

Security of Employment, Redundancy and Redeployment Policy

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WHEATLEY HOMES SOUTH – SECURITY OF EMPLOYMENT, REDUNDANCY AND REDEPLOYMENT POLICY

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Haddii aad na weydiisato waxaanu warbixintan kugu siin karaa iyadoo ku qoran luuqad kale, farta ay dadka indhaha la' akhriyaan ama cajalad ku duuban. Haddii aad jeclaan lahayd in warbixintan lagugu siiyo mid ka mid ah qaababkaas, fadlan nagala soo xidhiidh telefoonka 0800 479 7979.

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Approval body	<i>Executive Team</i>
Date of approval	<i>27 September 2022</i>
Review Year	<i>October 2025</i>
Customer engagement required	<i>No</i>
Trade union engagement required	<i>Yes - For Consultation</i>
Equality Impact Assessment	<i>No</i>

1. INTRODUCTION

i. It is the policy of Wheatley Homes South Limited (WHS) to endeavour to provide our employees with the best possible level of security of employment, against the background of the need for continuing improvements in technical, administrative, and organisational efficiency, and the prudent use of public funds.

ii. However circumstances may arise when the requirement for certain positions may cease or diminish, and it may become necessary to reduce the number of those employed. But the organisation will do its utmost to find other solutions first and whenever possible, employees will be redeployed.

iii. This policy explains how WHS will manage impending employee redundancies and, if necessary, any decision to implement proposed redundancies. It is WHS's intention to avoid redundancies wherever possible, and if they should be unavoidable to mitigate their effect. WHS are committed to full employee consultation and providing appropriate support to staff should redundancies take place.

2. SCOPE

i. This document is non-contractual. Following consultation with the recognised trade unions, it can be amended by WHS giving notice to employees of the amendments.

ii. This applies to all categories of staff and this policy is in line with all relevant employment legislation and requirements including:

- Equality Act 2010;
- Employment Rights Act 1996 as amended;
- Fixed Term Employees (Prevention of Less Favourable Treatment) Regulations 2002; and
- Part-time Workers (Prevention of Less Favourable Treatment) Regulations 2000.

3. BASIC PRINCIPLES

i. WHS will endeavour to achieve any such reduction of those employed on a basis acceptable to the organisation, employees, and the recognised Trade Unions. Dismissal of employees on grounds of redundancy will be the last resort after all alternatives have been considered.

ii. WHS recognises the Unions' responsibility to represent their members and to seek to protect the security of their employment. Equally WHS expects the Unions to recognise the organisation's responsibility for making commercial decisions to protect the future of the business and serve its customers.

iii. The procedure detailed in this document will be followed ensuring individuals and their representatives are consulted.

4. RESPONSIBILITIES

General responsibilities are outlined in this section for:

i. Responsibilities of EMT and/or Board

The Board and Executive Management Teams (EMT) responsibilities include, but are not limited to:

- To effectively and efficiently communicate with the recognised trade unions as soon as a
- redundancy situation is apparent
- Mitigate the chances of a redundancy situation, consider alternatives, and reduce number of those
- affected by potential redundancy situations
- To ensure any redundancy situation adheres to the fair and objective process as outlined in this
- policy
- To deal with any appeals in line with the process outlined in this policy
- Reviewing the Redundancy policy in line with the policy review dates
- Where appropriate for affected departments, to lead on redundancy consultations

ii. Responsibilities of the Line Managers

The line managers responsibilities may include, but will not be limited to:

- To support affected employees through the redundancy situation
- Be informed and adhere to the redundancy process as outlined in this policy

iii. Responsibilities of the Employees

The employees' responsibilities may include, but will not be limited to:

- To be aware of the redundancy process and employee rights as outlined in this policy
- Participate in effective consultation with the recognised trade unions, and the organisation
- If applicable, exercise the right to appeal via the process outlined in this policy

5. POLICY

i. Alternatives to redundancy

Before making any compulsory redundancies WHS will first take all reasonable steps to identify feasible alternatives to meet the needs of the business including:

- restriction of external recruitment
- reduction in overtime
- introduction of possible short-time working, shared time working, or temporary lay-offs
- introduction of flexible working hours/days
- “ring-fenced” internal recruitment and redeployment to alternative work
- consideration of terminating or restricting the engagement of temporary / agency staff
- voluntary reduction in remuneration
- voluntary redundancy

iii. Voluntary redundancy

In the event of proposed redundancies, it may be that WHS invite all affected staff to make applications to apply for voluntary redundancy within a specified timeframe.

Dependent on the situation, employees who are not directly affected by the redundancy proposal may also apply. WHS will have absolute discretion to accept or reject any voluntary application for redundancy which will depend on relevant considerations affecting the business at the time.

