

Redundancy

1. Introduction

The Forestry Commission (FC) and the Forestry Commission Trade Unions (FCTU) agree that all practical and reasonable steps should be taken to avoid or, if that is not possible, minimise the need for compulsory redundancies. This procedure has been developed in consultation with the FCTU and sets out the steps that will be taken across the FC when there is a likelihood of surplus staff.

2. Measures to avoid redundancies

Where there is a likelihood of surplus staff the FC will begin **Initial Consultation** (see section 3.1) and consider all appropriate measures which might avoid or minimise the need for compulsory redundancy. Examples (in no particular order):

- Normal turnover of staff;
- Launching a voluntary early exit (VEE) scheme;
- Reducing or eliminating temporary promotion;
- Placing restrictions on recruitment and/or promotions;
- Examine the use of temporary and contract employees, in line with the Fixed Term Workers directive;
- Reducing or eliminating overtime and other excess hours working;
- Retraining staff for re-deployment to other work where vacancies exist;
- Putting in place temporary restrictions i.e. staff filling vacancies in lower pay bands on a temporary basis;
- Putting in place temporary placements, where available, to retain surplus staff prior to considering redundancy e.g. where there is the prospect of additional employment opportunities arising within a reasonable period;
- Transferring surplus staff to other suitable areas of work or other locations, in line with normal mobility rules;
- Considering applications for alternative working patterns;
- Action to try to find posts in other government departments where work is available, and/or secure other outward placements elsewhere and considering outward loans or secondments where feasible;
- Offering voluntary downgrading.

Where, despite all appropriate measures, a surplus staff situation has not been resolved management will start **Meaningful Consultation** (see section 3.2); determine the pool of redundancy (see 4.1) and confirm redundancy selection criteria (see 4.2).

3. Consultation

3.1 Initial Consultation

Initial Consultation will begin as soon as practicable after management have established there is the likelihood of surplus staff in a particular location or area of work. The consultation will discuss proposals including the management of any potential surpluses in order to avoid the need for compulsory redundancy. There is no set timescale for **Initial Consultation**. If there is still a likelihood of surplus staff after appropriate measures to avoid redundancy have been taken **Meaningful Consultation** will be started.

3.2 Meaningful Consultation

Meaningful Consultation is a legal requirement and is the first stage of a formal process that could lead to compulsory redundancy. Starting **Meaningful Consultation** does not mean that there will be compulsory redundancies as the intention is to explore other solutions. However, it is a possible outcome.

The timescales for **Meaningful Consultation** will be based on those set out in the Cabinet Office Protocols:

- A minimum of 30-days when less than 100 FC staff are at risk of redundancy;
- A minimum of 45-days when 100 or more FC staff are at risk of redundancy.

3.2.1 Redundancy Mitigation Review

The Cabinet Office organised redundancy mitigation review is a mandatory stage for all Civil Servants and takes place after the **Meaningful Consultation** period.

The purpose of the redundancy mitigation review is for FC and FCTU to assure the Cabinet Office and the National Trade Union Committee (NTUC) that all avenues for avoiding or minimising compulsory redundancies have been explored. The redundancy mitigation review must be concluded before any compulsory redundancy notices are issued.

3.3 Forestry Commission Trade Unions (FCTU)

During **Initial Consultation** FC and FCTU will discuss proposals and opportunities to avoid compulsory redundancies, including the possibility of a voluntary early exit (VEE) scheme.

During **Meaningful Consultation** the FC and FCTU will formally discuss ways of avoiding or minimising compulsory redundancies and the FCTU will receive, in writing, the following information:

- Reasons for the proposed redundancies;
- The pool of redundancy (see section 4.1 Pool of Redundancy);
- The numbers, jobs and pay bands of the staff it is proposing to make redundant;
- The total number of staff employed in the proposed pool of redundancy;
- The proposed criteria for selecting people who may be made redundant (see section 4.2 Selection criteria); and
- The period over which the redundancies are to take effect.

3.4 Individuals

All staff likely to be affected by any proposals will be notified at the earliest opportunity and kept informed at all stages. Individuals will be given the opportunity to suggest alternatives to the proposals.

4. Redundancy selection

4.1 Pool of redundancy

The pool of redundancy is the grouping within which decisions about redundancy may need to be made. The pool of redundancy will be decided by management after consultation with the FCTU. Criteria that may be used to determine the pool of redundancy include:

- Pay band;
- Specialism/discipline;
- Geographic location;
- Functional area of work;
- Any other relevant factor, depending on current and anticipated future operational needs.

If it is necessary to make compulsory redundancies within a pool of redundancy the method of selection will be objective, fair, consistent and transparent.

