

2.01 Redundancy v4

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This policy sets out the principles that need to be followed by Departments in formulating redundancy policy and in handling any redundancies that arise in respect of NICS staff.

- A key aim for Departments is to avoid redundancy if this is possible. Where redundancies are unavoidable, there are procedures in place for management to consult with Trade Union Side or staff representatives – Section 2 Principles and Section 5 Consultation
- Measures to avoid or minimise redundancies – Section 6 Measures to Avoid or Minimise Compulsory Redundancies
- Transfer and mobility considerations – Section 7 Transfer and Mobility
- Selection and Selection Criteria for compulsory redundancies – Section 9 Selection and Section 10 Selection Criteria
- Appeals - Section 11 Appeals
- Notice Periods – Section 12 Minimum Periods of Notice
- Further assistance in the case of redundancy – Section 13 Assistance to Staff Declared Redundant

The following terms within this policy are defined in the glossary:

Representatives, representatives of the staff, class of employee in respect of which a Trade Union is recognised, mobile staff, non-mobile staff, long service staff, mark-time basis

You may also be interested in the following policies:

1.02 Mobility, 2.06 Redeployment, 2.07 Civil Service Appeal Board, 8.12 Mark-Time, Civil Service Compensation Scheme (Northern Ireland) and the rules of the Principal Civil Service Pension Scheme (PCSPSNI) to be found at www.civilservicepensions-ni.org.uk

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2.01 REDUNDANCY

1 General

1.1 This section sets out the principles that need to be followed by Departments in formulating redundancy policy and in handling any redundancies that arise in respect of Northern Ireland Civil Service (NICS) staff.

2 Principles

2.1 Recognising the importance that staff attach to security of employment, Departments should use their best endeavours to avoid the need for redundancy. Where redundancies are unavoidable, Departments will make every reasonable effort, consulting as necessary, to minimise the number of employees compulsorily made redundant.

2.2 Although Civil Servants have no entitlement to statutory redundancy pay and other aspects of statutory redundancy provisions do not apply to the Crown, it is the usual practice for Departments to act consistently within the relevant statutory provisions. The following sections set out the approach to be adopted by management when faced with a redundancy situation.

3 Redundancy Agreement

3.1 While it is recognised that different situations may require different methods the arrangements below have been established as a basic framework within which the Management and Trade Union Sides will consult and settle any redundancy problems. The Management Side accepts that consultation with staff representatives should be commenced at the earliest possible stage and then be a continuing feature for resolution by agreement of a situation of staff surplus or redundancy. The Trade Union Side accepts that any arrangements to settle future redundancy should take account of the efficiency of the Service.

4 Definition of Redundancy

4.1 Under the Employment Rights (Northern Ireland) Order 1996, a dismissal is only for redundancy if the reason or principal reason is that:

the employer has ceased, or intends to cease, to carry on the business for the purposes of which employed; or

the employer has ceased, or intends to cease, to carry on the business in the place where the employee was so employed; or

the requirements of the business for employees to carry out work of a particular kind have ceased or diminished or are expected to cease or diminish; or

the requirements of the business for employees to carry out work of a particular kind, in the place where they were so employed, have ceased or diminished or are expected to cease or diminish.

5 Consultation

5.1 Where a Department has determined that redundancies are unavoidable, the Trade Union Side or representatives of the staff involved should be consulted at the earliest opportunity. Where redundancy involves staff in grades which span more than one Department, consultation will, at least in the initial stage of the process, be conducted between the Department of Finance and Personnel's Central Personnel Group and Central Trade Union Side. In the case of Departmental grades, consultation will be conducted between the Department concerned and Departmental Trade Union Side. These procedures apply irrespective of the number of posts involved and whether the redundancies are likely to be voluntary or compulsory.

5.2 Consultation will normally include disclosure of the following information to recognised Trade Unions so that they can play a constructive part in the consultation process:

- a. the reasons for the proposals;
- b. the numbers and categories of employees it is proposed to dismiss as redundant;
- c. the total number of employees of any such description employed at the location under consideration;
- d. the way in which it is proposed employees will be selected for redundancy; and
- e. how the dismissals are to be carried out, taking account of any agreed procedure, including the period over which the dismissals are to take effect.

5.3 If you are to be made redundant but are not a Union member, but do belong to the class of employee in respect of which a Trade Union is recognised, then the obligation to consult that Union still applies. While it is not possible to lay down precise guidelines which would fit the circumstances of every case, the arrangements detailed below have been established as a basic framework within which Management and Trade Union Side will consult and settle redundancy problems.

