

**Ark**<sup>®</sup>  
People  
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## Redundancy

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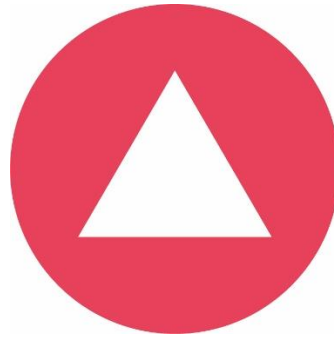
### Version Control

Date	Owner	Version	Reason for Change
Dec 2023	Victoria Knox	V2.0	Cyclical review & transfer to new template

### Summary of Changes

Section	Change
All	Move to new template
All	Language changes in line with ACAS Guidance
7.1	Added criteria for redundancy selection in line with ACAS guidance

<b>7.2.1</b>	Added statement relating to statutory requirement to consult if more than 20 employees are at risk of redundancy
<b>7.2.2</b>	Added statement relating to no statutory rules for how long individual consultation should last and there is no need to reach an agreement for consultation to end
<b>7.5.1</b>	Added statement: statutory redundancy pay is capped at the last 20 years that the employee has worked for Ark as per statutory requirements
<b>7.7</b>	Added appeals section as set out in ACAS best practice guidance



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## 1.0 Arks Values

Arks values are true to the core purpose of the organisation and the services we deliver. They determine our behaviours towards one another and what we should expect in our relationships with one another. Working within the following values will guide and help us deliver our vision and mission of Ark being an organisation where everyone is equal:

### Trust

We have confidence in our people to deliver excellent services and trust in them to do so. We will develop trusting and honest relationships and our customers will feel assured that they can rely on us to deliver.

### Respect

We treat everyone fairly and we listen. We are respectful of each person with whom we come into contact and expect our people to respond professionally and treat others as they would wish to be treated.

### Understanding

We will operate with empathy and compassion and approach each situation with an open mind. We will question and challenge to ensure we achieve the right outcomes for customers and our people.

### Equality

We believe everyone is equal and expect our people to create positive experiences where everyone feels valued and included.

### Integrity

We will do the right thing and take responsibility for our actions. We will work together to uphold the highest standards of behaviour and practice.

## 2.0 Purpose

It is Ark's aim to manage its finances efficiently to safeguard current and future employment with us. However, there may be unforeseen factors such as changes in competitive conditions and organisational requirements, which may affect the number of employees needed to meet business requirements. In order to respond in a flexible and positive manner to changing demands, it is necessary for Ark to have a framework to manage potential redundancies. Ark regards terminating contracts of employment as a last resort and will look at all alternative solutions prior to dismissing staff on the grounds of redundancy.

## 3.0 Policy Statement

Redundancy is a form of dismissal from employment and can happen when employers need to reduce or restructure their workforce.

It may be necessary to dismiss individuals or groups of staff for reasons of redundancy if the following circumstances occur:

1. Ark has ceased, or intends to cease, to carry on business for the purpose for which an employee was employed: or
2. Ark has ceased, or intends to cease, to carry on business in the place where the employee is employed: or
3. The requirements of the business for employees to carry out work of a particular kind, or to carry out work in the place where they were employed, has ceased or diminished or are expected to cease or diminish

If Ark are making posts redundant, employees might be eligible for certain things, including:

- Redundancy pay
- A notice period
- A consultation with Ark
- The option to move into a different job
- Time off to find a new job

## 4.0 Scope

This policy applies to all established, temporary and fixed term employees within Ark.

## 5.0 Legal/Regulatory Framework

- Employment Rights Act 1996
- Equality Act 2010
- ACAS Redundancy Guidance

## 6.0 Responsibilities

### 6.1 Board of Management

Ark's Board of Management is responsible for consideration and approval of this policy, and for ensuring that its decisions are taken in accordance with relevant legislation, regulatory expectations, training and guidance.

### 6.2 Executive Team

Ark's Executive Team is responsible for ensuring that this policy is reviewed in accordance with Ark's schedule for review of policies, or sooner if required. The Executive Team is responsible for ensuring that its decisions, and that the decision of officers, are taken in accordance with relevant legislation, regulatory expectations, training and guidance.

### 6.3 Operational Management Team

Ark's Senior Leadership Team is responsible for review of the policy, and for ensuring that its decisions, and that the decision of officers, are taken in accordance with relevant legislation, regulatory expectations, training and guidance.

### 6.4 Managers

Ark Managers will be responsible for the effective implementation of this policy within their area of responsibility. Managers involved in implementing this policy will be fully briefed and trained where necessary to ensure consistency in application.

Managers must also ensure that each member of their staff, through induction, is made aware of this policy.

## 6.5 All Staff

Ark employees are required to familiarise themselves with the terms as set out in this policy.

## 7.0 Redundancy Steps

### 7.1 Identifying affected individuals/groups

Individuals and or groups of staff that may be affected will be identified as soon as possible.

The following are examples of steps which may be taken when selecting staff for redundancy:

1. Seeking volunteers for redundancy;
2. Seeking volunteers who wish to take the opportunity to retire early from Ark;
3. Utilisation of objective and factual compulsory selection criteria as determined by Ark in consultation with the Union, where required. The prime consideration here will be the maintenance of a balanced workforce to ensure the future viability of the Services/Departments concerned or the organisation. Examples of criteria may include; standard of work or performance; skills, qualifications or experience; attendance record (which must be accurate and not include absences relating to disability, pregnancy or maternity), disciplinary record.

