

Redundancy

1. Introduction

The Forestry Commission (FC) is committed to taking all practical and reasonable steps to avoid or, if that is not possible, minimise the need for compulsory redundancies. This procedure sets out the steps that will be taken where there is a potential redundancy situation.

2. Initial Actions

Before any redundancy scheme is launched, the FC will undertake workforce planning and seek early redeployment opportunities. Early consultation with the FCTU will take place to consider and consult on measures to avoid redundancy.

2.1 Workforce Planning

The FC will undertake workforce planning as part of any potential restructuring or change programme. The planning will ensure that structures are appropriate within the FC and skills and knowledge for future business delivery is retained.

HR teams across the FC will work with each other to ensure current and future staffing requirements are taken into account so that, where there are vacancies in other areas of the FC, employees with the right skills can be redeployed into these posts rather than being placed at risk of redundancy at a later date. In addition, the relevant HR team will liaise with workforce planning teams across Government Departments to ensure that they are aware of developments in other Departments and of any potential recruitment campaigns that may be suitable for FC employees who might later be at risk of redundancy.

2.2 Redeployment Ahead of Redundancy Scheme Launch

As part of strategic workforce planning, the FC will engage with Civil Service Local (CS Local) and, where necessary, the [Recruitment and Redeployment Working Group](#) (RRWG) to discuss details of planned restructure and any potential opportunities for redeployment across Government Departments.

The RRWG is a cross-departmental cooperation group comprising recruitment and exits representatives from different departments who work closely with workforce planning

teams to ensure any plans for recruitment and restructure are known on time. Representatives bring relevant information on future recruitment and redeployment requirements for their departments and this enables collective cross-departmental workforce planning. The RRWG keep a standard 'forward look' database based on planned recruitment and exits over at least a three month period and will use this to plan possible cross-departmental redeployment opportunities for civil servants ahead of any redundancy scheme being launched.

CS Local comprises representatives of departments within a local region and adopts a similar approach to the RRWG. Country/Central Services HR leads will liaise with the appropriate CS Local in the first instance before liaising with the RRWG.

Where appropriate, and where it will help to avoid redundancy at a later stage, employees may be offered alternative posts either within the FC or in other CS Departments through the work undertaken by CS Local and the RRWG. The early redeployment will ensure the most cost effective approach where employees who could be at risk can be redeployed into future vacant posts, therefore avoiding both exit payments and recruitment costs.

Any movement of employees at this stage will be on a voluntary basis (other than where a move is within an employee's mobility clause, although even in this situation the employee's personal circumstances, i.e caring responsibilities, will be taken into account). Employees are not compelled to take on new terms and conditions of service however this may mean that they may later be placed at risk of redundancy.

2.3 Early Consultation

The purpose of early consultation with the FCTU is to provide as early an opportunity as practicable to explore possible options to avoid or minimise the need for compulsory redundancy.

As soon as it is clear that organisational change proposals could result in a reduction in the workforce, the FC will begin **early consultation** with the FCTU, initially in writing to the FCTU Secretary, to discuss and consider all appropriate redundancy mitigation measures. Affected employees, i.e those employees in the business unit undergoing change, will be kept informed as soon as it is clear that there will be changes and early consultation with the FCTU has begun.

There is no set timescale for **Early Consultation**, although it is expected to last no less than two weeks.

2.3.1 Early Redundancy Mitigation Measures

The FC will start to consider measures to avoid redundancy once proposals for restructuring or changes in business requirements mean that there is a likelihood of reduction in staff. These will include:

- Normal turnover of staff;
- Placing restrictions on recruitment and/or promotions;
- Reviewing positions filled by agency workers, consultants, and fixed term appointments (in line with the Fixed Term Employee Regulations) to establish if these will be suitable for permanent employees whose jobs could be at risk;
- Reducing or eliminating overtime and other excess hours working;
- Putting in place temporary placements, where available, to retain staff prior to considering redundancy e.g. where there is the prospect of additional employment opportunities arising within a reasonable period;
- Transferring employees who may later be at risk of redundancy to other suitable areas of work or other locations, in line with normal mobility rules;
- Retraining staff for re-deployment to other work where vacancies exist;
- Offering voluntary redeployment to other areas of the FC or across the wider Civil Service through CS Local/RRWG; or
- Opening up a voluntary early exit (VEE) scheme.