6 Measures to Avoid or Minimise Compulsory Redundancies

6.1 All measures which might avoid or minimise the need for compulsory redundancies should be considered by Departments. Such measures may include:-

- a. natural wastage;
- b. a review of the use of casual and/or contract employees;
- c. reduction or elimination of overtime;
- d. the retraining of staff (for redeployment to other work where suitable vacancies exist);
- e. restrictions or suspensions of recruitment, sideways transfer, and/or promotion within the Department and other Departments employing NI Civil Servants, where similar grades or disciplines exist;
- f. inviting staff to volunteer for redundancy on compulsory early retirement/severance terms (Departments may wish to consider those in similar grades or locations first);
- g. review of the age of retirement; and
- h. surplus staff being allowed temporarily to block vacant posts in lower grades.

7 Transfer and Mobility

7.1 Departments will need to consider whether they can redeploy surplus staff within their own or other NICS Departments.

7.2 Mobile staff can be required to accept transfer to a post anywhere within the NI Civil Service and will be regarded as having resigned their appointment if a suitable transfer offer is refused (see policy 1.02, Mobility).

7.3 Non-mobile staff can only be required to accept a transfer to a post within reasonable daily travelling distance. Refusal to accept a suitable local post will be treated as a resignation of appointment (see policy 1.02, Mobility)

7.4 Where necessary, Departments should seek the services of DFP's Resourcing Division to assist in the redeployment of surplus staff (see policy 2.06, Redeployment).

8 Unit of Redundancy

8.1 In the event of it becoming apparent that compulsory redundancies will be necessary, Departments, in consultation with Resourcing Division (DFP), will need to decide the unit of redundancy - that is the appropriate pool of employees to which the selection criteria (see section 10) are to be applied. In arriving at the unit of redundancy Departments should consider such factors as:

- a. grade;
- b. specialism/discipline;
- c. geographical location;
- d. functional area of work; and
- e. the required coverage, for example Service-wide, Departmental, branch, geographical area, taking account of efficiency and fairness factors.

8.2 In the case of individual posts, the postholder, being one of a number of staff similarly qualified to fill the post that is being abolished, may not necessarily be the person to be declared redundant.

9 Selection

9.1 In the event of it being found necessary to select individual officers for compulsory premature retirement on redundancy grounds, it may be found that the criteria set out in section 10 will make it self evident who should be retired. If this is not so, and some further process of selection is necessary, likely candidates identified by the Personnel Division in accordance with these criteria will need to be considered by a Retirement Board. Membership of this Board will be agreed in discussion with the Departmental Trade Union Side and Central Trade Union Side as appropriate and will not be below the level of the board which promotes into the grade concerned. Those selected for retirement will be notified as soon as the choice has been made and will at the same time be given a memorandum setting out the reasons for the redundancy and the criteria used in selecting the staff to be retired, and indicating the extent to which these criteria have been agreed with the Staff Side. The memorandum will also inform them of their entitlement to appeal to the Civil Service Appeal Board (see policy 2.07, Civil Service Appeal Board).

9.2 As there is no longer a formal order of discharge, Departments may consult with Trade Union Side with a view to reaching agreement on the selection of individual officers having regard to the criteria set out in section 10. Careful consideration should be given to whether creating a Departmental order of discharge would have an adverse impact on any particular grouping of staff.

10 Selection Criteria

10.1 In considering the selection of staff for compulsory redundancy, within the context of economic considerations Departments should establish specific criteria against which such selection will be made and should ensure that these criteria are fair, equitable, objective and precisely defined. Departments should also ensure that the selection criteria maintain the acceptable balance of relevant skills and experience within the remaining workforce, particularly in regard to Departments' future operational needs.

10.2 The selection criteria may include the following elements which may be weighted according to business needs:

- a. skills or qualifications: in order to ensure the retention of a staffing profile appropriate to future needs;
- b. individual ability: ability or specialist knowledge acquired as a result of special training at the expense of the Department, or an individual's value to the work objectives of the Department;
- c. standard of work performance: selection on this basis must be supported by evidence, for example appraisal assessments;
- d. attendance or disciplinary records: records of absence must be accurate, and reasons taken into account.

10.3 Whatever selection criteria are chosen, they should, as indicated above, be objective, consistently applied and not based solely on the opinion of an individual line manager. They should be adhered to strictly (in other words, the actual selection should accord with the chosen criteria) and they should cover all the employees concerned in the unit of redundancy including anyone absent for whatever reason. Departments should examine carefully the implications of any selection procedure to ensure that unlawful discrimination does not result directly or indirectly.

