

# REDUNDANCY SELECTION GUIDANCE

## Introduction

Carmarthenshire County Council is committed to providing a stable and secure working environment for its employees. However, there may be times and circumstances where changes in the role and work of Local Authorities, new technology and other organisational changes may necessitate the need for redundancies.

This guidance should be read in conjunction with the Authority's Redundancy Policy and Organisational Change Policy and sets out the recommended approach to selecting employees for redundancy should a redundancy situation occur.

This guidance does not form part of employees' terms and conditions of employment and may be subject to change.

## Method of selection

The Authority will consider the most appropriate selection method, taking account of any particular requirements of the organisation at this time.

Where a service restructure results in potential redundancies of existing roles but also creates new roles, the method of selection for new roles will be in line with the Authority's Organisational Change Policy and Recruitment and Selection procedures to appoint from within the eligible pool of employees.

Where there are no significant changes to roles, but there is a diminishing need for these roles, the method of selection will generally be by using a redundancy selection matrix, assessing employees against objective selection criteria.

## Selection pool

The Authority will identify how many roles are at risk of redundancy and will determine a pool from which employees will be selected. The Authority will ensure that the pool for selection has been fairly defined. The pool will normally consist of employees who carry out the same, or similar, work and perform jobs that are interchangeable, whether or not in the same department or location, or work/shift pattern. When determining the redundancy pool the Authority will take into account circumstances such as:

- the work that employees carry out on a day-to-day basis;
- the proximity of sites/bases; and
- where employees carry out their work on a regular basis.

In certain circumstances, it will not be appropriate to determine a pool from which to select employees for redundancy, for example where there is only one employee whose role is affected or where the whole service will cease.

### **Selection criteria**

Once the Authority has determined the selection pool, it will apply criteria to decide which employees from the pool will be provisionally selected for redundancy. The Authority will ensure that, as far as is possible, the criteria applied are objective, in that that they are not based on the subjective opinion of the individuals applying the criteria.

The Authority will, strive to use criteria that are measurable and supportable by documentary records, data or other evidence, for example attendance, performance appraisal and supervision records (where appropriate), capability or disciplinary records etc.

In collective redundancy situations, selection criteria and weighting will be drawn up in consultation with recognised Trade Unions and will be agreed by the relevant Director (or his/her nominated representative) and Assistant Chief Executive (People Management) or his/her nominated representative. Care must be taken in agreeing criteria to ensure that it is not directly or indirectly discriminatory.

Some selection criteria are automatically unfair. The Authority will not select an employee for redundancy based on any of the following reasons:

- pregnancy, including all reasons relating to maternity
- family, including parental leave, paternity leave (birth and adoption), adoption leave or time off for dependants
- acting as an employee representative
- acting as a trade union representative
- joining or not joining a trade union
- being a part-time or fixed-term employee
- their age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation
- pay and working hours, including the Working Time Regulations, annual leave and the National Minimum Wage
- asserting a statutory right

The selection criteria that the Authority uses will depend on a number of factors, including the needs of the service at the time and the roles under consideration.

The following list gives examples of the criteria that the Authority may apply:

- **Attendance:** To determine an employee's attendance record, the Authority will examine attendance records in the 3 years leading up to the commencement of the redundancy consultation. The Authority will not take

account of absences due to pregnancy, maternity, other family-friendly leave or disability.

- **Disciplinary:** To determine an employee's disciplinary record, the Authority will examine personnel files for formal warnings and recorded informal disciplinary concerns identified through the informal/formal stages of the Disciplinary Policy\*.
- **Capability records:** To determine an employee's capability record, the Authority will examine personnel files for formal improvement notes and recorded capability concerns identified through the informal/formal stages of the Capability Policy\*.
- **Job performance:** To determine an employee's performance record, the Authority will examine Helping People to Perform (HPP) appraisal documentation and supervision records (where appropriate).
- **Relevant knowledge and skills:** The Authority will undertake a knowledge and skills audit within the established pool relevant to the job role, service users, customers and the Authority.
- **Relevant qualifications and training:** To determine an employee's relevant qualification and training record, the Authority will examine personnel files and Learning & Development records. This may also be identified via a skills audit.
- **Length of service** (only as one of a number of criteria and following the completion of the Equality Impact Assessment)

The particular selection criteria used will be determined, depending on any relevant business requirements, at that time, taking into consideration any need to retain specific knowledge, skills and a balanced workforce.

