



The Scottish Parliament
Pàrlamaid na h-Alba

Compulsory Redundancy

Anabarrachd Èigneachail

17 August 2018



Introduction

We will make every effort to ensure that staff surpluses do not arise and to avoid compulsory redundancies. However, when redundancies are unavoidable, they will be dealt with in accordance with the principles and procedures set out below.

When redundancy seems likely, consultation with the TUS and/or the appropriate trade unions will commence at the earliest possible stage with a view to reaching agreement. This consultation will continue through to the conclusion of the situation. This section 11.5 does not form part of your contract of employment.

Principles

Redundancies will be handled in a fair, consistent and sympathetic manner. All practicable steps will be taken to minimise the risk of hardship and good employee relations practice and statutory employment requirements will be observed.

Definition of redundancy

Redundancy occurs where a dismissal is wholly or mainly because:

- the employer has ceased, or intends to cease, to carry on the business for the purposes of which the employee was 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 do so; 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.

Measures to avoid/minimise compulsory redundancies

All appropriate measures to avoid or minimise the need for compulsory redundancy will be considered. Such measures will be in accordance with the overall commitment to take all sensible steps to avoid compulsory redundancy among permanent staff. Measures to be considered will include (in no particular order):

- transfer of staff to other areas of work;
- restrictions on recruitment and/or promotion;
- review of the use of contractors;
- retraining of staff for redeployment to other work where vacancies exist;
- surplus staff being allowed to block vacant posts at a lower level;
- inviting staff to volunteer for redundancy on compulsory early retirement/severance terms.

This list is not exhaustive.

Where, after thorough consideration and consultation, these measures do not avoid the need for compulsory redundancy, other measures may be considered and discussed with the Trade Union Side and/or the appropriate trade unions.

Procedure for less than 20 affected staff

If we have no alternative but to reduce the staff complement, we will consult with you on an individual basis. At these meetings you may be assisted by a trade union representative or work colleague. We will also consult with the TUS during your notice period, unless we are able to begin consultation earlier, provided we have your consent to do so.

Procedure for more than 20 affected staff

If we have no alternative but to reduce our staff complement by more than 20 staff, we will commence collective consultation with the appropriate representatives in accordance with our obligations under statute.

Selection for redundancy

The unit of redundancy (that is the group of staff within which decisions about redundancy may have to be made) and the criteria for selecting staff for redundancy, will be decided by management after consultation with the TUS and/or the appropriate trade unions. The criteria to be used in determining the unit of redundancy may include (in no particular order):

- specialism or discipline;
- functional area of work; or
- any other relevant factor.

In considering the selection of staff for compulsory redundancy, the criteria to be considered will include length of service and may also include others, for example and in no particular order:

- skills or qualifications based on objective evidence: in order to ensure the retention of a balanced workforce appropriate to future needs. It may be appropriate for other aptitudes to be taken into account;
- individual ability: ability or specialist knowledge acquired as a result of special training, or an individual's value to the objectives of the organisation;
- standard of work performance: selection on this basis must be supported by objective evidence, eg by appraisal assessments;
- attendance or disciplinary records: based on records of absence which are accurate and where the reasons have been fully investigated.

The criteria to be used will be objective, non-discriminatory and in line with the Scottish Parliament's Equality Framework. They will be subject to consultation with the Trade Union Side or the appropriate trade union and will be consistently applied to all the employees in the unit of redundancy including anyone absent from the office for whatever reason. Selection procedures will be examined carefully to ensure that unlawful discrimination does not result directly or indirectly.

Appeals

Staff selected for redundancy will have the right of appeal against unfair application of the selection criteria to the Clerk/Chief Executive.

If you wish to appeal you should do so in writing, setting out clearly the grounds for the appeal, within 7 working days of the date of your notice of redundancy. You will be given the opportunity of an oral hearing at which you may be assisted by a Trade Union representative or colleague.

Period of Notice

Staff will be given at least 6 months notice if selected for redundancy. If it is not possible to give this minimum period of notice, compensation in lieu of that notice, or part thereof, will be paid.

Alternatives to Redundancy

Where vacancies exist, you may be offered a post at a different level as an alternative to redundancy. Where the pay rate for the alternative post is lower than your current salary:

- you will have your pay protected for a period of 18 months, i.e. “the protected period” during which time you will continue to progress up the pay scale for the higher grade;
- the protected period will commence on the date on which you take up your new post and will include any trial period, regardless of length; and
- at the end of the protected period you will immediately be placed on the maximum of the salary scale of the lower grade and will receive a non-consolidated compensation payment equal to 3 months’ salary, based on the maximum of the salary scale of the higher grade.

During the protected period you will continue to be eligible to apply for a job in your old grade either through internal or external competition. In such cases you will be guaranteed an interview. The Human Resources Office will keep you up-to-date with all such vacancies.

If you move to a post that is substantially different, either in the work that is required or the grade of the post, you will be entitled to a trial period up to a maximum of nine months. The benefit of a trial period is that it gives you and your new manager an opportunity to assess whether the new role is suitable whilst protecting your right to a redundancy payment.

Pension treatment following a move to a post at a lower grade

A member of staff who moves from a higher to a lower paid post will receive, on retirement, whichever of the following produces the larger 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 post.

Assistance to staff

Staff selected for redundancy may be assisted in the following ways:

- Retraining: the Human Resources Office will consider whether retraining is appropriate in individual circumstance. Retraining may be appropriate where a member of staff has served most of their career in a specialised area and needs to develop additional skills to make them more attractive to other employers;
- Outplacement counselling: this could include advice on finding alternative employment, investment of redundancy compensation, stress management etc;
- Time off during notice: Staff serving notice of redundancy will be allowed reasonable time off on full pay to look for alternative employment. Where staff obtain alternative employment, sympathetic consideration will be given to allowing them to leave before the expiry of their period of notice if possible for operational reasons.

Compensation

Redundancy benefits are paid under the CSCS – as provided for in the Civil Service pension arrangements.

Compulsory Redundancy (English only)

For further information contact:

HumanResources@parliament.scot

0131 348 6500

