



# Support Pack

## Redundancy

## Supporting You

This pack is designed to support our Redundancy Policy and explains how redundancy situations should be managed to ensure a fair and consistent approach.

If you require further support at any time, please contact the People Team.

## Manager Responsibilities

Managers should engage with the People Team in the early stages of discussing any potential restructure of a department and/or location. They will discuss the rationale for any proposed redundancy situation and assist in preparing the risk announcement and consultations.

Managers are responsible for ensuring that our Redundancy Policy is followed fairly and consistently. You should exercise careful consideration as to whether there is a genuine need for redundancies.

It is important to know that the laws governing redundancy are stringent and complex and no two redundancy situations are the same. It is therefore important that we recognise and respect the uniqueness of every individual situation.

## Our Commitment

We are committed to being open and transparent with colleagues regarding any redundancy process and affected colleagues are entitled to an explanation of the circumstances. If we have acted reasonably and we are following all appropriate planning procedures, the sharing of information can be achieved in an open and respectful manner.

### Information

When a colleague has been advised their position is at risk, they should be told why and how the decision has been made. This should be communicated to all colleagues from the outset. Colleagues have a right to question or challenge the decision, especially if they believe that there are issues that haven't been considered (for example, if they are under the impression that same skill agency workers are employed in the same roles).

### Selection Criteria

Colleagues have a right to know the basis upon which individuals will be selected for redundancy.

### Challenging Results

Each colleague who has been subject to selection has the right to see their own results of the selection criteria, including a breakdown of their score and limited information

about their position on a matrix relative to other employees in the selection pool. However, they will not be able to see the scores of any other colleague.

The colleague can challenge the way in which the criteria has been applied to them and although the final result is at the decision of the business, managers should make every effort to investigate and ensure the criteria has been applied fairly and objectively against anyone involved.

### Being placed at risk

During individual consultation the colleagues should be advised how long the consultation period is expected to last and what they may expect to happen during this time.

### Suitable alternative employment

Colleagues will be expected to work with us to try and identify any suitable alternative employment that may be available for them. Colleagues will generally be expected to accept offers of alternative employment.

If an offer is unreasonably refused, it may lead to the colleague forfeiting their right to a redundancy payment when their employment terminates. Colleagues have the right to ask for a trial period when deciding to accept any new role. We are legally required to offer a four week trial period however there may be occasions we agree to offer a long trial period of up to 3 months.

Colleagues on maternity leave have a right of first refusal in relation to any suitable alternative vacancies. They are not required to go through any competitive selection process and will have priority over others who may also be at risk of redundancy, even if other colleagues are better qualified.

## Written reasons for being placed 'at risk'

Any colleague placed at risk of redundancy should be advised why. Ideally, this should be drafted in advance of the 'at risk' meeting by the manager and a member of the People Team. The areas that should be covered are best considered from the colleague's viewpoint, with the top three questions being:

- 1) What are the reasons for the redundancy situation?
- 2) Why me?
- 3) What is going to happen to the work that I do?

If we are unable to answer these questions prior to commencing the consultation process, then we need to think again and review the situation to decide on a more appropriate course of action. This is especially relevant if the reason behind initiating the process is due to performance issues against the colleague concerned and should be address by alternative means, such as the Performance Improvement Policy.

## The Redundancy Process

If we are considering redundancies, colleagues should be notified at the earliest opportunity, giving full explanation of the proposal and rationale.

Depending on the number of colleagues being made redundant, the process to be followed can differ slightly.

Likely Affected Numbers	Consultation Period Required
<b>A</b> 1-19	No timescales specified but must be reasonable in the circumstances so that meaningful conversation can take place. This can depend on varying factors and can be anything between 1 week and 1 month.
<b>B</b> 20-99 (at any one establishment within a 90 day period)	Minimum consultation of 30 days must take place before the first exit with either the recognised trade union or elected colleague representatives.
<b>C</b> 100+ (at any one establishment within a 90 day period)	Minimum consultation of 45 days must take place before the first exit with either the recognised trade union or elected colleague representatives.

