

2016 Protocol – Civil Service Redundancy Principles

For all permanent civil servants including Senior
Civil Servants

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Introduction

1. Foreword

1.1. When the Cabinet Office Protocol 2014 was published, the plan was to review the agreement in 12 months' time. Following this review, the alignment with legislation is still relevant. In addition, following departmental feedback, we acknowledge that the governance for the Protocol requires repositioning to include new arrangements for planning exit schemes.

1.2. This new Protocol agreement supersedes all others.

1.3. This Protocol applies to permanent Civil Service servants, including senior civil servants who are covered by the Civil Service Compensation Scheme and should be read and used in conjunction with the accompanying guidance.

2. High level principles

2.1 Whilst Civil Service employers have authority to determine redundancy procedures, this Protocol agreement delivers a consistent approach across Civil Service Employers.

2.2 The Principles of this agreement are:

- A commitment to taking appropriate measures to avoid compulsory redundancies
- A strong emphasis on beginning consultation with the appropriate local trade unions at the outset.
- The consultation timings to reflect statutory provisions when handling redundancy situations.
- A commitment to quality workforce planning being undertaken prior to any restructuring
- Ensuring a Civil Service wide approach to handling exits. The benefits will be:
 - i A consistent framework for handling exits to include support for those who wish to continue their Civil Service careers.
 - ii Opportunities for movement both within and across Civil Service employers.
 - iii Best use of public funds by ensuring that redundancy payments can be avoided where suitable alternative jobs can be identified elsewhere within the Civil Service

2.3 The Cabinet Office and the appropriate national unions recognise that the Government is committed to continuous improvement in delivery of public services to citizens and to providing value for money to taxpayers.

2.4 The Cabinet Office and the appropriate national unions are committed to work together to ensure that, as the Civil Service transforms and adapts to change, the interests and concerns of employees are managed well.

2.5 This Protocol provides a corporate approach for all permanent civil servants who are covered by the Civil Service Compensation Scheme to help ensure that guidelines for exits are used to help mitigate against compulsory redundancies, where possible.

3. Outsourcing and privatisation guidance

3.1 In situations where jobs may be transferred out of the Civil Service, for example as a result of outsourcing and privatisation exercises, there is separate guidance that Civil Service employers should follow:

3.2 “Good Practice for Managing the People Consequences of Outsourcing and Privatisation”

http://resources.civilservice.gov.uk/wp-content/uploads/2011/09/Good_practice_tcm6-2419.doc

and

“Cabinet Office Statement of Practice on Staff Transfers in the Public Sector”

http://resources.civilservice.gov.uk/wp-content/uploads/2011/09/stafftransfers2_tcm6-2428.pdf

Roles and Responsibilities overview

4. Cabinet Office’s role and responsibilities

4.1 Cabinet Office will:

4.2 Maintain a strategic overview of and compliance on the use of the Protocol

4.3 Establish and maintain commitment to the Protocol.

4.4 Monitor and review developing practice and report periodically to the central government group of Permanent Secretaries responsible for employee relations.

4.5 Keep the Minister responsible for the Civil Service and Head of Civil Service informed of all significant developments.

4.6 Attend Redundancy Mitigation Review (RMR) meetings. See paragraph 14 in RMR section.

5 Employer's role and responsibilities

5.1 Employers are responsible for the operation of the Protocol in accordance with the guidance that supports it (link).

5.2 Employers will undertake workforce planning prior to any potential restructuring / job reduction programme.

5.3 Initial work with cross government workforce planning teams will have taken place ahead of any redundancy scheme being launched. This planning should ensure:

- Appropriate organisational structures within the organisation,
- Skills/knowledge for future business delivery are retained,
- Mechanisms for employee career paths and development are in place

5.4 Where possible, employers will redeploy any employees who could later be at risk of redundancy through engagement and discussion with other Civil Service employers.

5.5 Employers will engage and consult constructively with appropriate local trade unions on workforce planning and on ways to mitigate against the possibility of compulsory redundancy.

5.6 Employers will ensure they take any equality impact of planned proposals into consideration in accordance with the Public Sector Equality Duty, and monitor this during an exit scheme. Guidance on the public sector equality duty can be found at: EHRC - Public sector equality duty.

5.7 The RMR meeting can be held as soon as the employer considers they have done as much as possible including provision of support to employees who are at risk of redundancy in making an informed decision on their future. This will include the employee being made aware of what their expected compensation would be.

5.8 The employer will chair RMR meetings. See paragraph 14 in RMR section.

6. Appropriate Local Trade Unions' role and responsibilities

6.1 Appropriate Local Trade unions will:

6.2 Provide proactive advice and guidance to their members affected by exit schemes.

6.3 Engage constructively with employers from the outset to mitigate against compulsory redundancies.

6.4 Attend RMR meetings. See paragraph 14 in RMR section.

7. Employees' role and responsibilities

7.1 Employees will:

7.2 Ensure they are familiar with their employer's policies and procedures, including any career transition help and support offered.

7.3 Engage in the process as appropriate.

8. Role of Recruitment and Redeployment Working Group (RRWG)

8.1 The Recruitment and Redeployment Working Group comprising Civil Service employers will engage regularly to discuss immediate and future plans for recruitment and redeployment requirements. Employers will positively support the transfer of employees into suitable vacancies.