Once these measures have been exhausted and there is still a requirement to reduce staffing levels in a business area, a formal redundancy scheme will be launched, the proposed unit and pool of redundancy will be identified and **Formal Consultation** with the FCTU will commence.

3. Formal Consultation

Formal Consultation is a legal requirement and is the first stage of a formal process that could lead to compulsory redundancy. Starting **Formal Consultation** does not mean that there will be compulsory redundancies as the intention is to explore other solutions. However, it is a possible outcome.

The length of **Formal Consultation** will depend upon the number of employees at risk of compulsory redundancy based on those set out in the Cabinet Office Protocols:

- A minimum of 30 days when fewer than 100 FC staff are at risk of redundancy;
- A minimum of 45 days when 100 or more FC staff are at risk of redundancy.

Formal Consultation would involve the FC and FCTU formally discussing ways of avoiding or minimising compulsory redundancies and the FCTU will receive, in writing, the following information:

- Reasons for the proposed redundancies;
- The pool of redundancy (see section 5.1 Pool of Redundancy);
- The numbers, jobs and pay bands of the staff it is proposing to make redundant;
- The total number of staff employed in the proposed pool of redundancy;
- The proposed criteria for selecting people who may be made redundant (see section 5.2 Selection criteria); and
- The period over which the redundancies are to take effect.

Once formal consultation commences (and any assimilation has taken place) details of employees 'at risk' will be entered into the Redeployment Register and the FC will continue to make reasonable efforts to find suitable alternative employment for these employees, both within the FC and across the wider Civil Service. Further information on redeployment is available in [HR Policy and HR Procedure – Redeployment](#).

As part of this process, full and meaningful consideration will be given to any proposals put forward by the FCTU and staff. These could include alternative proposals for addressing the business need and for implementing change, and proposals for mitigating the impact on individuals or groups.

Voluntary redundancy will be offered to those employees 'at risk' during formal consultation once measures to avoid redundancies have been exhausted. If an employee accepts an offer of voluntary redundancy, they will immediately be served their notice with effect from the date they sign their acceptance. In exceptional circumstances, the FC may extend the notice period, where required by business needs.

If an employee 'at risk' rejects an offer of voluntary redundancy, the FC will seek to redeploy them for a further four weeks before serving them notice of compulsory redundancy.

3.1 Individuals

Whilst there is no statutory requirement to consult with individuals, the FC will ensure that all staff likely to be affected by any proposals will be notified at the earliest possible opportunity. This will be done collectively with all affected staff. Individuals will be given the opportunity to suggest alternatives to the proposals. Information to affected staff will include:

- a general announcement to all affected employees, detailing the proposed changes and staff reduction, timescales and procedures to be followed;

- what early redundancy mitigation measures will be taken to avoid putting employees 'at risk', including voluntary redeployment and any voluntary early exit schemes;
- formal notification that an employee is at risk of redundancy;
- formal withdrawal of notice to an employee in the event the redundancy situation ceases.

Affected staff will also be given an opportunity to express a preference in the options available to them in a preference meeting.

An employee 'at risk' will have at least one 1:1 meeting with their manager/HR representative during the formal consultation period to discuss the reasons for the redundancy situation, selection criteria, redeployment opportunities and other relevant information. They may be accompanied by a colleague or Trade Union representative. Where their appointed representative is unable to attend the meeting, the employee may request the meeting be postponed to a suitable time, but not later than five working days after the initially proposed date.

