

Guidance for 2016 Protocol – Civil Service Redundancy Principles for all employees including senior civil servants

GUIDANCE FOR PROPOSED 2016 PROTOCOLS IF OFFER IS ACCEPTED

Introduction

This guidance is designed to support Civil Service employers in managing situations where changes in business and/or customers' requirements can lead to movement of or reductions in workforce, which may result in redundancy. The guidance explains stages of early and formal consultation and the Redundancy Mitigation Review. Civil Service employers should use this guidance alongside their own redundancy policies and procedures and the 2016 Protocol – Civil Service Redundancy Principles ('the Protocol').

The 2016 Protocol supersedes the 2008 and 2014 Cabinet Office Protocols. The Protocol applies to all permanent Civil Service employees who are covered by the Civil Service Pension Scheme, and includes senior civil servants.

Civil Service employers are expected to align their redundancy agreements/procedures with the Protocol. It is recognised that those departments that did not implement the 2014 Protocol and those that have redundancy agreements with local unions in place may take longer time than others but in all cases the expectation is that alignment will be completed within six months of the Protocol being issued.

Relevant NDPBs

The 2008 and 2014 Protocols applied to employees in 'relevant NDPBs'. 'Relevant NDPBs' in this context are those that employ civil servants and/or recognise one or more of the Civil Service Trade Unions.

This will no longer be the case. The 2016 Protocol applies only to employees of NDPBs who are civil servants and eligible to be members of the Civil Service Compensation Scheme will be covered by the 2016 Protocol. Whilst this guidance is not mandatory to NDPBs, elements of the Protocol and guidance represent good practice which NDPBs are encouraged to adopt.

Public Sector Equality Duty

Departments are reminded that when undertaking an exit process, they should take due consideration of the public sector equality duty and to ensure that any employee with protected characteristics is not disproportionately adversely impacted. Monitoring should be on-going.