### 7.2 Consultation Process

#### 7.2.1 Representatives

Where there are expected to be redundancies, consultation will take place with a Trade Union Representative at a level appropriate to the extent of the proposed changes.

Consultation will be carried out as soon as possible and at least within the statutory periods. For the purposes of consultation the Union will be provided with:

- a. The reasons why any posts have become redundant
- b. The numbers, descriptions and locations of the affected posts
- c. The total number of staff employed at the affected location(s)
- d. The proposed method of selecting the employees who may be made redundant
- e. The proposed method of carrying out the redundancies and the time period.
- f. The method of calculating the redundancy payment (see Section 7.5)



Collective consultation will take place if more than 20 employees are at risk of redundancy.

### 7.2.2 Staff

The member(s) of staff likely to be affected by the change will be consulted at a time agreed with the Trade Union. In any case a formal meeting (at which the individual staff member may be represented if they so wish) will be held with a senior manager to discuss the following:

- a. The need for the redundancy
- b. The basis for selection
- c. Ways of mitigating the effects of the redundancy i.e. alternative work

The affected staff will be given sufficient time to consider the discussion in order that they can raise issues, concerns etc. and seek advice where they feel it is necessary.

There are no rules for how long individual consultation should last and there is no need to reach an agreement for consultation to end.

### 7.3 Redeployment

Prior to making staff redundant Ark will look at re-deployment and transfer options as an alternative where these are viable and meet the needs of the organisation.

When it is identified that a post holder is or may be declared displaced then consideration will be given to the experience and competencies of the individuals concerned and the availability of suitable alternative posts.

Where alternative employment is offered which is of a different type of work then the employee will be entitled to a 4 week trial period (this may be extended in agreement with a senior manager to allow additional time for activities such as training etc.) If during this trial period either the employer or employee gives notice then the employee is still deemed to have been made redundant.

If the employee refuses an offer of a suitable alternative employment then they will not be deemed to have been made redundant but to have resigned.

Relocation expenses will be discussed and agreed with the Trade Union prior to any relocation exercise.

## 7.4 Redundancy

Where it is not possible to secure a suitable alternative post for displaced staff, there will be no alternative but to make these staff redundant.

In these circumstances, payments made will be in accordance with Section 7.5.

In identifying staff who will be made redundant, consideration will be given to the future needs of the organisation and the agreed selection criteria (see Section 7.1).

## 7.5 Redundancy Payments

### 7.5.1 Statutory Payment

All redundant staff (with 2 years' continuous service), irrespective of hours of work, will receive redundancy pay. Payments are based on statutory redundancy calculations, length of service (in complete years) and age during period of employment. The following sets out the statutory calculation:

- 1 and a half week's pay for each full year the employee was aged 41 years or older
- 1 week's pay for each full year the employee was aged 22 or older, but aged under 41
- half a week's pay for each full year the employee was aged under 22

A weeks' pay for this calculation refers to basic contractual remuneration.

Statutory redundancy pay is capped at the last 20 years that the employee has worked for Ark.

### 7.5.2 Additional Payment

In addition to the above statutory provision a further 1/12<sup>th</sup> of the employee's basic annual salary will be included in the redundancy payment.

Staff who have less than 2 year's continuous service will not receive redundancy pay as there is no statutory requirement.

Arks redundancy payments will be free of any deduction in respect of income tax up to a maximum of £30,000.

Employees who leave during their notice period will not lose their entitlement to redundancy pay provided they leave with Ark's consent. Consent will be given where the employee is required to take up alternative employment or training during that time.

## 7.6 Support to Staff

It is in the interest of Ark and the member of staff to achieve, wherever possible, redeployment/relocation which minimises both the professional and social effects on the individual.

Staff affected by redundancy, will be offered reasonable time off in agreement with their Line Manager to attend job counselling, training opportunities and paid time off to attend interviews.

It is appreciated that employees may require some personal support during this period. If this is the case, arrangements will be made for an independent and confidential counselling support facility if appropriate.

The HR Team will provide assistance with preparing a curriculum vitae and guidance in job search techniques if requested.

## 7.7 Appeals Process

If an employee believes they have been unfairly selected or there was a problem in the redundancy process, Ark will provide the opportunity to appeal within 5 days of the employee receiving their redundancy notice. The employee should inform Ark in writing the reasons for their appeal.

## 8.0 Related Policies & Procedures

This policy should be read in conjunction with:  
G34 – Equality Policy

## 9.0 Equality Impact Assessment (EIA)

An EIA has been completed for this policy, see attached Appendix 1.

## 10.0 Data Protection Impact Assessment (DPIA)

No data protection implications have been identified in relation to the development of this policy, and consequently a DPIA has not been completed.

## 11.0 Stakeholder Consultation

In developing this policy the following groups were consulted:

- Ark Board of Management;
- Ark Executive Team;
- Ark Operational Management Team;
- Ark's Employment and Legal Advisor;
- Ark Policy Review Group; and
- Unite the Union.

## 12.0 Monitoring and Review

### 12.1 Monitoring

Ark's Executive and Operational Management Teams will monitor implementation of this policy on an ongoing basis.

### 12.2 Review

This policy will be reviewed within 3 years from the date of approval by our Board of Management, in accordance with Ark's policy review framework.

## Appendix 1

Complete EIA – MC