

# Redundancy Policy

Date reviewed: January – February 2010

Next review: Oct - Dec 2011



## 1. Principles

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It is the aim of VAW to maintain and enhance the efficiency and financial sustainability of the organisation that will, as far as possible, safeguard the current and future employment of VAW's employees.

However, VAW is funded from a variety of sources and funding may not be guaranteed. It is also recognised that there may be changes in service or organisational requirements that may affect staffing needs. In such circumstances VAW will seek to minimise the effect of redundancies through the provisions made in this policy.

VAW is committed to ensuring that this policy does not discriminate directly or indirectly on grounds of race, colour, ethnic or national origin, religion or belief, sex, sexual orientation, marital status, disability, age, trade union membership and activity.

Part-time staff and those working under fixed-term contracts, shall under no circumstances be singled out for selection on different criteria to those applied to (comparable) full-time staff.

This policy will be reviewed from time to time to ensure that it reflects changing organisational needs and the law relating to redundancies.

## 2. Application

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This section details the process to be undertaken where changes in funding, service or organisational requirements may affect staffing needs.

### 2.1 Consultation

VAW does not have a recognition agreement with any trade union, but if 20 or more employees were to be made redundant, VAW would allow staff to elect representatives for consultation purposes and follow a formal consultation process.

2.1.1 In the event of a reduction of contract or programme work, organisational restructuring, proposed transfer of work, or any factor likely to cause a potential reduction in staff levels, VAW management will notify the Representatives at the earliest possible time to discuss the number and positions of employees affected.

2.1.2 This consultation period will be no less than 30 working days before any notice of redundancy is served.

2.1.3 The consultation period shall commence on the date of VAW's notification to the representatives of the redundancies proposed, when VAW shall suggest a meeting or a series of meetings with its representatives.

2.1.4 Consultation with the representatives will cover:

- reasons for the proposed redundancies
- numbers and descriptions of the staff VAW is proposing to make redundant
- the total number of staff of any such description employed by VAW at the establishment in question
- the proposed method of selecting staff who may be dismissed
- the proposed method of carrying out dismissals with due regard to any agreed procedure, including the period over which dismissals are to take effect.
- proposals for voluntary redundancies

## **2.2 Preventative Measures**

Where the need for redundancies has been identified, and in order to avoid these, one or more of the following measures may be taken:

- Consideration will be given to job-sharing, part-time employment and/or other flexible arrangements
- Consideration will be given to the likely effects of natural wastage
- Consideration will be given to suspending advertising and recruitment
- Consideration will be given to discontinuing temporary labour
- Consideration will be given to discontinuing the engagement of consultants
- Consideration will be given to a salary freeze for a specified period

Any such measure will need to ensure that it does not adversely affect service delivery and development; or cause VAW to default on contracts; or fail in its obligations to funders; or prevent VAW from recruiting personnel to help avert or prevent the conditions which give rise to the problem.

VAW will seek voluntary redundancies wherever possible. The category of employees will be made known and volunteers will be sought at least 15 working days before any compulsory notices are issued.

## **2.3 Compulsory Redundancy**

### **2.3.1 Selection criteria:**

When selecting staff for redundancy, the following objective criteria will be taken into account. This list is not exhaustive and is not necessarily in order of priority:

- Loss of contract based work or funding for the post
- Length of service
- Attendance and disciplinary records
- Appraisal/review records
- Relevant experience, qualifications, capability and adaptability
- further social criteria relevant to affected employees such as poor employment prospects due to physical disability, age, etc

No employee will be selected for redundancy for any of the following reasons:

- Union-related reasons
- Health and safety-related reasons
- For asserting a statutory right
- Maternity-related reasons
- For carrying out the function of or standing as an employee representative
- On grounds of gender, age, race, religion or belief, sexuality, marital status or (without sufficient justification on operational grounds) disability.

### **2.3.2 Interviews**

Employees under notice of redundancy shall be informed of all actual and expected vacancies at VAW during the period of their notice. If vacancies are available at that time, VAW will arrange an interview for each employee declared redundant. The employee may have a union representative or a work colleague of their choice, present at the interview in an advisory capacity.