The discussion during the meeting will typically cover:

- The reason why it is proposed to make a redundancy;
- Confirmation that they are at risk of redundancy;
- The basis on which they have been selected including details of the unit of redundancy and the selection criteria;
- If selection criteria have been applied; talk through how the employee has been assessed against the criteria and provide them with an opportunity to identify any errors and point out any factors that have not been considered; e.g consideration of disability related issues or skills that management may not have been aware of when undertaking assessment ;
- The timescales involved when redundancy dismissals may occur;
- The redeployment process; and
- The support available to the employee.

At the meeting, any issues raised by the employee will be considered and, where possible, responded to. If the answer is not immediately known to the manager and HR representative present at the meeting, the employee will be advised that the answer will be provided in writing following the meeting.

After the meeting, a letter will be issued to the individual confirming the discussion, and if needed, responding to any outstanding points that were not covered at the meeting. If the meeting results in a change to the individual's assessment/scoring, this will be noted on the assessment sheet and the individual will be provided with a new copy.

4. Redundancy Mitigation Review (RMR)

The Cabinet Office organised redundancy mitigation review is a mandatory stage for all Civil Servants and takes place prior to the end of the **Formal Consultation** period if employees are still at risk of redundancy.

During formal consultation, once the FC considers that they have done all that is reasonably possible to redeploy staff and avoid redundancy, and there are still employees at risk, they will arrange for the RMR to take place with [Civil Service Employee Policy](#). The meeting will be chaired by CS Employee Policy, and attended by a FC HR representative, the relevant Cost Centre Manager, and the FCTU.

The purpose of the RMR is to examine the redeployment activity that has taken place for each employee 'at risk' and consider whether there are any more actions that can be taken to avoid redundancy in their case. If it is concluded that the FC has exhausted all available avenues to redeploy staff and mitigate against redundancy, then the RMR will come to a close. If it is within the formal consultation period, the FC may decide to end the formal consultation early and notify the FCTU in writing of this decision.

There is no specified duration of the RMR, but there will be a minimum of one meeting which can occur face-to-face or by teleconference. The RMR must be concluded before any compulsory redundancy notices are issued.

5. Redundancy Selection

5.1 Pool of Redundancy

The pool of redundancy is the group of staff from which selection for compulsory redundancy will be made. The pool of redundancy will be decided by management after consultation with the FCTU. Criteria that may be used to determine the pool of redundancy include:

- Pay band;
- Specialism/discipline;
- Geographic location;
- Functional area of work;
- Any other relevant factor, depending on current and anticipated future operational needs.

If it becomes necessary to make compulsory redundancies within a pool of redundancy the method of selection will be objective, fair, consistent and transparent.

5.2 Redundancy Matrix

If there is a reduction in the number of posts within a pool of redundancy a matrix will be used (Appendix 2). Employees will be given a score against the following criteria:

- Standard of work performance: based on performance management ratings over the last three years and the most recent performance appraisal;
- Qualifications and technical, job-related, or specialist knowledge: to ensure the retention of a balanced staffing profile appropriate to future needs;
- Adaptability and responsiveness to change: based on evidence of adapting to work related changes or continuous personal development in the last three years;
- Attendance and disciplinary records: based on accurate records made over the last three years and maintained in accordance with proper procedures, including any reasonable adjustments.

Posts will be filled by the staff with the highest scores. Other staff in the pool of redundancy will be 'selected out' and remain 'at risk'.

5.2.1 Weightings

Weightings are applied to the redundancy matrix so the most important criteria have the biggest impact on the overall score. The weightings have been decided in consultation with the FCTU and take into account the FC's current and future needs. If it becomes necessary to adjust them, any changes will be decided and recorded by management after consultation with the FCTU.

5.2.2 Additional Criteria (tie-breaker)

If scores on the matrix do not provide sufficient differentiation to fill the posts it may be necessary to use additional criteria. For example: cost of redundancy compensation; cost of relocation; or carrying out a competitive interview. Management will choose any additional criteria required after consultation with the FCTU.

5.3 Selection for New Posts

Where there are new posts in the structure, staff in the pool of redundancy will be 'selected in' to a post. To 'select in' staff within a pool of redundancy for new posts at their substantive pay band, a ring-fenced selection process will be used. This means that only staff in the pool of redundancy can apply for the posts.

