

**BARNSELY METROPOLITAN BOROUGH COUNCIL**

**This matter is a Key Decision within the Council's definition and has been included in the relevant Forward Plan.**

**Report of the Assistant Chief Executive Human Resources,  
Performance & Partnerships  
and Communications.**

**Changes to Redundancy Consultation Periods**

**1. Purpose of Report**

1.1 The purpose of this report is to seek approval to agree changes to Redundancy Consultation Periods.

**2. Recommendations**

**2.1 That approval is given to implement Changes to Redundancy Consultation Periods.**

**3. Introduction**

3.1 Legislation in respect of redundancy consultation periods changed on 6 April 2013. The Government has now reduced the minimum statutory consultation period to 45 days where employers plan to dismiss 100 or more employees. The minimum consultation period in respect of 20 to 99 redundancies remains unchanged at 30 days.

**4. Proposal and Justification**

4.1 It is proposed to implement a 'flexible consultation period' of 30, 45 or 90 days. This would be determined on a case by case basis depending on the number of affected employees and the complexity of the situation but must take into account of the statutory minimum requirement. It is likely that 30 days would be applied where small numbers of employees are involved in straight forward restructures, whilst 90 days would be utilised where large numbers of employees are affected and/or the restructure is complex e.g. cross cutting services.

4.2. The legislation sets out the minimum requirements and does not prevent employees from exceeding this. By allowing flexibility to issue a longer consultation period this provides managers with an opportunity to undertake meaningful consultation regarding proposed restructures, job descriptions and the appointment process to the revised structure and obtaining approval for the changes. Additionally it affords employees a longer time period in which to seek alternative employment.

- 4.3. A reduction of 45 days in the case of whole sale or complex restructures would likely result in managers failing to achieve implementation within the time frame consequently requiring formal notification of redundancy. As the Council is unable to unilaterally withdraw redundancy notices without the employees agreement this would be problematic.
- 4.4. Where managers are considering a re-structure of their services managers should commence the consultation process as early as possible. Where this relates to Key Lines of Enquiry (KLOE) budget savings it is proposed that the consultation commences as soon as possible in the financial year prior to the savings being achieved. This will allow sufficient time for production of a revised structure, job descriptions and the appointment process.
- 4.5. On expiry of the consultation period those employees who remain "At Risk" will be issued with redundancy notices. Implementation dates will no longer be based on financial years i.e. termination date of 31 March, they will be determined taking into account the needs of the service, in year savings targets and 12 week notice period.
- 4.6. The decision as to which period should apply will be agreed in consultation with the Assistant Chief Executive – Human Resources, Performance, Partnerships and Communications.

## **5. Consideration of Alternative Approaches**

- 5.1 An alternative option would be to implement a 30 and 45 day consultation period. However this approach does not give the flexibility required in the case of whole scale or complex structures resulting in failure to achieve timeframes and associated problems in respect of withdrawal of redundancy notices.

## **6. Delivering Sustainable Community Strategy Ambitions and Local Area Agreement Outcomes**

- 6.1 None directly arising from this report.

## **7. Compatibility with European Convention on Human Rights**

- 7.1 This proposal is compatible with the European Convention of Human Rights Act Article 14: Prohibition of Discrimination in the Enjoyment of Convention Rights.

## **8. Promoting Equality and Diversity and Social Inclusion**

- 8.1 The implementation of this report will ensure that the agreed consultation periods are applied consistently and fairly.

**9. Risk Management Issues, including Health and Safety**

9.1 The proposal provides a framework to be applied to employees and reduces the risk of inconsistencies.

**10. Financial Implications**

10.1 There are no direct financial implications arising from this report.

**11. Employee Implications**

11.1 Consultation periods apply to all Council employees including those employed within locally managed schools.

11.2 The Trade Unions have been consulted.

**12. Legal Implications**

12.1 Legal Services have been consulted on the implications of the changes and have confirmed that the approach being proposed is reasonable in the circumstances.

**13. Glossary**

13.1 None

**14. List of Appendices**

14.1 Appendix A - Example Consultation Timeline

**15. Background Papers**

15.1 Contained in background papers within Human Resources.

Officer Contact: Alison Brown Telephone No: 773674 Dates: 14 May 2013

## CONSULTATIONS

a) **Financial Implications**

None directly arising from this report

(b) **Employee Implications**

The employee implications are detailed in the above report.

The Trade Unions have been consulted.

(c) **Legal Implications**

The Borough Secretary has been consulted.

(d) **Policy Implications**

As outlined in the above report

(e) **ICT Implications**

None directly arising from this report

(f) **Local Members**

None directly arising from this report

(g) **Health and Safety Considerations**

None directly arising from this report

(h) **Property Implications**

None directly arising from this report

(i) **Implications for Other Services**

Executive Directors have been fully consulted and made aware of the changes.

(j) **Implication for Service Users**

None directly arising from this report

(k) **Communications Implications**

Following the approval of this report, its introduction will be communicated as

detailed below:

- Global e-mail issued to all employees who have access to email.
- Policies will be updated on the Internal Council Intranet site.
- For employees who do not have access to email/Intranet, managers will be responsible for communicating this to their teams.



**Example Efficiency Agenda Timeline – 90 Days Consultation**

Prior to commencement of Formal Consultation:

- Consider options for restructuring
- Pre formal consultation discussions with Trade Unions
- Briefing employees of proposals/options

<b>Dates</b>	<b>Action</b>
April May June	Consultation Letters Issued  Regular updates to employees Consultation Ongoing Restructure process - Draft revised structure <ul style="list-style-type: none"> <li>- Draft job descriptions/employee spec's</li> <li>- Submit JD/ES for evaluation</li> </ul> Approval of Cabinet/Delegated Report Appointment to the revised structure SVER/VS Bumped redundancies
July August September	Redundancy Notices Issued  Completion of restructure process (ideally this should be completed prior to the issuing of notice)  Managers working with displaced employees to find alternative employment
September	Termination Date

**Example Efficiency Agenda Timeline – 45 Days Consultation**

Prior to commencement of Formal Consultation:

- Consider options for restructuring
- Pre formal consultation discussions with Trade Unions
- Briefing employees of proposals/options

<b>Dates</b>	<b>Action</b>
April May	Consultation Letters Issued  Regular updates to employees Consultation Ongoing Restructure process - Draft revised structure <ul style="list-style-type: none"> <li>- Draft job descriptions/employee spec's</li> <li>- Submit JD/ES for evaluation</li> </ul> Approval of Cabinet/Delegated Report Appointment to the revised structure SVER/VS Bumped redundancies
May June July August	Redundancy Notices Issued  Completion of restructure process (ideally this should be completed prior to the issuing of notice)  Managers working with displaced employees to find alternative employment
August	Termination Date



**Example Efficiency Agenda Timeline – 30 Days Consultation**

Prior to commencement of Formal Consultation:

- Consider options for restructuring
- Pre formal consultation discussions with Trade Unions
- Briefing employees of proposals/options

<b>Dates</b>	<b>Action</b>
April	Consultation Letters Issued  Regular updates to employees Consultation Ongoing Restructure process - Draft revised structure - Draft job descriptions/employee spec's - Submit JD/ES for evaluation  Approval of Cabinet/Delegated Report Appointment to the revised structure SVER/VS Bumped redundancies
May June July	Redundancy Notices Issued  Completion of restructure process (ideally this should be completed prior to the issuing of notice)  Managers working with displaced employees to find alternative employment
July	Termination Date

