to which the employee would be entitled to on being made redundant.

Employees who are served notice of redundancy are entitled to receive support from NLL in helping them to look for alternative suitable employment. Further information on this can be obtained from the Redeployment Policy.

How do I know if I've been fairly selected for redundancy?

When selecting employees for redundancy, an employer must ensure that they use fair and objective criteria. When making redundancy selections, line managers should make use of NLL's agreed redundancy scoring matrix.

As part of the consultation process for redundancies, the Trade Unions and the Employee Representative should have been involved in selecting the criteria to be used; ensuring that they are fair and consistent.

As an employee, you are entitled to see the outcome of your selection, including a copy of your scoring matrix. If you feel that there have been any unfair judgements made as part of the selection process, then you are entitled to appeal against the redundancy decision, as per the Redundancy Policy.

I feel capable of making the redundancy selection decisions myself, why do I need to involve another manager?

It is important that all decisions made in relation to redundancy are fair, transparent and objective. Having more than one manager involved, who makes an independent assessment of the employees in the redundancy pool will ensure that decisions made are more robust, and therefore defensible, if challenged.

The redundancy panel's decisions were clear, why do we need a moderation meeting?

The moderation meeting will give both assessing managers the opportunity to discuss and challenge the conclusions reached in an open way. In addition, the HR Adviser, at the moderation meeting, will be able to ensure that the processes used and decisions made are robust and would stand up to external scrutiny, should they be challenged.

Can I select somebody for redundancy based upon their performance?

As a manager, you are entitled to select somebody for redundancy by using performance as one of a selection of criteria, to be agreed as part of the redundancy consultation process. Performance can be used as a selection criteria, *only if* objectives/targets and performance assessments are available for all employees within the redundancy pool.

Is it true that you can't select people for redundancy based upon their length of service?

Using length of service, or 'last in first out' methods for redundancy selection can leave the line manager open to claims of unfair discrimination on the grounds of age or gender; and therefore, these methods alone cannot be used as selection for redundancy. Length of service should only be used in a tie-break situation, where two or more employees are tied on points, as a final decision-making tool.

What should I do if I think the redundancy selection criteria used were unfair?

Adequate consultation should take place over the redundancy selection criteria before they are used. However, if you feel that the selection methods used were unfair, you can appeal against the outcomes of the redundancy selection process, as per the Redundancy Policy

Do I need to give employees the right to appeal against their redundancy?

Yes, all employees have the right to appeal against the decisions of the redundancy selection process. Details of the appeal process are outlined in the Redundancy Policy

I've been told that I am at risk of redundancy following a redundancy selection exercise, what happens now?

If your post has been identified as being made redundant following a redundancy selection exercise, you will receive written notification from the HR Section. You are entitled to appeal against this decision. Once any appeal processes are concluded, you will receive a final written notification of dismissal on the grounds of redundancy. This letter will outline to you your period of notice, any redundancy payments applicable and will give details of the redeployment process and the support available to you through NLL. If no other suitable alternative employment becomes available during your notice period, a final dismissal on the grounds of redundancy letter will be issued and your employment will be terminated.