The selection process will review an individual's skills, knowledge, experience and competencies to assess suitability for the new post. If further differentiation is required assessment may also consider relocation cost or cost of redundancy compensation.

Staff in the pool of redundancy not 'selected in' for a new post will remain 'at risk'.

5.3.1 Maternity/Adoption/Shared Parental Leave

An individual on maternity/adoption/shared parental leave has the statutory entitlement to be offered any suitable alternative new posts before the ring-fenced selection process is used.

5.4 Assessment and Selection Decisions

Assessment against the criteria will be made by managers who have sufficient knowledge of the individuals and/or the new posts. Redundancy selection decisions will not be based solely on the opinion of one manager.

5.5 Appeals

Staff can appeal if they feel they have been treated unfairly in the application of the selection criteria for compulsory redundancy. An Appeal Manager will be appointed and will be at least one pay band higher than the managers who made the selection decision or be in a different management chain.

For the Senior Staff Group, appeals against selection for compulsory redundancy will be heard by a more senior staff grade or the Chair of the Forestry Commission.

Appeals should be made in writing clearly setting out the grounds for appeal within **ten working days** of being issued with notice of compulsory redundancy.

5.5.1 Appeal meeting

An Appeal Manager may take the opportunity to meet with the individual to discuss the grounds for their appeal. The individual may be accompanied at that meeting by a colleague or Trade Union representative.

6. Lateral Transfer/Downgrading

Staff may request, or be offered, lateral transfer to a different discipline/type of job (that requires a different skill set from what they use in their current role), in the same pay band or downgrading (moving to a lower pay band) as an alternative to redundancy. Where an offer of lateral transfer or downgrading is made to an individual, they have the right to reject the offer and remain at risk.

Any request by an individual to transfer laterally to a different type of job or downgrade to a lower pay band will be considered against business needs, the individual's suitability for the post, and cost effectiveness. The relevant Cost Centre Manager will ultimately make the decision to approve or reject the request, and the individual will be advised of the decision.

Section 4.3.1 of [HR Procedure - Redeployment](#) includes details of applicable conditions, trial periods, mark-time and pension impacts.

7. Notice of Compulsory Redundancy

Notice will be given to staff to terminate their employment by reason of compulsory redundancy once:

- Action has been taken to explore all practical and reasonable options to secure alternative suitable employment for an individual;
- There has been the opportunity for the individual to apply for voluntary redundancy; and
- The required consultation (including redundancy mitigation review) has taken place.

7.1 Periods of Notice

When an individual's employment is terminated by reason of compulsory redundancy wherever possible, at least the minimum period of notice will be given, in accordance with their terms and conditions of employment. Where it is not possible to give the minimum period of notice staff will be given compensation in lieu of notice. For details of notice periods, refer to [HR Policy – Notice Periods](#).

Staff under notice of redundancy will be allowed reasonable time off on full pay to look for alternative employment or to arrange training. Whilst under notice, they can continue to apply for Civil Service wide roles and the FC will continue to seek to redeploy them up until their last day of employment. Where an individual is successful in securing a permanent alternative Civil Service role, compulsory notice will be withdrawn.

8. Compensation

Redundancy benefits will be paid in accordance with the Civil Service Compensation Scheme (CSCS) arrangements in place at the time.

Template for Redundancy Mitigation Review

Employee Name	Job Title & Technical Specialism	Civil Service Equivalent Grade	Age	Hours	Length of Service	Current Location and how far willing to travel	Evidence of support provided	Wishes to remain in CS/NDPB Employment (Yes/No)	Update on current Position and Progress. This can include jobs offered/applied for

Redundancy selection matrix

Each individual in the defined pool of redundancy will be consistently, objectively and fairly assessed against these criteria and given a score. **Justifications/examples for every score must be recorded and assessments are made over the last 3 years.**

Scoring was carried out by:

Date:

Name	Job Title	Pay Band

Before scoring:

- Confirm all managers carrying out the scoring have sufficient knowledge of the individual to make an assessment against the criteria and can provide specific examples to justify scores;
- The information on relevant qualifications have been recorded; and
- Attendance records have been reviewed to make sure that any reasonable adjustments as a result of a disability have been considered, pregnancy related absences and those relating to a disability or a period of long-term sickness for a serious illness no longer causing absences have been excluded.

