

## LEAVING WARWICKSHIRE COUNTY COUNCIL THROUGH ORGANISATIONAL CHANGE

A Brief Guide for Managers of Green Book, Soulbury and Hay Staff

### 1. Resignation

- 1.1 When an employee just wants to voluntarily leave WCC, and there is no redundancy or retirement situation, the period of notice which they are required to give is set out in their statement of particulars of employment as follows :-

Scales A - H	4 weeks
Scales I - J	8 weeks
Scale K-Q	12 weeks
Hay / Soulbury	3 months

Both parties may agree to a shorter period if they so wish.

(Note : Different arrangements exist for staff employed on teachers, youth workers or fire and rescue service terms and conditions. The HR Advisory Team may be contacted for advice in relation to the termination of their employment.) Information around leaver procedures can be found on the [Leavers](#) section of the intranet

### 2 Redundancy and Redeployment

- 2.1 Any employee whose job is declared redundant and cannot be redeployed, and has at least two years' continuous service has a statutory entitlement to a redundancy payment if they are not offered or have reasonable grounds to refuse an offer of alternative employment. Put simply, this is based on a number of weeks' pay calculated by reference to age and length of service.
- 2.2 The County Council can use its discretion to enhance the redundancy payment from the statutory minimum and make it into a severance payment. *(This is a discretionary policy and the County Council reserves the right to change the scheme at any time.)* Details of how this enhancement is calculated and of the requirements for consultation and selection criteria can be found on the intranet page entitled [Redundancy – Compensation and Ready Reckoner](#)
- 2.3 To assist managers and employees in calculating the severance payment a [ready reckoner \(msexcel, 186Kb\)](#) is available.
- 2.4 However, wherever practical, all managers should encourage and facilitate the redeployment of employees who are facing the prospect of compulsory redundancy. The [Managers Guide to Redeployment](#) gives guidance on how this can be achieved including how redeployees can be given priority for any vacancies that arise and how temporary pay protection can be deployed in appropriate circumstances.

- 2.5 Employees should actively seek suitable redeployment opportunities for themselves. The [Organisational Change Redeployment FAQs](#) is available to provide support and guidance
- 2.6 The following are the key elements of the Council's policy in relation to redundancy payments:-
- 2.6.1
    - The County Council will not issue a general invitation to apply for voluntary redundancy but may consider offering it on a selective basis in situations related in the One Organisation Plan to a reduction in staffing levels.
  - 2.6.2
    - If the County Council is unable to offer suitable alternative employment, or, in its opinion, an employee has demonstrated reasonable grounds to refuse an offer of alternative employment, then the County Council will exercise its discretion and provide the enhanced severance payment.
  - 2.6.3
    - If an employee turns down a first offer of alternative employment, which the County Council in its opinion deems is a suitable alternative, then the enhancement will not apply and the employee will only receive the statutory redundancy payment
  - 2.6.4
    - If an employee turns down a second offer of alternative employment which the County Council in its opinion deems is a suitable alternative, then in accordance with section 141 of the Employment Rights Act 1996 the employee will not receive any redundancy payment at all.
- 2.7 Managers should always refer to the full policy in relation to [Redundancy](#) and in particular contact the HR Advisory Service for a) advice on ensuring that the notice periods and statutory requirements are adhered to and b) advice if the employee finds another job before being made redundant.

### **3. Retirement in a redundancy situation**

- 3.1
  - If an employee is aged 55 or older, is currently contributing to the Local Government Pension Scheme (LGPS) and has two or more years qualifying service credited to their LGPS record they will, in accordance with the Local Government Pension Scheme Regulations, receive immediate access to pension benefits. (see [Redundancy](#)) if they are made redundant.
- 3.2 An estimate of the likely pension benefits should be obtained direct from the Pension Service as soon as possible. However it must be borne in mind that the issuing of estimates will be prioritised for those staff already at risk or subject to firm proposals. For clarity, the County Council has not been able to offer "added years" to enhance retirement / redundancy packages for many years now.
- 3.3 Managers must make sure that written business cases outlining their proposals are approved by their Head of Service and Strategic Director. Managers must also obtain the approval of the relevant Portfolio Holder and the Strategic Director (Resources). Their HR Business Partner will be able to give advice on how to do this. Managers must also discuss the proposals with their Finance Manager so that the source of the funding can be properly identified.

#### **4. Package of Support for Employees**

- 4.1 There is a range of activities available to support employees during the period when they may be 'at risk' of redundancy or potentially affected by future change. This may include a variety of sessions, redundancy support seminars, ICT training and development, workbooks, advice and interactive guidance. Details of this package of support for employees can be found on the [Supporting employees at risk of Potential Redundancy](#) and [Supporting Staff through Change](#) pages.

#### **5. Re-employment with WCC following redundancy**

- 5.1 It is not discriminatory, within the meaning of the law, to reject a former employee from re-employment with the County Council on the grounds that they have been made redundant and accepted a compensatory payment.
- 5.2 Accordingly it would normally be deemed inappropriate for an ex-employee, who had been made redundant, to apply to return to the employment of the Council within 6 months of leaving. This would apply to applications for any posts within the Council during that period of time.
- 5.3 Judgement would need to be made on a case by case basis and advice sought from the HR Advisory Service if exceptional circumstances were thought to exist.