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Sheffield Mind

Job Security and Redundancy Policy

This policy is based on the following general principles.

- Good HR practice adhering to legal requirements
- Consultation with stakeholders
- Fair and open competition for posts
- Security of employment, wherever possible on a permanent basis
- Openness and transparency in redundancy negotiations

Sheffield Mind aims to be able to offer staff secure jobs wherever possible on a permanent contract. However, as much funding is derived from fixed term contracts and funding agreements, staff whose employment costs are met from such contracts and agreements will be employed on fixed term contracts.

Scope of this policy

Staff employed for more than 12 months will be subject to the Sheffield Mind redundancy policy. Staff who are employed on a temporary basis or on contracts of less than a year will not be subject to this policy. Staff employed for 2 years or more are eligible for statutory redundancy pay.

Job Security and Continuation of Employment

When Funding for a Post Comes to an End.

1. When funding for a post comes to an end and funding is found to continue this post as a direct continuation of the existing one (with a largely unchanged job description and terms and conditions of employment), the member of staff concerned will be offered this post without any recruitment or selection process being carried out.
2. When funding is found to continue with a closely related post on the same terms and conditions of employment the member of staff will be offered this post without any recruitment or selection process being carried out.
3. When funding is found for a closely related post but with improved terms and conditions of employment, this post will be advertised internally and the normal selection process will apply. If the original post holder is successful his/her employment will continue – if they are not successful he/she will be subject to notice of redundancy.

Upgrading and Existing Post

When management determines that there is a need to upgrade an existing post (with a revision of grading if appropriate) to meet the changing needs of the organisation, but the changes in core responsibilities represent less than 25% of the job description either;

- The existing member of staff concerned will continue in post if management believe that the existing post holder is capable of assuming the new role.



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- Management may decide to interview the post holder to ascertain his/her ability to take on the additional responsibilities. If management determine that the post holder does not have the capability, they will be subject to redundancy.

New Posts

When a new post is created or an existing post becomes vacant, it will be subject to external recruitment and selection. However, where there is an imperative to fill the vacancy very quickly the position may be advertised internally and an existing staff member may be appointed on a temporary basis. Their substantive post will held open for them. The new post will be advertised as soon as possible.

Redundancy Policy

The following are reasons why Sheffield Mind may make a member of staff redundant.

- Funding for their post ends and no further funding can be obtained.
- Funding is reduced affecting several posts for which a process of redundancy is required.
- The post is subject to significant change or deletion as a result of a staffing re-structure.
- The requirement of the post changes significantly so that it becomes a new post, which requires an internal or external selection exercise and the previous post holder is unsuccessful (see previous section).
- A post is no longer required within the organisation.

Sheffield Mind will endeavour to take all reasonable measures to avoid making staff compulsorily redundant. These measures may include;

- Consideration of other suitable employment possibilities within the organisation.
- Restricting recruitment.
- Identifying any other forms of spending reduction that can be achieved as an alternative to redundancy.
- The retirement of employees who are beyond the normal retirement age.
- Seeking applications for early retirement or voluntary redundancy amongst existing staff.

Where compulsory redundancy is inevitable, Sheffield Mind will endeavour to handle the redundancy in the most fair, consistent and sympathetic manner possible and minimise as far as possible any hardship that may be suffered by the employees concerned.

Other Employment Possibilities within the Organisation

Where a new post has been created, possibly as a result of a staff re-structure, or an existing post becomes vacant, these posts may initially be advertised internally with invitation for those who are facing possible redundancy to apply if they have the relevant skills and experience. The normal recruitment process will be followed.



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Redundancy Process

Consultation

When a potential redundancy situation has been identified Sheffield Mind should begin consultation with workers as soon as is reasonably practicable. Where employees who may be affected are represented by an individual trade union recognised for collective bargaining purposes Sheffield Mind will inform and consult an authorised official of the union. Where there is no collective bargaining agreement Sheffield Mind will consult with other representatives of the employee, at the employees request.