Individual details:

Name		Total score
Job Title		
Pay Band		

1. Overall standard of work performance (weighting x 4)

This criteria takes into account performance ratings but does not directly equate to the three ratings because it is necessary to differentiate in greater detail for redundancy selection purposes. Performance ratings over the last three years and the most recent appraisal will provide the basis for scoring this section. Consider the quality of the work and the full range of skills/competencies required for the job, including people management skills if appropriate.

5	4	3	2	1
Overall performance frequently falls into the Top Performer category consistently exceeding the demands of the role	Good Performer whose overall performance has often exceeded the demands of the role	Good Performer meeting all normal requirements of the role	Good Performer in most areas, but some shortcomings have been displayed in some aspects of the role.	Not Fully Effective failing to meet requirements in significant parts of the role.

Rationale (specific examples to justify score)	Score
Weighting added: score x 4	

2. Qualifications and technical, job-related, or specialist knowledge (weighting x 3)

This criteria relates to the technical or job-related expertise needed to function in the role effectively and/or where specialist knowledge or qualifications are regarded as an essential part of the job. Consideration should be given not only to what the individual has acquired but how far he/she has been proficient in keeping this up to date and how relevant their skills are to the future work of the FC. In addition to qualifications held, ratings information over the last three years and the most recent appraisal will provide the basis for scoring this section

5	3	1
Has acquired and applies a high level of job-related, technical, or professional knowledge/expertise and uses own initiative to keep this up to date. Has specialist knowledge, or educational or professional qualifications which are of considerable value to the FC and our current or future customers.	Has acquired and applies the required level of technical, job related or professional knowledge/expertise and updates this sufficiently. Has some specialist knowledge, or qualifications, of value to the FC and our current or future customers.	Has not acquired/fails to apply the required technical, job related or professional knowledge/expertise. No particular area of specialist knowledge/qualifications in comparison with other staff.

Rationale (specific examples to justify score)	Score
Weighting added: score x 3	

3. Adaptability and responsiveness to change (weighting x 3)

This criteria considers the way an individual reacts when confronted with change and his/her willingness to embrace change, take on new projects and/or new areas of work. It also considers the personal development that has been undertaken over the last three years.

5	3	1
Has adapted to work related change easily tending to lead or support colleagues and/or has undertaken a range of personal development	Shows willingness when confronted with work related change, even if support or reassurance is needed and/or has undertaken some personal development.	Has struggled to adapt to work related change or has displayed an unwillingness to change. Has not undertaken any personal development

Rationale (specific examples to justify score)	Score
Weighting added: score x 3	

4. Attendance record (weighting x 2) compared with FC average (any reason for absence fully investigated)

This criteria is based on the individual's attendance record over the last three years. The information will be reviewed to make sure that any reasonable adjustments as a result of a disability have been considered, pregnancy related absences and those relating to a period of long-term sickness for a serious illness no longer causing absences have been excluded.

5	4	3	2	1
Attendance is higher than FC average (more than 5 days higher)	Attendance is higher than FC average (margin of between 2-5 days higher)	Attendance record is similar to FC average (margin of 1-1.99 days higher or lower)	Attendance is lower than FC average (margin of between 2-5 days lower)	Attendance is lower than FC average (more than 5 days lower)

Rationale (specific examples to justify score)	Score
Weighting added: score x 2	

5. Disciplinary record (weighting x 1)

This criteria is based on an individual's conduct (does not include any performance warnings).

4	3	2	1
No disciplinary record	Live noted verbal warning	Live written warning	Live final written warning

Rationale (specific examples to justify score)	Score
Weighting added: score x 1	