10.4 It is also important for Departments to be aware and take account of the fact that the securing and continuity of fair participation in their workforce could be compromised by redundancies and the method used to select them. For example gains resulting from those most recently recruited could be dissipated under a LIFO (last in first out redundancy) scheme. However, it is important to note that under fair employment legislation it is lawful to negotiate a method of redundancy as part of affirmative action provided it is not selective on the basis of religious belief or political opinion. It is lawful to base a redundancy scheme on various other criteria such as skills, qualifications or disciplinary records and the like. In doing so employers are protected against accusations of both direct and indirect discrimination even though the scheme impacts disproportionately on the over-represented community in the workforce.

11 Appeals

11.1 If you are content to retire, even though you had not volunteered at an earlier stage, there will be no need for any further action. But if you signify your wish to appeal, the Civil Service Appeal Board will be invited to consider the case before recommendation of the Departmental Retirement Board is confirmed, as an added safeguard against wrongful dismissal.

11.2 The memorandum prepared by the Retirement Board will be passed to the Civil Service Appeal Board for consideration, together with appropriate supporting evidence. Appellants will be entitled to a full statement of all the relevant facts in accordance with the procedure laid down in policy 2.07, Civil Service Appeal Board.

11.3 The Civil Service Appeal Board will then consider the case, calling for more evidence from either side as appropriate. If you are the person selected to be retired you will have the right to present your case orally or in writing, assisted if you wish by a representative of your Trade Union, who may submit evidence on your behalf. The Board will then recommend to the Head of the Department whether or not injustice would be done if the Retirement Board's recommendation were accepted. The Head of the Department will normally be expected to accept the Appeal Board's recommendation unless there are over-riding reasons to the contrary, in which event there will be consultation with the Central Personnel Group within the Department of Finance and Personnel. If you are selected to be retired you may also be eligible to take your case to an Industrial Tribunal and will be advised of the option of Trade Union advice and assistance in such circumstances.

12 Minimum Periods of Notice

12.1 The minimum period of notice to be given if you are selected for redundancy is 6 months. Longer periods of notice will be given if:

- you are over age 60 with less than 10 years' service - 12 months; and
- you are over age 60 with 10-25 years' service - 9 months.

The period of notice will not extend beyond your 65th birthday.

12.2 During the period of notice time off on full pay will be allowed to attend interviews for other posts. The period of notice will be extended beyond that shown in section 12.1 whenever possible, particularly when long service staff are involved in the redundancy.

13 Assistance to Staff Declared Redundant

Spreading the Redundancy Programme

13.1 The fullest notice will be given of all likely and actual redundancy programmes, and the existence of residual work in the winding up period will be used to spread the programme over as long a period as possible compatible with the efficient management of the redundancy unit. This should maximise the extent to which normal wastage can be used to solve redundancy problems.

Down-grading/Regrading

13.2 If you are facing redundancy you may request voluntary down-grading to fill a vacant post, or Departments may consider offering you regrading, or down-grading as an alternative to redundancy.

13.3 Where you accept regrading, a trial period should apply. The purpose of the trial period, which should be for a minimum of four weeks, is to enable you and the Department to decide whether the alternative employment is suitable without you losing the right to be treated as redundant if it proves not to be. A trial period may also be appropriate where you are redeployed in a different specialism within the same grade.

Pay Treatment on Down-grading/Regrading

13.4 Where you accept down-grading/regrading as an alternative to redundancy, consideration may be given to existing pay being retained on a mark-time basis (see policy 8.12, Mark-Time). Otherwise the down-grading and regrading rules will be applicable.

Pension Treatment on Down-grading/Regrading

13.5 For details of how pension is treated when you are down-graded/regraded see the Pensions Website at www.civilservicepensions-ni.org.uk.

Re-training and Resettlement

13.6 Where vacancies exist in the Service for which redundant staff would be suitable subject only to a limited amount of re-training, appropriate training will be given. Re-training of a more general nature would more appropriately be undertaken on the personal initiative of those concerned, but the Department of Finance and Personnel will offer advice and guidance wherever possible.

13.7 When redundancies occur, a resettlement officer will be appointed to advise and assist you in finding alternative posts either within or outside the Civil Service, and with re-training or other problems arising from the redundancy. If you are a member of a group of specialist staff, an officer with knowledge of your problems should be available to assist the resettlement officer. The Department for Employment and Learning should be consulted and may be able to assist in resettlement.

14 Compensation

14.1 The compensation terms applicable to premature retirement on redundancy grounds are contained in the Civil Service Compensation Scheme (Northern Ireland) to be found at www.civilservicepensions-ni.gov.uk.

15 Equal Opportunities Considerations

15.1 Departments should be aware that arrangements governing selection for redundancy carry the potential to offset gains made in the equal opportunities composition of the workforce by persons of an under-represented group. In devising redundancy arrangements due regard will be paid to the Service's equal opportunity policy and objectives.