When an application for voluntary redundancy is accepted, the employee will be notified in writing and invited to a meeting where they will be advised of the date on which their employment will end, their rights to notice, any redundancy pay and any other pay or benefits due. Whether any enhanced redundancy payment or severance entitlements are available will depend on the circumstances.

iv. 'At risk'

Should a redundancy situation exist, in accordance with the Employment Rights Act 1996, the organisation will immediately notify by way of a formal letter, all relevant employees that their employment is "at risk". At this stage no employees are redundant. Their positions are simply "at risk" and a period of consultation must first take place to determine the future. During the period of being 'at risk', WHS will provide advice, information, and support services where required.

v. Collective consultation

WHS will carry out meaningful consultation with the recognised trade unions in respect of proposed redundancies. This will take place in accordance with at least the following timescales:

- a minimum of 30 days' consultation where between 20 and 99 proposed redundancies are to take
- place at one establishment over a 90-day period, or
- a minimum of 45 days' consultation where 100 or more proposed redundancies are to take place at
- one establishment.
- Individual employees will also be consulted separately, as appropriate.
- WHS is committed to providing full information to the recognised trade unions and any employee
- representatives on potential redundancy situations. Consultation will focus on seeking ways to avoid redundancies, reducing the number of employees being made redundancy and mitigating the consequences of the redundancies. Adequate time will be provided throughout the consultation process for consulting with the affected employees and for responding to proposals and other information.

Information provided during the consultation process will include:

- reason(s) for the proposed redundancies
- numbers and categories of employees affected, specifying those whom it is proposed to make
- redundant
- proposed method of selecting those for redundancy
- proposed method of carrying out the redundancies
- time period over which the redundancy dismissals will take place
- method of calculating redundancy payments (where non-statutory payments are to be made)

vi. Individual consultation

WHS will enter into individual consultation with all employees provisionally selected for redundancy who are ‘at risk’. Where possible, WHS aim to enter a period of individual consultation with employees whether collective consultation is on-going or not and endeavour to provide a minimum individual consultation period of 30 days (which may run concurrent with collective consultation).

Employees will be invited to a consultation meeting during which they will be informed of the reasons for redundancy and will be given information about the proposed redundancy selection (including any selection criteria). The employee will be given the opportunity to suggest any alternative actions to redundancy. During the consultation period the parties may meet numerous times to continue these discussions. At all individual meetings, the employee will have the right to be accompanied by either a Trade Union representative or work colleague. A representative from the Human Resources department will be present at the meeting to give impartial advice, ensure policy compliance, and ensure the process is conducted fairly.

vii. Restructuring and redeployment

During a restructuring exercise an exercise will be completed to match existing employees to roles in the new structure. Under this matching process there are three potential scenarios:

Scenario	Description	Comments
Direct match to a post	There is a direct match (in areas such as responsibilities, level of post, skills required and breadth of activities) between an existing post and a post in the new structure	The existing post holder is directly assimilated to the post in the new structure, unless there is a reduction in posts, in which case a competitive process will be required.
Ring fenced match to a matching pool	There is a part match but also differences (in areas such as responsibilities, level of post, skills required and breadth of activities) between an existing post and a post in the new structure.	Existing post holders will be provided with the first opportunity to demonstrate their suitability (i.e., through a selection process) for a ring-fenced role, before the post is advertised more widely (if an appointment is not made from the ring-fenced employees). If a post holder is unable to demonstrate suitability for the role, WHS does not have to make an appointment and the post holder could be at risk of redundancy.

No match	There are no posts in the new structure which are a suitable match.	The post holder is at risk of redundancy.
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The decision on whether an existing post is a direct, ring fenced or no match to a post in the new structure is made by the Executive Management Team leading on the restructure process. Further details on the pooling and selection criteria for redundancy are provided below.

viii. Pooling and redundancy selection criteria

To fairly identify who will be selected for redundancy, WHS will initially determine the roles and numbers of employees that are at risk of redundancy. WHS will determine an appropriate pool of employees from which redundancy selections will be made considering relevant factors including the location of employees and work carried out.

The selection criteria to be used in the case of redundancy will vary depending on the relevant business requirements and taking into account any need to retain specific knowledge, skills and a balanced workforce. The criteria to be used will be fair and robust so that an objective assessment can be made and carried out consistently. Criteria applied could include the following areas: performance, skills, competencies and qualifications, disciplinary record, attendance (excluding family-friendly leave or disability related absence), and other relevant work experience.

It may be necessary for WHS to adjust scores assigned for certain employees to avoid unfair treatment or discrimination. For example, if an employee has had periods of disability related absence, reasonable adjustments may be made to the scoring removing any disadvantage the employee would otherwise face.

Where an organisational restructure results in potential redundancies of existing roles but also creates new roles, the method of selection for new roles will generally be by interview where individuals will be assigned an overall score, and employees will be ranked according to their scores to identify those who will be provisionally selected for redundancy.

Where there are no significant changes to roles, but there is a diminishing need for these roles, the method of selection will be by using a redundancy selection matrix, assessing employees against objective selection criteria as determined by WHS.

The matrix will set out the scoring ranges that will apply for each selection criterion and will make clear if the Company attaches any greater weight or importance to any particular criterion. Employees will be scored against the criteria, assigned an overall score, and will be ranked according to their scores to identify those who will be provisionally selected for redundancy.

ix. Redeployment

WHS will make every effort to identify and offer alternative employment for at risk employees during the consultation period (including any period of notice). In the first instance, these employees will be informed of any existing vacancies upon notification of their selection for redundancy.