8.2 The RRWG will work with cross Government workforce planning teams to ensure any plans for restructures and recruitment are known in good time.

8.3 The RRWG will meet with appropriate national unions on a quarterly basis. The quarterly meeting will provide updates on its work and developments and a forward look on recruitment and opportunities with Civil Service employers.

8.4 Civil Service Local will hold meetings to discuss local recruitment and redeployment issues with Civil Service employers in their region. Civil Service Local will report to the central RRWG to ensure local plans are known.

Process Overview

9. Early consultation

9.1 In line with the principles of this Protocol, consultation with appropriate local trade unions must begin at the outset.

9.2 Civil Service employers will inform affected employees of plans as early as possible and at all stages. Line managers should have discussions with their staff.

9.3 Employers will review positions filled by agency workers, consultants, temporary employees and similar appointments to establish if these would be suitable for permanent employees whose jobs could be at risk.

9.4 The Recruitment and Redeployment Working Group (RRWG) and Civil Service Local must be informed by Civil Service employers of the numbers, grades, location, and timing of potential restructure/job reduction programmes as soon as they are planned, and be kept up to date.

10. Formal consultation

10.1 The minimum length of the formal consultation is dependent on the numbers of those at risk.

- 100 or more employees at risk - there should be a minimum period of at least 45 days
- 1 - 99 employees at risk - there should be a minimum period of at least 30 days;

10.2 If it becomes clear compulsory redundancies may be unavoidable, the employer will:

- Begin a formal consultation period with their appropriate trade unions.
- Ensure the selection criteria centre on the balance of skills and competencies required for future business delivery as set out in employer's policies.
- Notify every employee who is at risk in writing that this is the case
- Offer a voluntary redundancy scheme in line with the Civil Service Compensation Scheme.
- Support those who wish to continue their Civil Service career.

10.3 It is particularly important that the employer, and trade union colleagues, have early face-to-face conversations with affected employees to seek clarity on what they want to do.

10.4 For both consultation periods an RMR meeting will be required prior to the end of the formal consultation period if employees are still at risk of compulsory redundancy.

11. Supporting employees at risk

11.1 Civil Service employers will support employees at risk. This will vary according to the employer's circumstances, but could include the following ways:

- Providing information about applying for jobs in their, or other parts of the Civil Service;
- Supporting employees in seeking other local external employment,
- Providing help in CV writing and preparing for interviews as appropriate
- Arranging for refresher skills training where appropriate
- Ensure line managers or relevant exits teams work closely with employees and

provide support in their job search activities

11.2 Employees should have all the information they need to make an informed decision about voluntary redundancy. This will include the employee being aware of what their expected compensation would be should they leave employment on VR.

12 Suitable Alternative Employment

12.1 When employees are at risk of redundancy the employer will make efforts to find suitable alternative employment where possible.

12.2 A suitable alternative vacancy is one where the work is suitable in relation to the employee and appropriate for the employee to do, and the terms and conditions are not substantially less favourable than the employee's current terms and conditions.

12.3 Unreasonable refusal of an offer of suitable alternative employment by an employee who is at risk will entitle the employer to issue them with notice of compulsory redundancy and withhold compensation.

13 Concluding formal consultation

13.1 Where employers have sufficiently evidenced that they have done everything reasonably possible to avoid compulsory redundancies the unions will not object to an earlier end to consultation.

14 Redundancy Mitigation Review (RMR)

14.1 Where employees remain at risk of redundancy during the formal consultation period, a RMR meeting will be chaired by the employer and attended by four stakeholders; the employer, Cabinet Office, appropriate local and national unions.

14.2 The RMR meeting can be held as soon as the employer considers they have done as much as possible including provision of support to employees who are at risk of redundancy in making an informed decision on their future. This will include the employee being aware of what their expected compensation would be before they leave employment on CR.

14.3 All stakeholders should agree whether a face to face or teleconference meeting is necessary or if the review can be completed in correspondence.

14.4 Employers must provide evidence that the Protocol has been followed during consultation, that steps have been taken to find suitable alternative employment where available for affected employees, and whether efforts have been made by the employee to secure redeployment.

14.5 The RMR will review the individual cases in question and examine if there are any further options to avoid compulsory redundancy.

14.6 The employer will make the final decision on the notice(s) at the end of the RMR meeting.

14.7 Employers should ensure appropriate trade unions are notified as well as affected employees. See Compulsory redundancy section at paragraph 15.

15 Compulsory redundancy

15.1 If notices of compulsory redundancy are to be issued employers should seek approval from their Permanent Secretary/Chief Executive Officer as relevant.

15.2 Following the conclusion of RMR, the employer will write to the appropriate trade unions and staff confirming formal consultation is concluded. Notices will be issued to any employees for whom a suitable alternative employment offer was not found or who refused such an offer.

15.3 Following the issue of compulsory redundancy notices employees can continue to search for work during their notice period.

15.4 If the employee is successful in securing a permanent alternative Civil Service role, compulsory notice will be rescinded.

15.5 If the employee is successful in securing an FTA lasting a reasonable length in an alternative Civil Service role, compulsory redundancy notice will be suspended or rescinded as appropriate.