Initial Consultation

The initial consultation may either be on an individual basis or with the group of staff potentially affected by redundancy. At this meeting

1. The reasons for the redundancy situation should be presented in writing.
2. A copy of the Redundancy Policy should be given to staff.
3. The numbers and descriptions of the likely posts to be made redundant will be described.
4. The proposed method of selecting the employees who may be made redundant will be described.
5. The proposed method of carrying out the redundancies including the timescale will be described.
6. Entitlements to redundancy pay will be described.

Notes of this meeting will be taken.

Individual Consultation

Sheffield Mind will write to each individual facing potential redundancy detailing the circumstances. If there is to be a process of selection for redundancy the process for this should also be included. This letter will be delivered to the individual at a brief one to one meeting. The individual will be given the opportunity to meet with the manager dealing with the redundancy for a fuller discussion about the situation i.e. why Sheffield Mind is contemplating redundancies, any questions and proposals related to the possible redundancy that the individual may have and information about the redundancy and appeals procedure.

Notes of all meetings will be taken.

Selection for Redundancy

Where an individual has been identified for redundancy and where there are no alternative employment possibilities within the organisation. Sheffield Mind will issue a redundancy notice. This will contain details about when their employment will be terminated, as determined by the contract of employment, and their entitlement to redundancy pay.

Where a selection process is necessary a redundancy panel will be identified comprising a minimum of 2 board members and the chief officer.



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A letter will be written to all staff affected detailing the circumstances under which Sheffield Mind is considering redundancy. They will be invited to attend the redundancy panel either in person or by written submission. Their representative will also be invited to attend. They will be given at least 15 days notice of this meeting. This letter will be given to the individual in a brief meeting.

Panel Process

Each individual will be interviewed by the panel. The panel will ask each individual a set of the same questions to ascertain various aspects of their performance and capability. Each interview will be conducted in a consistent and rigorous manner, as in a job interview.

The individual may be invited to submit a statement to the panel prior to interview with a personal assessment of their performance and capability relative to their current job description.

A union or other representative may observe but not participate in the interview. Following the interview they will be invited to make a representation to the panel.

Following the interview the panel will be joined by the individual's line manager and the panel will score the individual according to the criteria set out in Appendix 1.

Decision Process

Following the above, the panel will consider all the evidence and make its decisions regarding which staff are to be made redundant. In the event of the panel being unable to reach a decision it may re-convene again (within 30 days) to allow more time for consideration. Staff will be notified of the decision within five working days.

Outcome

1. Staff should be notified of the decision of the panel in writing.
2. If the decision has been made to make the individual redundant the letter should state this and should clearly state the reasons for the decision and remind the individual of their right to ask any further questions or seek clarification. The employee should be invited to attend a de-brief meeting attended by the line manager and one of the trustees/management committee who were on the Redundancy Panel. The individual's representative should also be invited to this meeting.
3. The de-brief meeting should focus on the result of the Redundancy Panel and any considerations arising from previous meetings with the individual, together with the support mechanisms Sheffield Mind may provide (such as time off for interviews). This discussion will be recorded.
4. Written termination of the contract of employment will be given along with information about the appeals procedure.



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Assistance for Redundant Employees

Sheffield Mind recognises that redundancy can be a stressful personal experience for the employee concerned and is prepared to offer support and guidance as and when required.

- Time off to look for other employment. Section 2 of the Employment Rights Act 1996 provides employees given notice of redundancy with the entitlement to reasonable time off with pay during working hours to look for another job or to make arrangements for training in future employment.
- Assistance with seeking alternative employment. Sheffield Mind may assist redundant employees in finding alternative employment by publicising details of job vacancies and training opportunities.
- References. If requested Sheffield Mind will provide written references to employees who have been made redundant when they leave.

Redundancy Pay

Sheffield Mind will ensure that redundant employees receive the payments they are entitled to by law and that they are given accurate and timely information in writing about those entitlements.