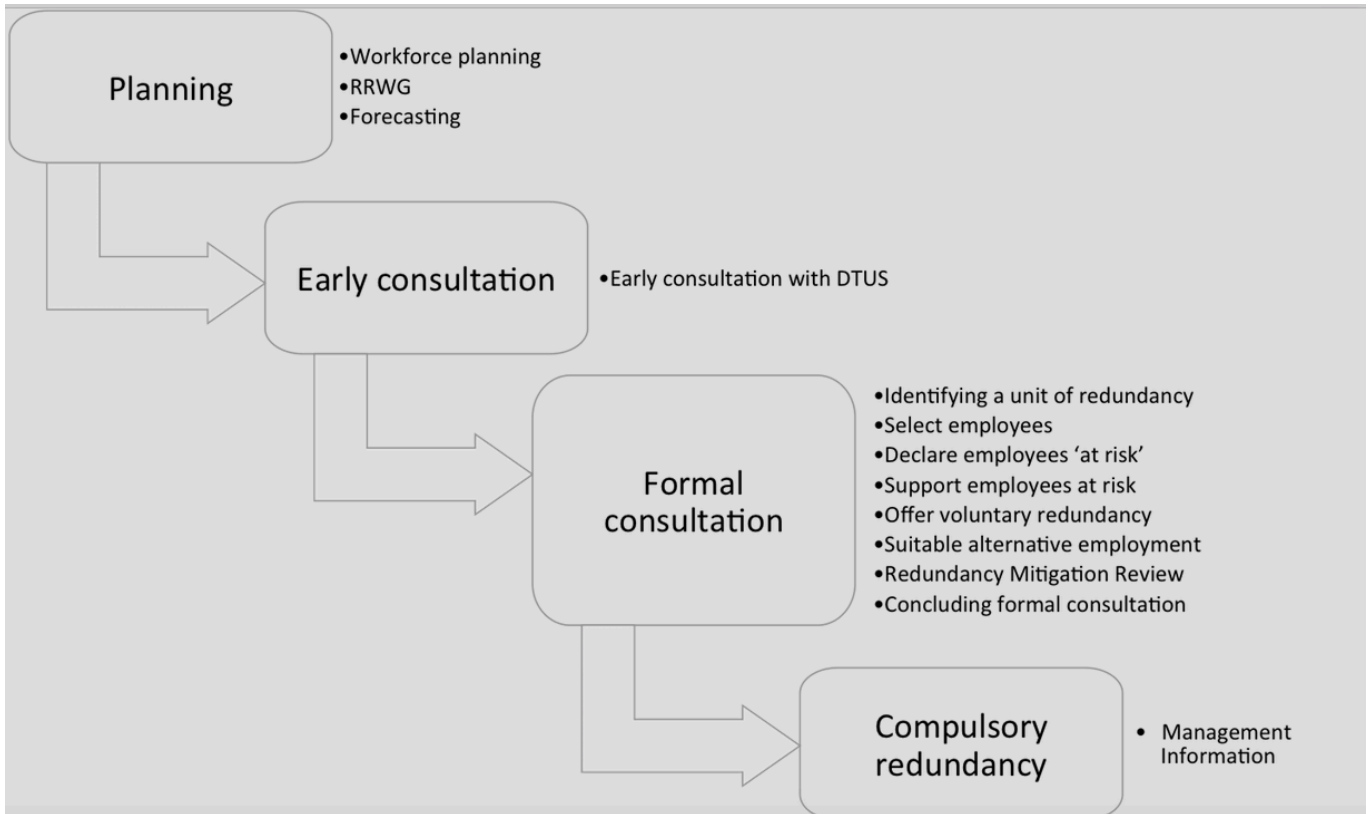
Roles and Responsibilities overview

Roles and responsibilities of the following stakeholders have been outlined in the Protocol:

- Cabinet Office (Protocol, paragraph 4)
- Civil Service employers (Protocol, paragraph 5)
- Trade Unions (Protocol, paragraph 6)
- Employees (Protocol, paragraph 7)
- Recruitment and Redeployment Working Group (RRWG) (Protocol, paragraph 8)

This guidance covers each stage of the process and provides additional guidance to accompany the Protocol.

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Planning

Overview

Business as usual workforce planning should identify skills and knowledge required for future business delivery, changes in workforce requirements and therefore potential redundancy situations.

Where planning identifies potential long-term (12 month) reductions in workforce, employers are asked to share information with other employers, about planned recruitment and exits, so redeployment of employees can be considered before an exit scheme is necessary.

Recruitment and Redeployment Working Group (RRWG)

Employers as part of their strategic workforce planning should engage with RRWG prior to launching any exit schemes.

Departmental representatives should attend RRWG meetings and bring relevant information on future recruitment and redeployment requirements supplied by their departmental workforce

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planning teams. Representatives can engage with RRWG outside the planned meetings to ensure discussions fit with restructure timelines.

Departments, where appropriate, should also limit external recruitment through collective planning to ensure internal employees are considered before external recruitment is agreed to.

Relevant national unions representatives will be invited to attend meetings on a quarterly basis.

The RRWG will:

- Share a standard 'forward look' template based on planned recruitment and exits over at least a 3-6 months on a rolling basis.
- Discuss and plan possible redeployment opportunities for employees prior to commencement of any formal redundancy consultation process.
- Support redeployment of employees particularly where there are regional/location issues.
- Monitor and report successes in terms of numbers of employees moved between departments employers identifying the external recruitment and exit scheme costs avoided.
- Discuss regional plans via updates from the Civil Service Local regional meetings.

For more information on the RRWG, please see [Annex B](#) for the Terms of Reference.

Civil Service Local

Civil Service Local will:

- adopt a similar approach to RRWG and hold regional meetings where departments can exchange information on local recruitment and redeployment opportunities.
- report to RRWG on a quarterly basis and/or when information is required to be circulated.

In Civil Service Local regions, employers will attend meetings to ensure local redeployment requirements are also discussed. The attached link includes details of all CS Coordinators **[DN: insert link]**.

Forecasting

Employers will also engage with MyCSP, sending them a 12 month rolling forecast on a monthly basis, setting out numbers of quotes and awards needed in each month. The contact for this is: **[DN: insert link]**

Early consultation

Early consultation with appropriate local trade unions

Consultation with appropriate local trade unions must begin at the outset. This will happen as soon as it is clear that there will be changes in the organisation/business unit, which may result

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in reductions in workforce. Employers and appropriate local unions will engage with each other to understand the issues from beginning, which will help to mitigate against potential redundancies at a later stage.

Affected employees i.e. those working in the business unit or site, which will be undergoing change, will be informed as soon as it is clear that there will be changes to the business delivery/model which may affect numbers and/or nature of posts.

Early redundancy mitigation measures may include:

- Reviewing positions filled by agency workers, consultants, fixed term appointments (FTAs) and similar appointments to establish if these would be suitable for permanent employees whose jobs could be at risk
- Redeployment of employees within the department, and across the wider CS using the RRWG
- Natural turnover will have been considered.