*(\* Note: Recorded disciplinary/capability concerns identified through the informal/formal stages of the Disciplinary / Capability policies can be in the form of letters or memos to individuals; files notes; diary notes or minutes from meetings. Incidents for which there is no written record are not sufficient. Records of incidents which have never been raised with the individual concerned will not be used)*

### **Application of selection criteria**

The Authority will score employees against the selection criteria in a reasonable, fair and consistent manner. At least two managers will apply the criteria independently with advice from a HR Advisor, and the scores will be added up and an average applied.

The Authority will not apply the selection criteria in a discriminatory manner, for example on the basis of part-time status, pregnancy or maternity leave. If an employee within the pool for selection is disabled, the Authority will consider reasonable adjustments to the selection procedure to remove any disadvantage that the disabled employee would otherwise face.

### **Scoring and weighting**

The Authority will use a redundancy selection matrix to score each employee. The matrix will set out the criteria against which employees will be assessed in a clear

and transparent manner. It will set out the scoring ranges and how much weight or importance the authority attaches to each criterion.

The Authority will score employees against the selection criteria by considering documentary evidence or other knowledge obtained about the employee. Employees will not be scored by comparing them against each other. It is important that scores are supported by accurate records and managers are required to provide documentary evidence for this purpose.

It may be necessary for the Authority to adjust scores assigned to employees to avoid unfair treatment or discrimination, e.g. if an employee has had periods of absence for a reason relating to a disability, the Authority may make reasonable adjustments to the scoring to remove any disadvantage that the employee would otherwise face.

### **Making an independent assessment**

Once the managers involved in the redundancy selection have been identified, copies of the redundancy criteria and scoring matrix will be issued and managers will be required to make independent assessments of each employee against the agreed criteria.

Managers should consider the specific details of the criteria and make judgements, based upon evidence, about the score which an employee is assigned.

When making judgements about performance, appraisal/review documentation should be examined and performance against targets should be measured. If during the selection process it becomes clear that employee performance records are incomplete for one or more employee, the performance criteria should be removed as a selection criterion.

If using knowledge and skills as selection criteria, the specific requirements in relation to these areas should be identified at the outset of the process, so that fair and consistent judgements about individual employees can be made.

### **The moderation meeting**

Once managers have made independent assessments of employees and have assigned scores appropriately, a moderation meeting should take place to agree the final scores. The scoring managers will attend this meeting; with a representative of the HR Team, who will oversee the moderation ensuring that the decisions made can be justified based on the information which has been assessed.

### **Employee representations**

Once employees have been scored against the relevant selection criteria and assigned an overall score, they will be ranked according to their scores. This will enable the Authority to make a provisional selection for redundancy.

An employee who is declared redundant on the basis of the selection criteria has the right to be provided with the breakdown of their completed redundancy matrix, showing how they scored against each criterion and their overall score and limited information about their position on the matrix relative to other employees in the selection pool. This is to enable the employee to review the completed redundancy matrix.

Employees will be invited to attend individual consultation meetings to discuss how their score was arrived at. They will be able to raise any concerns, objections or challenges about their score and raise any other matters that they see fit about the redundancy situation. Employees have the right to be accompanied by a recognised trade union official or work colleague at this formal consultation meeting.

The Authority will give serious consideration to any representations made by the employee, but the ultimate decision on selection rests with the Authority.