Appeals

1. The staff member has the right to appeal against the decision of the Redundancy Panel.
2. This appeal must be made in writing to the Chair/Chief Officer within 5 working days of receipt of notice of termination of employment stating the grounds for the appeal.
3. An appeals hearing will be convened within 10 working days or as soon as is reasonably practicable to do so.
4. The appeal panel will consist of 2 members of the Board who have not been involved in the current redundancy process and the chief officer. A minute taker will also be present.
5. The individual member of staff (and their appropriate representative) will be present at this appeal.
6. The Chair of the appeals panel who will be one of the Board members, will conduct the appeals hearing.
7. The Chief Officer will represent Sheffield Mind at the appeals hearing presenting the reasons for the Redundancy Panels decision.
8. The individual will be given the opportunity to present their perspective, with any mitigating circumstances to be taken into account.
9. The Appeals Panel will then adjourn for a decision to be made as soon as possible.
10. If the Appeals Panel confirms the decision to terminate employment, this will be communicated in writing to the individual concerned, setting out the reasons for the decision, within 5 working days of the Appeals Panel meeting.
11. If the appeal is upheld, the individual's case will be referred back to the appropriate redundancy process stage.



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All new and existing staff should be made aware of this policy on commencement of their employment. It is the responsibility of line managers to ensure that all staff who report to them are aware of and adhere to the policy framework within which Sheffield Mind operates and to keep them abreast of updated and new policies as soon as practicable.

Policy Approved _13th January 2009

To be reviewed on January 2011



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Appendix 1

Criteria for Decisions on Redundancy

The redundancy panel will make its decisions based on objective selection criteria that will be applied consistently to all individuals being considered for redundancy.

The selection criteria will be based on a scored assessment relating to the outcome of interviews and discussion with the individual concerned, relevant information from their line manager and any relevant documentation pertaining to that individual.

The following selection criteria will be examined consistently for all individuals concerned. If relevant information is not available for all individuals concerned, then Sheffield Mind will not examine that area for any of the staff concerned.

Below is an example of how a scoring system might be implemented. The system will be agreed for each redundancy situation as some criteria might be weighted due to their increased importance over another criteria.

Performance

The panel will refer to a member of staff's performance against their current job description.

This area will be examined through reference to individual interviews, line-manager testimony based on performance and general management, supervision and appraisal records.

This area will be recorded as follows;

Score 4

The staff member consistently performs at a very competent level and often exceeds the agreed targets for the post.

Score 3

The staff member performs at a competent level and occasionally exceeds the agreed targets for the post.

Score 2

The staff member performs at a competent level and generally meets the agreed targets for the post.

Score 1

The staff member does not always perform competently and often fails to meet the agreed targets for the post.

Capability

The panel will refer to the extent of a staff member's capability, adaptability, aptitude and flexibility to meet the requirements of any remaining posts within the organisation.



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Score 4

The staff member is highly skilled and flexible in their role.

Score 3

The staff member is competent at their current job. They do not require day to day supervision to carry out their current role.

Score 2

The staff member has the skills to carry out their work whilst still requiring day to day supervision.

Score 1

The staff member is below the required skill level.

Disciplinary records

Sheffield Mind will refer to any relevant disciplinary records for the previous 2 years prior to the redundancy process being initiated. Disciplinary records will be scored as follows;

Score 5

No evidence of disciplinary action.

Score 3

Informal counselling on a disciplinary matter.

Score 3

A verbal warning currently on file.

Score 1

A written warning currently on file.

Score 0

A final written warning.

Attendance/sickness

Sheffield Mind will refer to any relevant records on attendance (absences/sickness records) for the previous 2 years prior to the redundancy process being initiated. Reference to the association reasons for absence will be examined where appropriate. Scores for this area will be averaged over the 2 year period or, if employed for less than 2 years, pro rata.

Score 4

0 - 5 days each year

Score 3

6 – 10 days each year

Score 2

11 – 15 days each year

Score 1

16 – 20 days each year

Score 0

21 + days each year

Length of Service

The length of service will be also taken into consideration.