Formal consultation

Identifying a unit of redundancy

Once the employer has identified changes which may result in redundancies, they will need to identify a unit of redundancy. Generally there are four types of change which may result in redundancies:

- the work is changing or reducing
- the work will be done in a different way
- the work will be stopping
- the location of the work is changing/the office is closing.

The unit of redundancy is identified before any selection is carried out.

Employers and trade unions should work together to agree appropriate selection criteria and the identification of a unit of redundancy.

Selecting employees

A selection exercise should be carried out and the employees who have not been selected for the new roles will be declared at risk of redundancy.

Selection decisions must be made using a process that is fair, reasonable, non-discriminatory and verifiable by appropriate evidence. The selection methods used will depend on the nature

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of the change and the size of the redundancy unit(s) but should be designed to ensure the managers consider the core criteria.

HRBPs will normally be able to advise senior managers on which selection method is the most appropriate in the context of their restructure. Once the selection method has been chosen managers must communicate the details and criteria clearly to ensure all employees understand the process.

Consideration should be given to the equality impact of the selection process.

Formal consultation (or Meaningful Consultation in the previous Protocols) is entered into once there is a redundancy situation. As outlined in the Protocol (paragraph 10.3), the length of formal consultation will depend upon the number of employees at risk of redundancy.

- Minimum 30 days consultation for 1-99 employees at risk of redundancy
- Minimum 45 days consultation for 100+ employees at risk of redundancy

For more information see section 2 of the ACAS guidance on ['Handling large scale collective redundancies'](#).

Employers should also ensure that individual consultation with employees at risk is carried out.

Employees should ensure they are available for consultation.

Offering voluntary redundancy

After the selection has concluded, employers must inform employees that they are at risk of redundancy. Employers should also offer a voluntary redundancy scheme and offer voluntary redundancy in writing. Where there is no selection exercise, e.g. in office closure situations, this will happen at the start of the formal consultation.

If an employee accepts voluntary redundancy and that application is accepted by the employer, the individual should be served notice immediately. In exceptional circumstances, employers may use additional flexibility to extend the notice period, where required by business needs.

Supporting civil servants at risk

As outlined in the Protocol (paragraph 11.1), employees will receive support. This may vary according to the situation and the employer/employee circumstances.

Actions for employers

Employers should make clear to employees at risk of redundancy what being 'at risk' means and ensure if they wish to retain their Civil Service career that they take an active role in seeking redeployment along with the employer.

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Employers should outline the support they are able to offer to employees. They will also ensure managers are aware of their responsibilities when managing employees at risk of redundancy.

Employers should ensure employees 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 voluntary redundancy.

There are various ways to do this:

- Ensure that personal employment data is kept up to date on shared services.
- To use the online calculators on the Pensions Website ([link](#))
- Ensure they have an up to date Annual Benefit Statement (ABS) and where this is not the case, update their data to the employer, shared services or MyCSP as appropriate and detailed on the ABS
- Ensuring the quote received from MyCSP is accurate and where this is not the case, discussing any discrepancies with their employer and MyCSP immediately.

Civil Service employers will support employees at risk in seeking other employment. This may vary according to the situation and employer/employee circumstance but may include:

- Providing professional outplacement services, if their budgets and circumstances allow (e.g. help in CV writing and preparing for interviews as appropriate, for both internal and external roles)
- Supporting employees in seeking other local external employment
- Arranging for refresher skills training where appropriate
- Providing support/guidance for managers to help their employees find new employment and support them in any related training activities
- Providing reasonable time off work to seek other employment in the Civil Service

Actions for employees

Employees should also take an active part in seeking another Civil Service role by:

- Actively engaging in the process, taking ownership of options to them.
- Make themselves aware of the options open to them and give them careful consideration.
- Ensure they are familiar with their employer's policies and procedures, including any career transition service offered.

Suitable alternative employment

As part of the statutory guidance on redundancy, employers will look to offer the employee 'suitable alternative employment' within their department where possible to avoid compulsory redundancy.

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. When assessing whether a post is suitable, the following factors are likely to be relevant: hours of work, duties, grade, salary, responsibility level, skills needed, location and the employee's personal circumstances.

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If an employee unreasonably refuses suitable alternative employment, the employer may consider withholding compensation. In these circumstances they should involve HR to ensure each case is considered on its merit and the Civil Service employee's circumstances are taken into account.

