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**REDUNDANCY POLICY**

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**1 Policy Statement**

It is The Ministries Council (MC) policy to ensure as far as possible security of employment for its employees, the Ministries Development Staff (MDS). However, it is recognised that Presbyteries have the right to amend existing Mission Plans and any such changes may affect the number of staff employed. The MC will seek to minimise the effect of such changes through full consultation with individual employees and the provision of sufficient time and effort to source suitable alternative employment. Suitable alternative employment will be sought during the consultation period and any subsequent notice period. Where compulsory redundancy is inevitable the MC will manage the redundancy in the most fair, consistent and sympathetic manner possible and minimise as far as possible any hardship that may be suffered by any employees concerned.

For clarity, The Ministries Council remain the official employing body of MDS, although the management now resides within Faith Action and its staff.

**2. Consultation**

Any Presbytery which has MDS must consult Ministries Council as the employer as soon as any proposal is made which could result in an MDS post being reallocated in the Plan which could ultimately result in the redundancy of one or more MDS. The Human Resources (HR) Department will provide advice and support to the local line managers concerned and Ministries Council in order to minimise the impact of any such redundancy proposal and to ensure clear communication and messages.

The requirement for a team ministry or other non-parish ministry posts is identified as part of the Presbytery Mission Planning process. The responsibility for identifying the need for these posts lies with Presbyteries. Any adjustments to the approved Presbytery Mission Plans require concurrence by the Presbytery Mission Plan Implementation Group (PMPIG). Where this affects existing MDS posts, this will be advised to HR and the appropriate Faith Action staff representative who will advise and action in accordance with this policy. Presbytery will ultimately confirm the details of the change.

If, after such discussions, redundancy remains an option, the Human Resources Department will formally notify the employee(s) affected and will embark on a period of formal consultation. The statutory minimum consultation periods for proposed redundancies will always be observed.

HR will disclose in writing to the employees concerned basic information relating to:

- The reason for the proposals
- The number and description of employees affected
- The total number of employees of that description at the Presbytery in question
- Where appropriate the proposed method of selecting the employees
- The proposed method of carrying out the dismissals including the period over which the dismissals are to take effect; and



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- The proposed method of calculating the amount of any redundancy payments to be made

The purpose of consultation is to seek ways of avoiding the redundancy situation, where possible to reduce the numbers of employees to be made redundant and to mitigate, where possible, the consequences of any redundancies proposed. Consultation periods will vary depending on circumstances but will last not less than 7 days and normally not more than 30 days for proposals which result in redundancies of fewer than 20 employees. Consultation on proposals which would result in the redundancy of 20 or more employees will last for a minimum of 30 days although may take longer. In the event of 100 or more redundancies being proposed the consultation period will last for a minimum of 45 days. These numbers relate to the total number of MDS staff, as employed by the Ministries Council, who are at risk of redundancy.

Consultation will also take place with the individual employee, who may be accompanied at any stage of the process by a trade union official or a fellow employee of your choice or any individual who does not act in a legal capacity for them. Employees will be encouraged to contribute fully to the consultation process with their own ideas for preventative measures.

### **3. Measures to Avoid Redundancy**

In circumstances where it is known that a post is coming to an end the Council will take all practical steps to minimise the possibility of redundancy arising through actively seeking redeployment opportunities within the MDS employment group.

### **4. Selection Criteria**

Where there is more than one MDS at a workplace (usually a congregation) involving compulsory redundancy, redundancies will be made using fair and non-discriminatory selection criteria. It is recognised that flexibility will be required in identifying the most suitable form of selection criteria and that this will be dependent on the specific situation. It is most likely that this would be determined through a competitive application process where skills, experience and knowledge are assessed.

The MC will apply any such criteria fairly and objectively and will not discriminate on grounds of age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex or sexual orientation.

The MC recognises the additional employment rights of pregnant employees and those on maternity leave who are at risk of redundancy and will ensure that these rights are fully respected.

### **5. Suitable Alternative Employment**

It is the Council's responsibility and right to determine those posts which it deems to be suitable alternative employment. This will be done taking into account the skill set, remuneration and location of the affected employee(s). The Council does not presume to



know the personal circumstances of employees and so will make all MDS vacancies available to those at risk of redundancy. The Council however will term posts as suitable alternatives if they are a close match to the employees' current role, salary scale and location.

Employees whose posts are coming to an end will be informed of all current or impending MDS vacancies on existing Mission Plans. In addition, vacancies across the employing agencies of the Church and local funded posts will also be highlighted to affected employees however, this would be in a competitive recruitment process but support in applications would be offered.

For each MDS vacancy available at that time, MC will determine whether any of the employees declared redundant should be assimilated into the vacant post or if the degree of similarity is not so close to offer assimilation, they will be offered a redeployment (ring-fenced) interview for it. All posts will be offered with a trial period (see section 6).