Following the individual consultation meetings, the Authority will inform the employee of its decision.

### **Notification of selection for redundancy**

After full consultation, any employee who has been selected for redundancy will be invited to a formal meeting to confirm their dismissal and to agree any terms in relation to the redundancy. Employees have the right to be accompanied by a recognised trade union official or work colleague at this formal dismissal meeting.

The Authority will confirm its decision in writing and the employee will be given the right of appeal against this decision.

### **Appeal**

An employee who has been selected for redundancy and is dissatisfied with the way in which the Authority has applied the selection criteria, or who believes that s/he has been unfairly disadvantaged by the selection criteria or has not been given a fair opportunity to put forward representation;, or who has been dismissed on the grounds of redundancy can appeal as outlined within the Redundancy Policy.

### **Ensuring Equality of Opportunity**

This guidance must be applied consistently to all employees irrespective of race, colour, ethnic or national origins (including citizenship), language, disability, religion, belief or non belief, age<sup>1</sup>, sex, gender reassignment, sexual orientation, parental or marital/civil partnership status, pregnancy or maternity.

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<sup>1</sup> Except in the calculation of redundancy compensation payments

If you have any equality and diversity concerns in relation to the application of this procedure, please contact a member of the HR Team who will, if necessary, ensure the policy/procedure is reviewed accordingly

If you require this information in an alternative format (for example large print), please contact People Management on Ext: 6184 or Email

[PMBusinessSupportUnit@carmarthenshire.gov.uk](mailto:PMBusinessSupportUnit@carmarthenshire.gov.uk)

## Selection Criteria Descriptions

### Attendance.

Use of attendance as a selection criterion will require up to date attendance records. Care should be taken when considering absence to be sure not to include time taken off for maternity and paternity leave; maternity related sickness absence, ante natal, parental and dependency leave; all disability related leave including impairment related sick leave; adoption leave; training; health & safety; jury service; Territorial Army or trade union membership duties. This list is not exhaustive; if unsure about a particular type of absence please check with a HR Advisor for further advice and guidance.

When using sickness absence as a criterion, Managers should consider the level of absence due to sickness absence/unauthorised absence. Sickness absence reports can be obtained from the Attendance Team. The absence period to be considered should be the 3 year period preceding the commencement of the formal consultation period.

Employees who have a 100% attendance record should automatically be awarded 5 points.

5	Employee has 100% attendance
4	Employee's attendance < 2% in three year period
3	Employee's attendance 2% - 3.9% in three year period
2	Employee's attendance 4% - 5.9% in three year period
1	Employee's attendance 6% - 7.9% in three year period
0	Employee's attendance 8%+

### Disciplinary records

To use disciplinary records as a selection criterion, be sure that all records are up to date and that all warnings are current. Expired warnings must **not** be used. Points allocated for outstanding/live warnings should be deducted from the selection matrix score, weighted as shown on the Redundancy Selection Matrix Form.

In the case where an employee has more than one live warning for separate disciplinary offences, then scores will be deducted for each separate warning as set out in the table below. For example, -2 for a live informal warning and -3 for a separate live formal written warning will bring the total score for the individual to -5.

<b>Score</b>	<b>Type of Warning</b>
<b>0</b>	No current disciplinary
<b>-4</b>	Current informal warning
<b>-6</b>	Current formal written warning
<b>-8</b>	Current final written warning
<b>-10</b>	Current final written warning plus action short of dismissal

### **Capability records**

To use capability records as a selection criterion, be sure that all records are up to date and that all improvement notices are current. Expired improvement notices must **not** be used. Points allocated for outstanding/live improvement notices should be deducted from the selection matrix score, weighted as shown on the Redundancy Selection Matrix Form.

In the case where an employee has more than one live improvement notice for separate capability concerns, then scores will be deducted for each separate improvement notice as set out in the table below. For example, -2 for a live informal warning and -3 for a separate live formal written warning will bring the total score for the individual to -5.