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Affected Numbers	Consultation Content
<b>A</b>	As explained above. Not prescribed, but discussions should be about avoiding a redundancy situation and consideration given to other opportunities within the business. Consultation must be fair and genuine.
<b>B &amp; C</b>	Full details must be given on: <ul style="list-style-type: none"> <li>Reasons for proposed redundancies</li> <li>Proposed method of carrying out redundancy, including the selection criteria</li> <li>Time period over which the redundancies will be carried out</li> </ul>

	<ul style="list-style-type: none"> <li>• The proposed method of calculating redundancy payments</li> <li>• Whether or not notice periods will be worked</li> </ul>
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Affected Numbers	Consultation Objectives
A	Consider whether redundancies can be avoided AND Whether there are any suitable alternative employment opportunities
B & C	To consider with the employee representatives: <ul style="list-style-type: none"> <li>• Avoiding the need for redundancies where possible</li> <li>• Keeping the number of colleagues being made redundant to a minimum</li> <li>• Determine the criteria to be used to select colleagues for redundancy</li> <li>• Reach an agreement on consultation content</li> </ul>

Affected Numbers	Other Statutory Requirements
A	None other than a fair procedure should be followed.
B & C	<ul style="list-style-type: none"> <li>• A form (HR1) needs to be logged with the Redundancy Payment Service (RPS) before consultation starts – this is used to alert government departments and job centres of potential redundancies.</li> </ul>

Affected Numbers	Pitfalls of non-compliance (for managers)
A	The potential for unfair dismissal claims where the procedure is unfair and/or redundancy is not genuine.
B & C	<p>Failure to comply with the statutory HR1 notification requirements without good cause may result in prosecution and an unlimited fine.</p> <ul style="list-style-type: none"> <li>If there is failure to consult in the appropriate manner, then a protective award may be issued of up to 90 days' full pay for each affected colleague (with no cap).</li> </ul>

Please note that where the numbers in B and C apply; once the collective consultation has taken place, you then need to schedule individual consultations in the event the redundancies will be unavoidable.

## Selection Criteria – Pooled Colleagues

There may be circumstances where there is a need to make a reduction in the number of roles of a specific kind, at any one establishment or location. If this is the case, it will be necessary to apply a selection criteria in order to select the individuals who will be placed at risk of redundancy.

## Timescales

The below timetable is a suggestion and will only apply where there are 20 or more but fewer than 100 redundancies proposed within a 90 day period. The timetable may differ depending on the consultation being sufficient in the circumstances. It is important to apply reasonable timescales.

Timescale	Action
Day 1	Initial group meeting to warn colleagues of possible redundancies, explaining the reasons why.
Day 5	Individual meetings to discuss reason for being at risk of redundancy and selection pools (if relevant). Completion of the redundancy consultation to be carried out at this meeting.
Day 16	Individual meeting to discuss any suitable alternative employment and ways of avoiding redundancies.

Day 30	Meeting and letter to confirm selection for redundancy and giving formal notice where no suitable alternative employment has been identified. Advise of right to appeal.
Within 7 calendar days after day 30	Colleague can lodge an appeal

## Glossary of Terms

To support the understanding of our Redundancy Policy and Support Pack, below explains some of the key terms used:

### Redundancy

A redundancy can occur when we have ceased or intend to cease part of the business where a colleague is employed (either department or location). It may also occur when work in a particular area dramatically reduces or when a specific position is no longer required.

### Location or Establishment

This can be either a specific place or project, or can apply to a rationally defined group of people. Determining the 'establishment' is an important factor as this will support identifying which colleagues will be affected.

### Affected Colleagues

Any affected colleagues are determined once a redundancy situation has been identified and once the 'establishment' has been defined. The affected colleagues will usually be determined by skill set or department they work for.

### At Risk

This is a term used when a colleague has been advised that their position is under threat of redundancy. 'At risk' means there is a possibility of their employment being terminated by reason of redundancy. However, it is not an absolute conclusion as consultation has not yet taken place. The 'at risk' notification triggers the consultation procedure and enables the process to be carried out with all 'affected' colleagues.

### Consultation Period

The purpose of the consultation period is to review and discuss ways in which we could potentially avoid a redundancy situation all together or minimise the number of redundancies required. If redundancies cannot be avoided, it should involve looking at suitable alternative opportunities which may include roles of a lesser seniority, different roles or roles in a different location.

The consultation period should commence as soon as a colleague is advised that their position is at risk. The specific timescales that should be followed are detailed within our Redundancy Policy and reiterated later on in this support pack.

### Collective Consultation

If we are making a large scale redundancy, consultation must take place with elected representatives. These may either be from a recognised trade union or colleague representatives (if there is no recognised union) which will need to be elected via an election process.

### Formal Notice of Redundancy

This is a colleague's contractual notice of redundancy and issued when consultation has been exhausted and a redundancy situation is inevitable. This will inform the colleague their employment will be expected to terminate.

## Further Support

We offer an Employee Assistance Programme (EAP) through Vita Health Group who are completely impartial to Speedy. They offer free, confidential advice over the telephone, 24 hours a day.

Call free on: UK 0800 111 6387 / ROI 1800 551 556

Go online: [www.my-eap.com](http://www.my-eap.com) (Access code: Speedy)