4.2 Redundancy matrix

If there is a reduction in the number of posts within a pool of redundancy a matrix will be used (Appendix 1). Individuals will be given a score against the following criteria:

- Standard of work performance: based on performance management ratings over the last three years and the most recent performance appraisal;
- Qualifications and technical, job-related, or specialist knowledge: to ensure the retention of a balanced staffing profile appropriate to future needs;
- Adaptability and responsiveness to change: based on evidence of adapting to work related changes or continuous personal development in the last three years;
- Attendance and disciplinary records: based on accurate records made over the last three years and maintained in accordance with proper procedures, including any reasonable adjustments.

Posts will be filled by the staff with the highest scores. Other staff in the pool of redundancy are 'selected out' and declared surplus.

4.2.1 Weightings

Weightings are applied to the redundancy matrix so the most important criteria have the biggest impact on the overall score. The weightings take into account the FC's current and future needs and if it is necessary to adjust them any changes will be decided and recorded by management after consultation with the FCTU.

4.2.2 Additional criteria (tie-breaker)

If scores on the matrix do not provide sufficient differentiation to fill the posts it may be necessary to use additional criteria. For example: length of service; cost of relocation; or carrying out a competitive interview. Management will choose any additional criteria required after consultation with the FCTU.

4.3 Selection for new posts

To 'select in' staff within a pool of redundancy for new posts at their substantive pay band a ring-fenced selection process will be used.

The selection process will review an individual's skills, knowledge, experience and competencies to assess suitability for a new post. If further differentiation is required assessment may also consider relocation cost or length of service.

Staff in the pool of redundancy not 'selected in' for a new post will be declared surplus.

4.3.1 Maternity, Paternity and Adoption leave

An individual on maternity or additional paternity/adoption leave has the statutory entitlement to be offered any suitable alternative new posts before the ring-fenced selection process is used.

4.4 Assessment and selection decisions

Assessment against the criteria will be made by managers who have sufficient knowledge of the individuals or the new posts. Redundancy selection decisions will not be based solely on the opinion of one manager.

4.5 Appeals

Staff can appeal if they feel they have been treated unfairly in the application of the selection criteria for compulsory redundancy. An Appeal Manager will be appointed and will be at least one pay band higher than the managers who made the selection decision or be in a different management chain.

For the Senior Staff Group selection for compulsory redundancy would have been made in conjunction with the Director General so any appeal would be heard by the Chair.

Appeals should be made in writing clearly setting out the grounds for appeal within **ten working days** of being issued with notice of compulsory redundancy.

4.5.1 Appeal Meeting

An Appeal Manager may take the opportunity to meet with an individual to discuss the grounds for their appeal. The individual may be accompanied at that meeting by a colleague or FCTU representative.

5. Notice of redundancy

Notice will only be given to staff to terminate their employment by reason of compulsory redundancy once:

- Action in line with section 2 (Measures to avoid redundancy) has been taken to explore all practical and reasonable options to secure alternative suitable employment for an individual;
- There has been the opportunity for the individual to apply for voluntary redundancy; and
- The required consultation (including redundancy mitigation review) has taken place.

5.1 Periods of notice

When an individual's employment is terminated by reason of compulsory redundancy wherever possible, at least the minimum period of notice will be given, in accordance with their terms and conditions of employment. Where it is not possible to give the minimum period of notice staff will be given compensation in lieu of notice. Details of notice periods can be found in the staff handbook.

Staff under notice of redundancy will be allowed reasonable time off on full pay to look for alternative employment or to arrange training.

6. Compensation

Redundancy benefits will be paid in accordance with the Civil Service Compensation Scheme (CSCS) arrangements in place at the time.

7. Regrading/Downgrading

Staff may request or be offered regrading (transferring to a different discipline or type of job) or downgrading (moving to a lower pay band) as an alternative to redundancy.

7.1 Trial period

If a post is available and an individual agrees to regrade or downgrade a reasonable trial period will be agreed at the outset. The purpose of the trial period is to enable both the individual and management to decide whether the alternative employment is suitable, without the individual losing the right to be treated as redundant if it proves not to be.

A trial period could be for up to 3 months and would be no less than 4 weeks.

7.2 Mark-time

If an individual accepts a regrade or downgrade but their salary is currently above the maximum of the new pay band they will retain their existing salary for a period of 3 years on a mark-time basis. At the end of the mark-time period the individual's salary will change to the maximum of the new pay band.

7.3 Pensions

When staff who are members of the Classic Pension scheme downgrade in this way they will be entitled to receive a pension on retirement calculated according to whichever of the following provides the more favourable total pension:

- An award calculated in the normal way based on total reckonable service;
or

- Two separate awards in respect of reckonable service before and after the change of pay band.