The purpose of the interview is to:

- Establish whether, with a reasonable amount of training if necessary, the employee is able to undertake satisfactorily the tasks detailed in the job description for the alternative post. This will be done by:

- Considering the employee's complete work experience to date (whether paid or voluntary)
- The skills s/he has acquired over time; and
- Whether these constitute at least 90% of the essential requirements for the vacant post.
- To establish whether the employee considers the post to be a suitable alternative and is willing to accept it.

Where two members of staff are equally successful in applying for the same post, the post can be offered to both as a job-share, if an additional alternative post cannot be found.

Where an employee under notice of redundancy is to be redeployed, VAW will use its best endeavours to provide retraining which is compatible with the work and business of VAW so far as is reasonably practicable, having regard to both the cost of retraining and the requirement for the employee to carry out the duties of the redundant post during the notice period.

VAW shall be entitled to invite staff to apply for any suitable alternative post. A member of staff successful in applying for such a post shall have her/his redundancy notice withdrawn, subject to a trial period (see below.)

### **2.3.3 Trial period**

Redundancy rights will not be lost if the staff member or VAW decides after a trial period of up to 4 calendar weeks, from the date at which the new job was taken up, that the new job or the staff member's performance in that post is not suitable.

In such case either party may terminate or give notice and on termination the staff member shall be treated as though s/he has been made redundant on the date the old job ended.

The trial period shall be extended for up to 3 months for the purpose of training for the new post, provided that the trial period and terms and conditions of appointment applying after training are agreed in writing prior to the commencement of the new job.

## **3. Appeals**

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Staff to be made redundant are entitled to appeal against this decision if they feel that the selection criteria have been unfairly applied in their case.

Staff who have not been offered suitable alternative employment following the interview process outlined above, are also entitled to appeal against this decision.

Staff wishing to appeal are entitled to be accompanied at the appeal hearing by a trade union representative or a work colleague of their choice.

Appeals must be submitted within ten working days of the decision in either of the above being communicated to the employee.

In order to hear any complaints, VAW will set up an Appeal Panel made up of the Chair and two other Management Committee members, none of whom should have been previously involved with the specific case to be heard. The Panel's decision will be based on a majority vote.

The Panel shall be called within ten working days of the appeal being submitted. The decision of the Panel is final and shall be communicated to the employee within five working days of the Appeal Hearing.

## 4. Employees' Entitlements

### **4.1 General**

Staff members to be made redundant shall be consulted as soon as possible, in a private meeting with the Line Manager, of their potential redundancy and will be entitled to at least 30 working days notice before it takes effect.

Staff affected are encouraged to contribute to the consultation process with their own ideas for preventative measures or possible alternative employment with VAW.

Staff to be made redundant are entitled to an appeal as set out above.

Notice of the termination date must be given in writing. Employees are entitled by law to the following notice periods.

During their notice period staff who will be made redundant are entitled to reasonable time off without loss of pay to attend interviews/training, and shall be given reasonable access to additional assistance e.g. access to professional counselling, help with making job applications, interview techniques, and advice on benefits.

During the period of notice, and by mutual agreement, the employee may be allowed to leave VAW without loss of entitlement. Agreement by VAW will be considered in each case and will depend on whether the request is made on reasonable grounds. An offer to commence alternative employment by an alternative employer during the notice period, where failure to commence will result in the offer being withdrawn, shall constitute reasonable grounds.

## 4.2. Notice Period

Length of service	Minimum periods of notice
More than one month less than two years	One week
More than two years but less than three years	Two weeks
More than three years but less than four years	Three weeks
More than four years but less than five years	Four weeks
And so on up to a maximum of 12 weeks for 12 years or more continuous service.	

Contractual notice entitlements will also apply and may be longer than the statutory minimum.

## 4.3 Redundancy Payments

Without prejudice to any entitlement to salary in lieu of notice, staff with two or more years continuous employment with VAW, at the date their notice of redundancy becomes effective, shall receive statutory redundancy payments. Details available from Finance Department/Line Manager.

Staff over the normal retirement age (“NRA”) at the date their notices of redundancy become effective are not eligible for a redundancy payment.

Staff with less than two years continuous employment with VAW, at the date their notice of redundancy becomes effective, are not eligible for redundancy payment as detailed above.

Payment in respect of outstanding accrued holiday entitlement shall be made if it is not reasonably practicable for such holiday entitlement to be taken during the notice period. Holiday time taken up to the annual allowance but not earned shall not be deducted.