Family Nursing & Home Care Redundancy Policy

Approved By: FNHC Remuneration Committee
Date Approved: 30.03.11
Date for Review: 30.03.12
Relevant FN&HC Policies: Human Resources

Statement of Intent

It is Family Nursing and Home Care’s policy to provide a secure and stable work environment for its workforce. It will plan its manpower requirements based on the Association’s objectives and business forecasts and by adjusting recruitment, overtime working and utilising natural wastage to plan and maintain a stable workforce.

However, circumstances may arise due to organisational requirements that necessitate a reduction of staffing levels to ensure the economic viability of the Association. In order to minimise the impact of such reductions, the following procedure will be adopted wherever possible, where the need of the business dictates.

Scope/Responsibility

Nothing contained within this Policy shall take precedence over the requirements of the Association to act in a particular way because of actual or implied law or where the Association reasonably believes that it should act in a particular way in respect of actual or implied law. Guidance on statutory redundancy rights and payments may be found at www.jacs.org.je/content/311/index.html.

This Policy applies to all employees of the Association. The Association recognises the need for the interests of the staff to be represented and will use its best endeavors to inform staff at the earliest possible stage of any potential reduction to its staffing requirements. Informal discussions will follow as to ways of avoiding reductions and addressing any issues arising. Due to commercial sensitivity, these discussions may, by necessity, be of a confidential nature. If however, staff reductions seem unavoidable, the Association will commence formal consultation with staff and affected employees, as detailed below. The Association accepts responsibility to plan its use of staffing levels in light of the types of personnel and skills required for the operating needs and continuation of the business.

Process

1. Informal Discussion Stage

Where the possibility of a reduction in the number of employees arises; staff that may be affected will be advised that their employment may be at risk. Additional staff may be advised that their employment is at risk at a later date if it becomes apparent that there is a need to do so. All persons so advised will have the opportunity to enter into discussions with an appropriate representative of the Association with a view to establishing whether the proposed job losses can be avoided or achieved by means other than compulsory redundancies. Similar discussions will be invited with Employee Representatives. The following actions will be considered as a means of avoiding redundancy.

1.1 Recruitment
In a potential redundancy situation, the Association will not recruit new permanent staff within the affected area of the Association, other than where this is essential. In all circumstances, the Association will give first priority and consideration to recruit from internal candidates.

1.2 Temporary Staff

Should a redundancy situation arise, the Association will restrict the use of temporary staff, other than where this is essential. Where possible, having taken into account the needs of the Association and current legislation, temporary staff will be replaced by internal permanent staff. Volunteers and/or work experience placements/students will not be used to substitute permanent staff.

1.3 Overtime Working

The Association will limit overtime working in a potential redundancy situation but will not compromise health and safety and operational requirements. If necessary, operational requirements may be modified to allow for non-overtime working.

2. Formal Consultation

When it appears that redundancies are inevitable the Association will formally consult with those Employees who may be affected. The Association will also invite consultation with Employee Representatives. The Association will identify departments and pools of jobs at risk and confirm the selection criteria. This will be in accordance with the legislation current at the time of the proposed redundancies. The Association would expect to notify Employees and the Employee Representatives as to the proposed redundancies and consult with a view to reaching agreement on ways of avoiding redundancies including:

- Reducing the number of employees to be made redundant; and
- Mitigating the consequences of the redundancies.

2.1 Measures to Avoid Compulsory Redundancies (the following are not sequential and can operate individually or simultaneously)

2.1.1 Voluntary Redundancies (‘VR’)

Should a redundancy situation become inevitable, management may call for volunteers from the affected group of Employees. Volunteers from outside the pool of affected employees may also be considered. However, management reserves the right not to accept volunteers who have key skills. Whilst management will consult with the Employee Representatives as to what constitutes “key skills” the final decision will be for management to make.