Employees who are pregnant, on maternity or another form of family leave should be treated constructively and sensitively and may be considered as priority movers.

Concluding formal consultation

Whilst the Protocol outlines the minimum length for formal consultation (paragraph 11.1), there is also the recognition that formal consultation can conclude prior to these recommended timings with agreement and where the Civil Service employer can evidence they have done all that they reasonably can, in line with the Protocol and guidance.

'All that they reasonably can' includes various redundancy mitigation measures at different stages including early mitigation measures, such as:

- Reviewing positions filled by Agency workers, consultants, Fixed Term Appointments (FTA) and similar appointments to establish if these would be suitable for permanent employees whose jobs could be 'at risk'
- Redeployment of employees within the department and across the wider Civil Service using the RRWG
- Natural turnover will have been considered and
- The offer of a suitable alternative role within the employees department made, if one was available.

When the employer considers it appropriate to conclude formal consultation and they have done all that is reasonably possible, they should write to the Cabinet Office, appropriate local and national unions, as outlined in the Protocol, and arrange the Redundancy Mitigation Review meeting.

Appropriate local Trade Unions will work with employers and accept reasonable justification for concluding consultation. In certain circumstances, unions will not object to ending consultation earlier where the employer has evidence that all reasonable action has been taken. Where employees are based in remote locations or their role/specialism is unique, or when location closures are planned, it may not be possible to redeploy employees and avoid redundancy.

Redundancy Mitigation Review (RMR)

It is not always possible for consultation to find ways of avoiding redundancy dismissals. The RMR is intended to review the redeployment activity that has taken place, and consider whether there are any more actions that should be taken to avoid compulsory redundancies. The meeting will comprise the following stakeholders; the employer (meeting chair); Cabinet Office; appropriate local unions and appropriate national unions. The meeting can take place by telephone, through correspondence or at a face to face meeting.

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Prior to the meeting, the employer should send evidence to all RMR stakeholders of actions taken by individuals at risk and their employer on a pro-forma. This will form the basis of the discussion at the RMR meeting.

The Employer will chair the meeting and present the relevant information about the redeployment activity that has taken place in line with the Protocol. They will explain why they consider it is appropriate to conclude consultation at this stage and how they have listened to the views and suggestions presented to them during formal consultation.

At the end of the RMR meeting, appropriate local and national trade unions will be given the opportunity to put forward their views about redeployment activity that has taken place.

The employer will make the final decision on the notice(s) and conclude the RMR meeting.

After the RMR meeting the employer will write to the appropriate local and national trade unions and Cabinet Office to inform them that they are concluding formal consultation. Employers will also notify affected employees in writing.

Compulsory Redundancy

Overview

The employer will serve the compulsory redundancy notice to employees following internal authorisation from their Permanent Secretary or the HR Director with delegated authority.

Appropriate local trade unions may provide their members with representation in cases of complaint or grievance that might arise as a result of the potential redundancy situation.

Employees will be issued notice in line with their contract terms and conditions. Employees will continue to be able to apply for Civil Service wide roles up until their last week of employment.

Whilst the employee is serving their compulsory redundancy notice, they may find an alternative role. If this role is temporary i.e. it is a Fixed Term Appointment lasting for 6 months or less, their notice will be suspended for the duration of their appointment. It will not be withdrawn and will continue once their FTA is completed.

If the FTA is longer than 6 months, the compulsory redundancy notice will be withdrawn. If the employee fails to secure another longer term FTA or permanent role during the original FTA, their position will be reconsidered at the time the FTA ends and in line with departmental policy.

Management Information

Following the conclusion of the exit process, employers are expected to report to Cabinet Office the numbers of exits through exit schemes and the number of VE/VR and compulsory redundancies. For more information on these monthly returns, please contact [DN: insert email address]

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Useful links

To add - link to MyCSP Q&A on understanding your quote

[Civil Service Compensation Scheme](#)

[Civil Service Compensation Scheme December 2010 Guidance for employers](#)

[Civil Service Management Code](#)

2016 Protocol – Civil Service Redundancy Principles for all employees including senior civil servants

[Cabinet Office Guidance to Employers on Exit Forms](#)

Forms:

[Early Departure Scheme application for Single and Bulk Person Exit](#)

[Standard Tariff – Estimated cost of early exit](#)

[MyCSP F1 – Statement of Work](#)

