

Redundancy, Redeployment & Retirement Policy

LEGACY SKILLS GROUP LIMITED

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Policy Statement

This organisation undertakes regular reviews of workforce planning and development across all of its service delivery activities. Such reviews are undertaken for a number of reasons which include the best use of resources which could be a result of reduced public funding. These reviews can sometimes lead to restructuring or withdrawal of services etc., which may in turn lead to redundancies. In addition, a redundancy situation may occur where there is a loss of contract involving the local authority or NHS. Whenever it becomes apparent that a redundancy situation may occur, the process will be undertaken in a fair and transparent manner, according to the employment law and guidance applicable at the time. This policy applies to all employees.

This organisation does not operate a compulsory retirement age for its employees. In line with current legislation i.e. the Employment Equality (Age) Regulations 2006 and Equality Act 2010 this organisation is committed to equal opportunities for all its employees and recognises the contributions of a diverse workforce, including the skills and experience of older employees. It believes that employees should, wherever possible, be permitted to continue working for as long as they wish to do so. However, because this organisation provides a service in a Regulated

Activity, we have a responsibility to ensure that staff are fit and both physically and mentally able to deliver the service to our service users.

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The Policy

Principles

Where a dismissal is proposed because the requirement for an employee to do a particular kind of work has reduced or ceased (or is expected to reduce or cease), the redundancy dismissal will be genuine.

All reasonable attempts will be explored to avoid redundancy.

All employees affected and their representative will be informed via a formal consultation process.

Handling small-scale redundancies. This guidance is for small businesses proposing to make fewer than 20 employees redundant.

Handling large-scale (collective) redundancies. This guidance applies if it is proposed to make 20 or more employees redundant.

This guidance is produced and regularly updated by the Advisory Conciliation and Arbitration Service (ACAS). They give step-by-step guidance on how to handle the redundancy process. They can be found at: acas.org.uk

Redundancy is a legal process covered by s.139 of the Employment Act 1996 and due attention and diligence to process is imperative.

Redeployment

Where possible and if reasonable, the redundant person may be offered a different position within the organisation as an alternative to a redundancy dismissal – this is known as redeployment. Redeployment is offered before redundancy and legal considerations apply in terms of employment law requirements.

Re-employment

This term describes the re-employment of an individual after redundancy dismissal has been served. It is usual that a period of time lapses before re-employment. In this organisation, a period of 3 months from the date of redundancy dismissal must pass before recommencement

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of employment in any capacity within the organisation. Full recruitment and selection procedures apply to any such appointments.

Retirement

To ensure that this organisation works to current employment legislation, meeting the requirements of the Health and Social Care Act 2008 and safeguarding both service users and workers.

Supervisions

At each supervision / review meeting the line manager will discuss the employee's performance, developmental or training needs, and employee's future plans and expectations in the short, medium and long-term. During those meetings, employees may discuss their future plans or proposals for retirement. A discussion about possible retirement will not result in the organisation making any assumptions about the employee's commitment to the company. These discussions are an informal opportunity for both the company and employees to plan jointly for the future.

Pension Schemes

Before making any decision about retirement, employees are strongly advised to consult the relevant pension scheme rules and take independent financial advice. If an employee decides that they wish to retire, they should inform their line manager and Human Resources (HR) in writing as far in advance as possible and, in any event, in accordance with their notice period as set out in their contract of employment. This will assist the organisation with its succession planning. This organisation will then write to the employee acknowledging the employee's notice to retire.

The Finance department can obtain retirement quotes for the employee from the relevant pension scheme, if requested by the employee. Once the employee confirms their retirement date, the Finance department will complete the necessary notifications to enable their pension to commence at retirement.

Early Retirement

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Employees who wish to retire and draw pension benefits before scheme pension age may be allowed to do so under scheme rules, but this may be subject to an actuarial reduction. Detailed information can be obtained from the Pensions Officer. The organisation will consider written requests from employees for early retirement; these requests will be considered by the Chief Executive, advised by HR, and in consultation with the relevant Director. There may be circumstances, in the light of business needs, where QAA may wish to initiate discussions about early retirement with an employee.

Preparation for Retirement

An employee may wish to reduce their working hours leading up to retirement. Requests will be considered by the HR department.

Checklist for Managing the Retirement Process Fairly and Effectively

- Be fair treat workers of all ages fairly and with respect, taking into account their individual needs and preferences and the scope to accommodate these whilst meeting business challenges;
- Be informed ensure managers have the information required to manage the performance of employees of all ages, including older workers;
- Review the performance of all workers if only one group of workers is reviewed and not others there is the risk of unlawful age discrimination;
- Encourage a culture of performance management this can help to avoid unexpected announcements, confrontations or 'loss of dignity'; be honest, fair and build trust;
- Carry out regular performance discussions focus on performance, potential and planning;
- Ask all employees where they see themselves in a year or two this will give older workers an opportunity to talk about retirement planning;
- Inform workers about their options use formal or informal discussions, at any time, to encourage employees to clarify whether they want to carry on working as they are, or whether they are considering a need for a change;
- Be flexible offering flexible working options, such as a change in hours or responsibilities, could help employees to carry on working productively and help to retain their valuable skills and experience;
- Refer employees to guidance on working and retirement planning on the Directgov website: www.direct.gov.uk
- Suggest that employees talk to their pension providers they can help them consider the financial implications of continuing to work;
- Plan for the transfer of knowledge, skills and experience back into the business when employees want to plan towards their retirement phasing retirement through part-time or

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flexible working can give older employees the opportunity to work longer, while helping to mentor or train their replacement. This will help both parties to plan ahead.

- Address, via performance management, if an employee is not delivering properly, regardless of their age, discuss the problem and whether training, reasonable adjustment, flexible working, or a job change could resolve it;
- Use the same fair dismissal procedures for all employees where performance problems cannot be resolved;
- Monitor who is leaving your business and their reasoning if people are retiring because they think they have reached an age when retirement is expected, consider what can be done to change this perception.

Related Guidance

Gov.UK

<https://www.gov.uk/search?q=Retirement+>

Gov.UK

<https://www.gov.uk/redundant-your-rights>

ACAS Redundancy

<http://www.acas.org.uk/index.aspx?articleid=1365>

<http://www.acas.org.uk/index.aspx?articleid=3853>

ACAS reasonable adjustments in the workplace

<http://www.acas.org.uk/index.aspx?articleid=6074>

Training Statement

All staff, during induction are made aware of the organisation's policies and procedures, all of which are used for training updates. All policies and procedures are reviewed and amended where necessary and staff are made aware of any changes. Observations are undertaken to check skills and competencies. Various methods of training are used including one to one, on-line, workbook, group meetings, individual supervisions and external courses are sourced as required.

Person responsible for updating this policy: Carol Pritchard

Next Review Date: Aug 2024

Support Document Number: LSG24015

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