2.2.2 Voluntary Early Retirement (‘VER’)

In a redundancy situation the employer may invite applications for early retirement from the affected group of Employees and may, at management’s discretion invite VER from outside of the pool. However, the employer reserves the right not to accept volunteers who have key skills. Early retirement will be in accordance with the terms of the relevant pension scheme.

2.2.3 Redeployment

Wherever possible the Association will give first priority for redeployment to staff that are under threat of redundancy into other areas of work. If a vacancy exists, all potentially redundant employees will be asked if they wish to be considered for the post. Those wishing to be considered will be interviewed by an interview panel to establish each individual’s qualifications and suitability for positions needing to be filled. Unsuccessful candidates will, if
they so request, be granted a meeting with the HR Officer who will explain why they were unsuccessful.

Individuals may be given a trial period in the new post, the length of this trial period will be agreed in advance and will be dependent on training and current legislation. During this trial period, assessments will be made as to the individual's capability. If an individual fails the assessment, or feels unsuitable for the post, he/she will then be made redundant.

2.2.4 Compulsory Redundancy

If, having taken all of the steps to avoid or minimise redundancies, the number of employees still exceeds the number of people required, the Association will use fair, consistent, objective and non discriminatory methods of selection which will ensure the retention of a balanced workforce, appropriate to the future needs of the business.

To determine which employees will be considered for redundancy the Association will identify the jobs and departments affected. The Association will consult with Employees and Employee Representatives although the final decision on this issue will be for management to take.

From this pool, a selection will be made. The Association will set out the selection criteria and seek the comments of Employee Representatives to endeavour to ensure a fair and objective procedure, which may be reviewed from time to time. The following are examples of the criteria that may be used:

- Skills assessment
- Performance
- Disciplinary record
- Attendance record
- Length of service

The Association reserves the right to exclude individuals from any selection pool on the grounds that the individual concerned holds key skills that the Association needs to retain.

3. Individual Employee Consultation

As far as possible in advance of the proposed redundancy date, the Association will notify those employees provisionally selected for redundancy. The affected employees will be interviewed personally, informed of the basis of their provisional selection for redundancy and invited to make representations as to why they should not be selected. In effect, this will enable staff provisionally selected to appeal against the decision made. Employees have the right to be accompanied at this interview by a work colleague or Employee Representative, if they so wish.

Management will take into full consideration any representations made during the interview, clarifying and exploring any points raised. Only after all reasonable options have been examined and eliminated will the redundancy be confirmed. If information comes to light in the interview to change the basis of selection, an alternative member of staff may then be selected, but will also have the right to make representations as to why they should not be selected.

When selection has been confirmed, those selected for redundancy will be given notice of termination in accordance with their contractual or statutory entitlement, whichever is the greater. In certain circumstances, when it is considered appropriate, payment in lieu of notice may be made.

4. Severance Payments
Compensation for loss of employment due to redundancy will be in accordance with statutory requirements current at the time of termination.

In addition to any statutory payments that may be due, the Association may agree additional payments to those volunteering to be made redundant or those selected for compulsory redundancy. Decisions as to whether or not additional severance payments are made will be decided at the time of any redundancy situation by the Association. The final decision as to additional severance payments will be for the Committee to determine.

5. **Right of Appeal**

An employee wishing to appeal against being declared redundant will have the right to request a formal appeal hearing. In the first instance the employee should write to the Chief Executive Officer within 5 working days of first being informed of the redundancy stating the basis of the appeal.

The Chief Executive Officer will determine appropriate persons to form an appeals panel and the employee will be advised within a further 5 working days and the meeting will normally be held within 10 working days of receipt of the appeal letter. The employee will have the right to be accompanied by another member of staff or an Employee Representative during the appeal meeting.

The decision of the appeals panel is final.

6. **Policy Implementation and Review**

This policy will be effective from the date of signing. It will be reviewed annually to ensure its currency.

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**Redundancy policy - document procedure**

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