Contact info

Cabinet Office: redundancyschemes@cabinetoffice.gov.uk

CS Employee Policy: recruitmentand.vacancyfilling@csep.gov.uk

MyCSP: exit.schemes@mycsp.co.uk

Glossary of terms

Term	Definition
Acquiescence	<p>An employee at risk of compulsory redundancy can opt to leave on compulsory redundancy grounds if they are beneficial for them or,</p> <p>An employee can be deemed acquiescent if they have failed to engage in the redundancy process. This can be discussed at the RMR.</p>
At Risk of Redundancy	<p>An employee is “at risk of redundancy” when, due to a change in the business, their role is at risk of becoming redundant. The Protocol aims to maximise redundancy mitigation in order to avoid redundancies but in some cases redundancy dismissals will be unavoidable.</p>
Compensation In Lieu Of Notice	<p>In certain circumstances and where it meets business needs, it may be decided to pay some or all of the notice period as Compensation In Lieu Of Notice (CILON) to employees leaving under a voluntary exit (VE) scheme or VR/CR, instead of requiring them to work their full notice period. A CILON calculator is available for employers on the CSCS web site.</p>
Compulsory Redundancy	<p>The act of dismissing an employee when the employee is no longer required by the organisation because there is no suitable work available for them. CR is only applied when none of the redundancy avoidance measures have succeeded for that individual.</p>
CSCS Employer Guidance	<p>The Ministerial Instructions issued by the Cabinet Office in relation to the CSCS. The Instructions are titled “Civil Service Compensation Scheme Guidance for Employers” and are attached to the Civil Service Pensions Employers’ Pension Guide as Annex 6F.</p>

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Fixed Term Appointment	A contract or appointment that has a specific end point. This is normally when a particular date is reached, but could also be when a specified event does or does not happen or a specified task (such as the completion of a project) has taken place.
Headcount	The number of permanent employees in an organisation.
Limited Competition	This is one of the ways to select employees into new posts, in headcount reduction and restructuring situations. It can be used when there is a significant change between existing and proposed roles under the new structure. The roles would normally be ring fenced and advertised for existing employees, who would apply for them.
Formal Consultation	This is the formal stage of redundancy consultation and follows early consultation. The number of employees at risk of redundancy will determine the length of the process. Employees not redeployed prior to this stage are considered “at risk” of compulsory redundancy. They must be informed of this in writing and a voluntary redundancy scheme run.
My Civil Service Pension (MyCSP)	MyCSP administers the Principal Civil Service Pension Scheme on behalf of the Cabinet Office. They will provide CSCS calculators and quotes and, for employees with approval to leave under the terms of CSCS, they will calculate and pay compensation and pay or preserve any pension benefits.
Outplacement Support (Career Transition)	Help for employees with job searching when they are at risk of redundancy. Departments may use the services of an outsourcing company to help staff with CVs, upskilling and other activities that will help them to redeploy or find work outside the Civil Service.
Periods of Notice	The time period between receipt of notification of dismissal, and the last day of employment.
2016 Protocol - Civil Service Redundancy Principles	The Protocol provides a corporate approach across the Civil Service to redeployment and exiting staff where necessary.
Reckonable Service	Reckonable service includes paid maternity leave, paid family leave (e.g. paid paternity, adoption, shared parental leave), disability leave and paid sickness absence. It does not include unpaid leave such as strike action, unpaid

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	maternity or family leave, absence on no pay (unless specifically allowed for by Cabinet Office), periods of sick absence where the employee is only receiving SSP, sick pay paid at less than half pay (including SSP) or sick pay at pension rate.
Redeployment	The process of identifying a new post for an employee who at risk of redundancy due to organisational changes such as restructuring or downsizing.
Redundancy Dismissal	The act of dismissing an employee when the employee is no longer required by the organisation, because there is no suitable work available for them.
Redundancy Mitigation Review (RMR)	RMR is attended by senior members of the department (usually HR officials) and appropriate local and national trade union representatives, with Cabinet Office ensure that the Protocol has been fully applied in departments' efforts to avoid compulsory redundancies.
Redundancy Unit (Sometimes referred to as Redundancy Pool)	<p>A "pool" of employees from which the employer selects those who are at risk. It is generally a business unit(s) undergoing changes which may result redundancies. Generally this will be for one of four reasons:</p> <ul style="list-style-type: none"> - the work is changing or reducing - the work will be done in a different way - the work will be stopping - the location of the work is changing/the office is closing. <p>The unit of redundancy is sometimes also known as the redundancy pool.</p>

Annex B

Recruitment and Redeployment Working Group terms of reference

DN: Insert RRWG ToR