<b>Score</b>	<b>Type of Warning</b>
<b>0</b>	No capability warning
<b>-4</b>	Informal/Initial support plan
<b>-6</b>	Current Stage 1 capability
<b>-8</b>	Current Stage 2 capability
<b>-10</b>	Current Stage 3 capability plus action short of dismissal



## Job performance

Performance should only be selected as a redundancy criterion if targets/objectives were set for all employees within the redundancy pool via HPP appraisal and supervision process (where appropriate); and if performance review of all employees were made. It will be necessary to be able to evidence that a review has taken place and that clear targets were in place during the review period. For employees who have been absent for a substantial period of time during the review period, it may be necessary to extend the timeframe to take account of performance before or after that period of absence.

- 5 Meets and exceeds performance targets
- 4 Meets performance targets most of the time (ie. meets 80% or more of performance targets)
- 3 Meets performance targets some of the time (ie. meets 50% or more of performance targets)
- 2 Fails to meet performance targets most of the time (ie. meets fewer than 50% of performance targets)
- 0 Fails to meet performance targets most of the time (ie. meets fewer than 20% of performance targets).

## Relevant qualifications and training.

Use of qualifications and training as a selection criterion should be based on the essential and desirable qualifications or equivalent listed in the person specification for the post. If there are no qualifications or training required for the post, then this selection criterion should not be used.

- 5 Fully qualified or equivalent as specified on the person specification
- 4 Part qualified and actively training towards full qualification
- 3 Part qualified and not actively training toward full qualification
- 2 Not qualified, not part qualified but training towards full qualification
- 0 Unqualified

## Relevant knowledge and skills

Assessment of knowledge and skills should be based on those which will be required for continuing business/service needs. Allocation of scores should reflect the range of knowledge and skills that the individual has which are relevant to the job. It is important that assessments about knowledge and skills have a direct link to the job role which the individual is being assessed against and not broader skills strengths which, whilst valuable, have no bearing on the job role for which redundancies are being considered. Managers using knowledge and skills as redundancy selection criteria should make sure that they have clearly identified the full knowledge and skills set required for a job, so that fair assessments can be made.

- 5 Displays the full range of knowledge and skills required for the role
- 4 Displays a good range of knowledge and skills required for the post
- 3 Displays some of the required knowledge and skills, but there are clearly identifiable gaps when compared to the skills set required for the role
- 2 Displays little knowledge and few skills in relation to the job role or has had limited opportunities to display skills
- 0 Has insufficient knowledge and skills to operate effectively without close supervision

## Length of service (only as one of a number of criteria and following the completion of the Equality Impact Assessment)

To avoid unfair discrimination, length of service must **not** be used as a main criterion for selection. However, length of service may be used as a tie-breaker where, following scoring of other criteria, two or more employees are scored equally.

Where length of service is used, managers must obtain employee start dates from HR. The individual with the longest service, according to start date with the authority, will be deemed as the employee to be retained in employment. The individual with the shortest employment will be selected for redundancy. Employment will be classed as **Carmarthenshire County Council employment only** and not continuous local government service.

## REDUNDANCY SELECTION MATRIX

**Employee Name:**

**Job Title:**

**Division:**

**Department:**

Criteria	Assessment	Evidence	Weighting	Score	Weighted Score	Notes
Attendance			x	/5		
Disciplinary*			X <i>Minimum weighting of 2</i>	/-10		
Capability*			X <i>Minimum weighting of 2</i>	/-10		
Job Performance			x	/5		
Relevant Qualifications/ Training			x	/5		
Relevant Knowledge/ Skills			x	/5		
Length of Service			N/A	N/A		<b>Tie Breaker only</b>
<b>Total Score</b>						

**Assessor signature:**

**Job Title:**

**Date:**

*\* Please note, unless the employee has had no disciplinary/capability action sanction on file this figure should be a minus number*