They will be given the opportunity to discuss these vacancies with the relevant manager where the individual's suitability will be explored, taking into account the background, skills, and experience of the employee, as well as any other relevant factors in relation to the post being offered (including terms and conditions, remuneration and location). WHS reserves the right to make the final decision on whether or not to offer an alternative position to an employee.

Where permanent redeployment is not possible, employees will also be considered for any temporary or short-term work available. Employees who are offered redeployment are subject to a statutory trial period of 4 weeks during which they can assess their suitability for the role. If the new position is deemed unsuitable by WHS the employee's employment will be terminated at the end of the trial period. They will receive a statutory redundancy payment based on the date on which their original job became redundant. In these circumstances, should another suitable alternative job be available, the employee will be offered that job subject to a further trial period of four weeks. Any trial period may be extended at the discretion of WHS. WHS reserves the right to make a decision about the employee's termination of employment.

Should the organisation consider a vacancy to be suitable as an offer of alternative work, but the employee unreasonably refuses that offer, or, having taken up the offer resigns that position before the end of the trial four-week period, the employee will forfeit their right to a statutory redundancy payment.

WHS reserves the right to select the best candidate for any job where there is more than one suitable candidate and will apply appointment selection criteria. During any period of redundancies WHS will "ring-fence" any vacancies as being open only to internal candidates unless there are circumstances where it reasonably believes there are no suitable internal candidates.

x. Salary protection

Should alternative employment for an individual be identified as part of a restructuring and redeployment exercise, the offer of redeployment will be made at the pay grade for the new post. If the pay grade for the new post is on a pay grade lower than that which the individual is currently on, WHS will provide salary protection for the individual. This will mean that the individual's salary will be protected at the current level for a period of 12 months, after which the salary will revert to the closest salary scale point in the normal pay grade for the role. During any period of protection, the employee will be expected to carry out work of a higher level if the need arises, provided that the level of work required is within that which can be expected of someone earning the "protected" salary. Continuity of service will apply to employees who undertake redeployment.

xi. Family leave

Special consideration will be given to providing suitable alternative work for those on maternity, adoption, or shared parental leave. These individuals will be given priority when offering alternative employment.

xii. Notification of redundancy

Following full consultation, if redeployment does not prove possible and there are no alternatives to employee redundancy, employees will be invited in writing to a further meeting where they will be told that they are to be made redundant. During this meeting the employees will be informed of any redundancy payments due to them and a formal notice of redundancy will be issued by the Human Resources department. WHS will discuss with the employee if they are required to work their contractual notice or if this right will be waived. Where it is waived, a payment in-lieu of notice (PILON) will be made.

xiii. Time off to seek other work / training

Any employee under notice of redundancy dismissal will be granted reasonable time off during working hours to look for alternative work, attend interviews or undergo training for alternative work within their notice period. Time off must be agreed with the employee's line manager in advance and WHS reserves the right to refuse a request for time off where this is not considered to be reasonable, or where it cannot reasonably be accommodated due to the operational needs of the business.

xiv. Statutory redundancy payments

Employees with two or more years' continuous service with WHS will be entitled to receive a statutory redundancy payment. This will be calculated according to their age, length of service and final gross weekly pay (based on the maximum rate of a week's pay at the time of the redundancy dismissal).

xv. Enhanced redundancy pay

WHS reserves the right to make additional redundancy payments. It should be noted that enhanced redundancy payments are discretionary, and employees have no contractual entitlement to receive an enhanced redundancy payment.

Enhanced payments may be made in the following circumstances:

- Voluntary redundancy

xvi. Appeals process

Following confirmation of redundancy, if an employee wishes to appeal, they should write to the Human Resources department confirming their wish to appeal against redundancy selection and outlining their grounds of appeal. Appeals must be submitted within 10 working days of receiving notice of redundancy. Upon receipt of an appeal, the Company will invite the employee to attend an appeal meeting to discuss the reasons for appeal. The employee will be entitled to be accompanied at this meeting by a work colleague or a trade union representative. The outcome of the appeal will be communicated in writing to the employee, as soon as possible after the meeting. This decision of the Company at appeal is final.

5. GOVERNANCE AND REGULATION

i. This policy is the responsibility of the Human Resources Department. It will be kept under constant review. Changes will be agreed with recognised trade unions and will be considered with regards to external good practice, legislation, and the needs of the organisation.

ii. The policy is due for formal review every three years.

6. SANCTIONS

iii. Any breaches of this policy will be treated seriously. The WHS Disciplinary Policy and a range of disciplinary sanctions may be applied where misconduct of the policy occurs.

iv. Staff that become aware of breaches to, or deliberate failure to follow this policy, should report it to the EMT. Non-compliance with this policy without the mitigation of exceptional circumstances will be seen in itself to constitute poor performance

7. RELATED/REFERENCED POLICIES

- Disciplinary Policy
- Job Evaluation policy
- Recruitment policy
- Attendance Support Policy
- Maternity policy/Adoption policy/Shared Parental Leave policy