#### **5.1 Assimilation**

Assimilation will occur when a vacancy is very similar to a job to be made redundant. The Human Resources Department will determine this by comparing the two job descriptions, person specifications plus the skill set of the employee(s), looking to assess for an exceptionally high degree of similarity (we are not assessing the degree of "match" in a numerical way but, for clarity, we mean around 90% of similarity).

Where only one employee has met the criteria for assimilation for a vacant post they will be offered the post and where there is more than one candidate, the most suitable of the potentially redundant employees will be offered the job following an interview process where the skills, experience and knowledge required for the post will be assessed. All staff who express an interest in a post or are eligible for it will be guaranteed an interview

#### **5.2 Redeployment**

Where a vacancy is not so similar to justify assimilation, but where there is a significant similarity (as above, there is no numerical assessment but, for clarity, we mean around 70-80% similarity) the employee will be invited to a redeployment interview. The purpose of this interview is to establish whether, with a reasonable amount of training (as part a developmental aspect of the role) if necessary, the employee is able to undertake satisfactorily the tasks detailed in the job description for the alternative post. This will be done by:

- considering the employee's work experience to date
- the skill/s the employee has acquired over time and
- whether these constitute a significant majority of the essential requirements of the vacant post

Where there is more than one candidate, the potentially redundant employees will be invited to attend a competitive interview.



Where an employee is redeployed as an alternative to redundancy to a post in a lower grade there will be no protection of salary; they will be placed on the maximum point of the scale. Where an employee is redeployed to a post in a higher grade as an alternative to redundancy, they will be placed on the first point of the higher scale. Where an employee is redeployed to a post in the same grade, the current salary will be maintained.

Where an employee under notice of redundancy is to be redeployed, the MC will use its best endeavours to provide retraining as far as is reasonably practicable, having regard to both the cost of retraining and the requirement for the employee to carry out the duties of the redundant post during the notice period.

## **5.2 General Recruitment**

If the vacancy is outwith the MC (ie a Central Services Committee, World Mission, locally funded or Crossreach post) or is not so similar as to justify assimilation or redeployment, staff are able to apply for any suitable alternative post.

## **6. Trial period**

An offer of suitable alternative employment, where available, will be made in writing before the end of the current job. The job offer will provide the employee with enough details about the new job to enable the employee to assess suitability. All employees who accept an offer of suitable alternative employment are allowed a four-week trial to establish if the work is suitable.

Redundancy rights will not be lost if the employee or the MC decides after a trial period of up to 4 weeks from the date at which the new job was taken up, that the new job or the employee's performance in that post is not suitable.

In such a case either party may terminate or give notice and on termination the employee shall be treated as though they had been made redundant on the date their original job ended with any other redeployment opportunities explored during the notice period. If however, the MC believes that an offer of suitable alternative employment has been made, but the employee unreasonably refuses to take it the employee will lose any right to a redundancy payment and will be deemed to have resigned from employment. In these circumstances the MC will consider the employee's reasons carefully before reaching a decision not to pay a redundancy payment.

## **7. Appeals process**

Employees who are being made redundant have the right to appeal against this decision under the Appeals Process (Grievance and Dismissal).

Employees have the right to be accompanied at the appeal hearing by a trade union official or a fellow employee of your choice or any individual who does not act in a legal capacity for you



**8. Redundancy Pay**

Employees with two or more years' continuous service at the date their notice of redundancy becomes effective, shall receive a statutory redundancy payment calculated as follows:

For each complete year of service up to a maximum of 20 years:

- for each year of service under 22 – half a week's pay
- for each year of service at age 22 but under 41 – one week's pay
- for each year of service at age 41 or over – one and a half weeks' pay

This will be calculated based on the actual weekly salary at date of redundancy.

In addition to any redundancy payment entitlement, employees who are dismissed on grounds of redundancy will be given the period of notice or payment in lieu of notice, to which they are entitled under statute and their contract of employment.

It is expected that any accrued TOIL and/or annual leave will be used prior to the date of termination which includes the notice period. If this impractical, payment of accrued but untaken annual leave will be paid, up to the equivalent of one working week.

**9. Time off work**

Employees under notice of redundancy and who qualify for a statutory redundancy payment have a statutory entitlement to a reasonable amount of paid time off work to look for alternative employment or to arrange training. Time off work must be authorised by the local line manager. This will not be taken off annual leave etc unless it is considered that an excessive amount of time is being requested.

**10. Additional Support**

The Human Resources Department will be available to provide a range of support measures for employees facing redundancy. An example of this support may be in the provision of guidance on how to find another job or in the completion of application forms. This practical support sits alongside the pastoral care available through Presbytery and the wide-ranging support available through our employee assistance programme.

**11. Pension**

Employees are encouraged to contact the Pensions Department (if they have a deferred benefit from the Church of Scotland Retirement Benefit Scheme for Staff) and Legal and General to ensure they are as fully informed as possible.

**12. Review**

This policy will be reviewed at least every two years by HR, The Hub and Ministries Council senior managers to ensure adherence to best practice, and any related legislation. If necessary, the policy will be taken to Ministries Council as part of a consultation process.