

GUIDANCE FOR QUAKER AREA MEETINGS ON HANDLING REDUNDANCY SITUATIONS

The guidance below is given on the assumption that there are fewer than 20 employees to be made redundant (if 20 or more employees are to be made redundant, additional procedures apply).

1. Key principles

If there is a potential redundancy situation, you must:

- Consult (on ways of avoiding the redundancies and minimising hardship)
- Select fairly who is to be made redundant
- Identify and offer suitable alternative employment, if this is available.

2. Consultation

Consultation should normally be for a period of at least two weeks. You should start the consultation period by setting out your proposals in writing, with the reasons. The proposals should specify which employees are 'at risk' of redundancy and why.

During the consultation period, you should meet with affected employees and receive their views. You should consider these views with an open mind; a change to your proposals could result.

3. Selection for redundancy

You will need to decide which employees you propose to make redundant. In some cases, this will be clear – for example if there is only one employee undertaking a particular job. However, if there are two employees undertaking a particular job and you need only one, then you will need to select between them, using fair and objective criteria. You'll need to inform the employee who is selected the reasons why he/she has been provisionally selected for redundancy rather than his/her colleague and give the individual the opportunity to comment on or challenge this selection. The Acas advisory booklet, 'Redundancy Handling', gives advice about selection criteria. You can download the booklet from www.acas.org.uk.

4. Proposed notice of redundancy

At the end of the consultation period, you will either confirm your plans, or amend them according to the comments received.

If, after consultation, you are proposing to issue a notice of redundancy to an employee, then you should do the following:

- Send a letter to the employee, stating that it is proposed to make the employee redundant and the reasons for this, and inviting the employee to a meeting to discuss it.

- Arrange the meeting and give the employee the opportunity to state his or her point of view at the meeting, including on his/her selection for redundancy. Give the employee the opportunity to be accompanied by a work colleague or certified trade union official at the meeting. Give the employee the opportunity to express any views about how redundancy might be avoided or the impact on them minimised.
- Adjourn the meeting to consider what was discussed. Give genuine consideration to any points raised by the employee.
- Having considered all the information, inform the employee in writing about any decision and give the employee the right of appeal against the decision. If notice of redundancy is to be given, it should indicate the employee's last day of service with you. The employee is entitled to the notice period in his/ her contract of employment or the statutory notice period (which increases yearly and reaches a maximum of 12 weeks' notice after 12 years' service), whichever is higher.
- If the employee appeals against their selection for redundancy, hold an appeal meeting. Again, the employee has the right to be accompanied at the meeting and where possible, the appeal should be held by trustees at your Area Meeting who have not been previously involved. The trustees should consider whether or not the employee has been unfairly selected for redundancy.
- You should continue to consult with the person selected about ways of avoiding the redundancy and ways of minimising the hardship on them, even during the redundancy notice period.

5. Suitable alternative employment

If there is suitable alternative employment available, you should discuss it with the employee and give them the opportunity to have a trial period of four weeks in the alternative job. Make sure you check the employee's views. You may not think an alternative job is suitable, but the employee may prefer it to redundancy. The Acas advisory booklet 'Redundancy Handling' has further information about trial periods.

If the trial period does not work out, the employee retains the right to a redundancy payment. See the Acas booklet on 'Redundancy handling' for further information.

6. Redundancy payments

You must, as a minimum, pay statutory redundancy pay. If your employee's statement of terms and conditions ('contract of employment') states a higher entitlement than statutory levels, you must pay the higher entitlement. You should set out in writing how you have calculated the redundancy payment due.

Statutory redundancy pay is paid once an employee has two years' service with an employer.

Recent case law has indicated that if an employee earns less than the weekly maximum statutory cap for redundancy pay (currently £508 as at December 2018), then employer pension contributions should be added to the calculation of an employee's weekly pay.

You can find a 'redundancy pay calculator' at www.gov.uk/calculate-your-redundancy-pay. Please note that if you use this calculator, you should add the value of pension payments to the week's pay figure.

Remember that in addition, you will need to make payments for any annual leave accrued but not taken.

7. Support

You'll need to support the employee as much as you can. This will include: reasonable time off work to seek alternative work; or to arrange for training for new employment (reasonable time off for both reasons is a legal right during the notice period, provided an employee has two years' service or more). If the employee is resident in your meeting, it may also include supporting the employee to seek alternative accommodation. Ask the employee what might help.

8. Confidentiality

Think carefully about confidentiality. It is easy for an employee's affairs to become common knowledge at the meeting. Consider how you will keep relevant matters confidential. Consult with the employee about how best to inform the meeting about when he/she will be leaving.

9. Recognising and thanking the employee

Consider how the meeting will recognise the employee's service. For example, a gift from members of the meeting may be appropriate.