These options are not open to members of the Classic Plus, Premium or Nuvos pension schemes. Individuals on these schemes should contact the Pensions Team to find out how downgrading may affect their future Civil Service entitlement.

Redundancy selection matrix

Each individual in the defined pool of redundancy will be consistently, objectively and fairly assessed against these criteria and given a score. **Justifications/examples for every score must be recorded and assessments are made over the last 3 years.**

Scoring was carried out by:

Date:

Name	Job Title	Pay Band

Before scoring:

- Confirm all managers carrying out the scoring have sufficient knowledge of the individual to make an assessment against the criteria and can provide specific examples to justify scores;
- The information on relevant qualifications have been recorded; and
- Attendance records have been reviewed to make sure that any reasonable adjustments as a result of a disability have been considered, pregnancy related absences and those relating to a period of long-term sickness for a serious illness no longer causing absences have been excluded.

Individual details:

Name		Total score
Job Title		
Pay Band		

1. Overall standard of work performance (weighting x 4)

This criteria takes into account performance ratings but does not directly equate to the three ratings because it is necessary to differentiate in greater detail for redundancy selection purposes. Performance ratings over the last three years and the most recent appraisal will provide the basis for scoring this section. Consider the quality of the work and the full range of skills/competencies required for the job, including people management skills if appropriate.

5	4	3	2	1
Overall performance frequently falls into the Top Performer category consistently exceeding the demands of the role	Good Performer whose overall performance has often exceeded the demands of the role	Good Performer meeting all normal requirements of the role	Good Performer in most areas, but some shortcomings have been displayed in some aspects of the role.	Not Fully Effective failing to meet requirements in significant parts of the role.

Rationale (specific examples to justify score)	Score
Weighting added: score x 4	

2. Qualifications and technical, job-related, or specialist knowledge (weighting x 3)

This criteria relates to the technical or job-related expertise needed to function in the role effectively and/or where specialist knowledge or qualifications are regarded as an essential part of the job. Consideration should be given not only to what the individual has acquired but how far he/she has been proficient in keeping this up to date and how relevant they are to the future work of the FC. In addition to qualifications held, ratings information over the last three years and the most recent appraisal will provide the basis for scoring this section

5	3	1
Has acquired and applies a high level of job-related, technical, or professional knowledge/expertise and uses own initiative to keep this up to date. Has specialist knowledge, or educational or professional qualifications which are of considerable value to the FC and our current or future customers.	Has acquired and applies the required level of technical, job related or professional knowledge/expertise and updates this sufficiently. Has some specialist knowledge, or qualifications, of value to the FC and our current or future customers.	Has not acquired/fails to apply the required technical, job related or professional knowledge/expertise. No particular area of specialist knowledge/qualifications in comparison with other staff.

Rationale (specific examples to justify score)	Score
Weighting added: score x 3	

3. Adaptability and responsiveness to change (weighting x 3)

This criteria considers the way an individual reacts when confronted with change and his/her willingness to embrace change, take on new projects and/or new areas of work. It also considers the personal development that has been undertaken over the last three years.

5	3	1
Has adapted to work related change easily tending to lead or support colleagues and/or has undertaken a range of personal development	Shows willingness when confronted with work related change, even if support or reassurance is needed and/or has undertaken some personal development.	Has struggled to adapt to work related change or has displayed an unwillingness to change. Has not undertaken any personal development

Rationale (specific examples to justify score)	Score
Weighting added: score x 3	

4. Attendance record (weighting x 2) compared with FC average (any reason for absence fully investigated)

This criteria is based on the individual's attendance record over the last three years. The information will be reviewed to make sure that any reasonable adjustments as a result of a disability have been considered, pregnancy related absences and those relating to a period of long-term sickness for a serious illness no longer causing absences have been excluded.

5	4	3	2	1
Attendance is higher than FC average (more than 5 days higher)	Attendance is higher than FC average (margin of between 2-5 days higher)	Attendance record is similar to FC average (margin of 1-1.99 days higher or lower)	Attendance is lower than FC average (margin of between 2-5 days lower)	Attendance is lower than FC average (more than 5 days lower)

Rationale (specific examples to justify score)	Score
Weighting added: score x 2	

5. Disciplinary record (weighting x 1)

This criteria is based on an individual's conduct (does not include any performance warnings).

4	3	2	1
No disciplinary record	Live noted verbal warning	Live written warning	Live final written warning

Rationale (specific examples to justify score)	Score
Weighting added: score x 1	