

**SEVENOAKS TOWN COUNCIL**  
**EMPLOYMENT STABILITY POLICY**

**Introduction**

This Policy has been developed to ensure that Sevenoaks Town Council retains a balance of skills and experience within the workforce to ensure that it is equipped to meet future challenges and service requirements, and uses the ACAS guidelines on redundancy handling to avoid the need for redundancies wherever possible.

**Definition**

A redundancy is "any dismissal for reasons not relating to the individual" and occurs when either:

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

It is possible for the work to remain but for the number of employees required to carry out that work to be reduced.

**Objectives**

1. To minimise the uncertainty and anxiety of staff affected by reorganisations and service reductions through thorough consultation with individual staff and relevant trade union to which employee is a member when reorganisations and/or service reviews are undertaken;
2. To minimise compulsory redundancies.
3. To ensure that the Council retains the skills and expertise to meet future service needs.

**Consultation**

The Council recognises that consultation needs to take place both with Trade Unions and individual staff members. Although there are minimum periods over which formal consultation must take place with Trade Unions, consultation will begin at the earliest opportunity.

During that consultation, the Council will share with Trade Unions the following information:

- The reasons for the employer's decision
- The number and descriptions of the employees at risk
- The total number of employees in each category
- The proposed method for selection for dismissal
- The proposed method of carrying out the dismissals, having due regard for the relevant notice periods that employees are entitled to
- The proposed method of calculating redundancy payments.

Consultation will be undertaken with employees and Trade Unions as to:

- Ways of avoiding dismissals;
- Ways of reducing the numbers to be dismissed and
- Ways of mitigating the consequence of any dismissals which may include:
  - Natural wastage;
  - Restrictions on recruitment;
  - Seeking applicants for early retirement or voluntary redundancy;
  - Retraining and redeployment to other parts of the Council or, where possible, seeking employment with our neighbouring Authorities;
  - Reduction or elimination of overtime;
  - Termination of temporary or agency staff contracts

Consultation with individuals should be taken throughout the reorganisation/ service review.

### **Principles**

Where a review has taken place and a job remains the same or is only marginally different, the postholder will have the right to be considered for that post.

Where the number of jobs in the new structure is less than the number of existing employees, and requests for voluntary redundancy or early retirement have not produced suitable volunteers, objective criteria will be used to select for redundancies. These will be agreed with Trade Unions at the time and may include, inter alia, skills and qualifications, in addition to qualitative criteria, for example: work performance (as identified through the Council's appraisal process); flexibility and attitude; attendance; timekeeping and disciplinary record. In using attendance as a selection criterion, it is essential that the reasons for and extent of any absences are clearly understood. This is particularly important when considering sickness absence.

In the case of any qualitative criteria being used, a comparative analysis of the information relating to all those in the area at risk will be undertaken.

The Council must mitigate against the risk of losing workers with key skills and must ensure the retention of a balanced workforce which is appropriate to meet the Council's future needs.

Staff will not be disadvantaged on the grounds of race, gender, disability, sexuality, age or religion.

### **Suitable alternative employment**

The Council must consider whether employees likely to be affected by redundancy can be offered suitable alternative employment.

In considering whether alternative employment is suitable, the following factors will be taken into account:

**Working Environment** - This may be especially important for those employees who suffer a health complaint or physical disability. Although in accordance with the Disability Discrimination Act, reasonable adjustments to the workplace will be made.

**Hours of Work** - The Council recognises that any change in an employee's hours of work or shift patterns, may be considered unsuitable if it fails to take account of the individual's personal circumstances.

Employees who unreasonably refuse an offer of suitable alternative employment may lose any entitlement to redundancy pay. 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.

### **Trial period**

An employee who is under notice of redundancy has a statutory right to a trial period of four weeks in an alternative job where the provisions of the new contract differ from the original contract, the period to begin when the previous contract has ended.

The effect of the trial period is to give the employee a chance to decide whether the new job is suitable without necessarily losing the right to a redundancy payment. The four-week trial period can be extended for retraining purposes by an agreement. If the employee works beyond the end of the four week period or the jointly agreed extended period, any redundancy entitlement will be lost because the employee will be deemed to have accepted the new employment.

The employer should also use the trial period to assess the employee's suitability. Should the Council wish to end the new contract within the four weeks for a reason connected with the new job, the employee will preserve the right to a

redundancy payment under the old contract. If the dismissal was due to a reason unconnected with redundancy, the employee may lose that entitlement.

### **Time off to look for new work, or for training**

Employees who are under notice of redundancy are entitled to a reasonable amount of paid time off to look for another job or to arrange training. Where possible, the Council will extend such assistance to all employees who are affected by redundancy.

### **Additional assistance**

In all circumstances, employees will be offered assistance with outplacement as follows:

- how to search for appropriate vacancies in the press and follow up opportunities;
- how to write CVs and prepare for interviews:
- the importance of being prepared to consider a wide range of alternative jobs.

### **Agreement to Dismissal on the grounds of Redundancy**

All potential redundancies will be referred to the Town Clerk who will co-ordinate and oversee the process. Trade Unions will be informed of all potential redundancy situations.

### **Appeals procedure**

There will be a right of appeal against redundancy decisions to the Appeals Committee where staff believe that the criteria have not been applied fairly. Appeals must be lodged within 10 working days, setting out the grounds for the appeal.

### **Constitution of Appeals**

The constitution of appeals will be in accordance with the Appeals Procedure as detailed in the Staff Handbook