

Redundancy

Scope of Agreement on Redundancy Principles and Procedures

This agreement came into effect on 1 April 1994, and was amended on 1 April 1998. It covers all non-industrial staff in: the Scottish Government Main bargaining unit (SGM); Historic Scotland (HS); and the Scottish Fisheries Protection Agency (SFPA), - hereinafter referred to as (“the Scottish Government”).

General Information about Redundancy Principles and Procedures

It is in the best interests of the Scottish Government and its employees to maintain as stable an environment as is practicable in which job security can be safeguarded. Every effort will therefore be made to ensure that staff surpluses do not arise and to avoid compulsory redundancies. However, where 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 Council of Scottish Executive Unions (CSEU) 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

Redundancy 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 industrial relations practice and statutory employment requirements will be observed.

Redundancy Procedures

Definition of redundancy

Redundancy covers all dismissals for reasons not related to the individual. For example:

- 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 cease or diminish; 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.

Compulsory Redundancies

Measures to avoid or 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 staff. Measures to be considered will include (in no particular order):

- transfers of staff to other areas of work;
- restrictions on recruitment and/or promotion;
- reviews of the use of (i) temporary workers supplied by contractors or employment businesses (Agency workers) and (ii) fixed-term appointees;
- reduction or elimination of overtime;
- the retraining of staff for redeployment to other work where vacancies exist;
- surplus staff being allowed temporarily to block vacant posts in lower bands or pay ranges;
- inviting staff to volunteer for redundancy on compulsory early retirement/severance terms;
- review of retirement age policy;
- transfers of staff to other Government Departments or non-departmental public bodies.

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 Council of Scottish Executive Unions (CSEU) and/or the appropriate trade unions.

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 Council of Scottish Executive Unions (CSEU) and/or the appropriate trade unions. The criteria to be used in determining the unit of redundancy may include (in no particular order):

- band or pay range;
- specialism/discipline;
- geographical location;

- functional area of work;
- any other relevant factor.

In considering the selection of staff for compulsory redundancy the criteria to be considered may include, for example (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 also to be taken into account;

- **Individual ability:** ability, or potential to develop ability, or specialist knowledge acquired as a result of special training, or an individual's value to the objectives of the Scottish Government;
- **Standard of work performance:** based on evidence which is as objective as possible, such as appraisal assessments, covering a period to be discussed with the CSEU and/or the appropriate trade unions;
- **Attendance or disciplinary records:** based on accurate and timeously valid records, with any reasons for shortcomings having been fully investigated.

The criteria to be used will be objective, non-discriminatory and in line with the Scottish Government's commitment to equal opportunities. They will be subject to consultation with the CSEU and/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 reasons. Selection procedures will be examined carefully to ensure that unlawful discrimination does not result directly or indirectly.

Appeals Against Redundancy

All staff have an internal right of appeal against redundancy and will be notified of this, and to whom their appeal should be submitted, in their notice of discharge. A member of the Senior Civil Service, Chief Executive or equivalent who has not been directly involved in the original decision will be appointed to hear internal appeals.

Appeals should be made in writing within 10 working days of the date of the formal notice of redundancy. The grounds for the appeal should be clearly set out. Staff will subsequently be given the opportunity of an oral hearing at which they may be accompanied by a Trade Union representative or colleague.

Staff will be notified of the outcome of their appeal in writing. Staff also have a right of appeal to the Civil Service Appeal Board (CSAB) provided they satisfy the relevant conditions.

Period of Notice

The minimum period of notice to be given to staff selected for redundancy is 6 months.

When it is not possible to give the minimum period of notice, staff will be paid compensation in lieu.

Downgrading as an alternative to Redundancy

Where vacancies exist staff may be offered a post in a different band or pay range as an alternative to redundancy. Where this happens staff may retain their existing pay on a mark-time basis. Where staff move to a different band or pay range, a trial period will apply. The purpose of the trial period, which will be for a minimum of 4 weeks, is to enable staff and the Scottish Government to decide whether the alternative employment is suitable without staff losing the right to be treated as redundant if it proves not to be. A trial period may also be appropriate where staff are redeployed in a different specialism within the same band or pay range.

Pension Arrangements

A member of staff who moves from a higher to a lower band or pay range 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 for Staff & Compensation

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

- **Retraining:** where vacancies exist in the Service or in fringe bodies for which redundant staff would be suitable subject to a limited amount of re-training, appropriate training will be given provided the staff are in other ways suitable;
- **Outplacement counselling:** this could include advice on finding alternative employment, investment of redundancy compensation, stress management etc;
- **Time off during notice:** the Scottish Government will allow staff serving notice of redundancy 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.

Compensation for Redundancy

Redundancy benefits payable are summarised in the early retirement section of the Staff Handbook. If you are selected for redundancy the Human Resources Shared Service Centre (HRSSC) will provide you with details of your individual benefits.

Redundancy & Mobility Obligation

Nothing in these arrangements in any way detracts from the mobility obligation entered into by mobile staff.

Review of Redundancy Agreement

This agreement, or any of its individual provisions, may be reviewed at any time at the request of Management or the Council of Scottish Executive Unions (CSEU).