



HUMBERSIDE FIRE AND RESCUE SERVICE

# People & Development

## Redundancy Policy

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<b>Responsible Person</b>	<b>Head of Human Resources</b>
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What we must  
do well



How we support our  
communities



We value and support  
the people we employ



We efficiently manage  
the Service

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## **1. INTRODUCTION**

This policy has been developed to minimise the need for redundancy and ensure fair treatment when redundancies will occur.

Redundancy is defined in S.139 of the Employment Rights Act 1996. For the purposes of The Act, an employee who is dismissed shall be taken to be dismissed by reason of redundancy if the dismissal is attributable wholly or mainly to:

- The fact that his/her employer has ceased, or intends to cease:
  - To carry on the business for the purposes of which the employee was employed or carry on that business in the place where the employee was so employed.
- The fact that the requirements of that business:
  - For employees to carry out work of a particular kind, or for employees to carry out work of a particular kind in the place where the employee was employed by the employer, have ceased or diminished or are expected to cease or diminish.

Humberside Fire and Rescue Service (HFRS) endeavours to develop and provide a work environment for its employees and maintain job roles wherever practicable. However, it must acknowledge that circumstances may arise where changes may result in the need to reduce the size and/or composition of the workforce. For example, technological advances, budget reductions and government policy, which are mainly outside the control of HFRS, may require a reduction in certain types of roles.

This policy is only applicable to Support Staff and Control Staff within HFRS.

### **Core Code of Ethics**

HFRS has adopted the Core Code of Ethics for Fire and Rescue Services. The Service is committed to the ethical principles of the Code and strives to apply them in all we do, therefore, those principles are reflected in this Policy.

### **National Guidance**

Any National Guidance which has been adopted by HFRS, will be reflected in this Policy.

## **2. EQUALITY, DIVERSITY & INCLUSION**

HFRS has a legal responsibility under the Equality Act 2010, and a commitment, to ensure it does not discriminate either directly or indirectly in any of its functions and services or in its treatment of staff, in relation to race, sex, disability, sexual orientation, age, pregnancy and maternity, religion and belief, gender reassignment or marriage and civil partnership. It also has a duty to make reasonable adjustments for disabled applicants, employees and service users.

### **3. AIM AND OBJECTIVES**

The aim and objective of this policy is to provide guidance and clear process in relation to redundancy for employees.

### **4. ASSOCIATED DOCUMENTS**

- [Equality Impact Assessment](#)
- Legal References
- National Guidance

### **5. CONTEMPLATING REDUNDANCIES**

Where the possibility of a reduction in posts in the organisation arises, management will enter into consultations with the appropriate Trade Union Representatives/Representative Bodies with a view to establishing whether the proposed job losses can be achieved by means other than compulsory redundancies.

In these circumstances, HFRS recognises that consultation should be in 'good time' and also recognises its statutory obligations in respect of consultation. Consultation will include steps to avoid, or failing that, minimise, compulsory redundancy and will be with a view to reaching an agreement. Wherever possible, consultation regarding these steps will take place prior to formal notification of a redundancy situation, at the point where a potential redundancy situation is identified.

### **6. AVOIDING REDUNDANCIES**

HFRS will give consideration to the appropriateness of the following measures on each occasion that a redundancy situation arises:

- Imposing an immediate recruitment ban other than where recruitment is deemed essential, considering redeployment and/or the retaining of surplus personnel in other parts of the organisation.
- Natural wastage.
- Restricting the use of and, where necessary, terminating the contracts of sub-contracted labour and casual staff.
- Reducing the amount of overtime working.
- Inviting applications for consideration for early retirement and/or EVR ([Early Voluntary Release](#)) – please see [Appendix A](#).
- Considering volunteers for part-time working or job-sharing.
- Considering alternative suggestions from Trade Union/employee representatives.

## **7. CONSULTATION**

HFRS will provide appropriate Trade Union representatives with relevant information regarding the proposals for redundancy to ensure that they are able to constructively contribute to the process. Information will include:

- Reasons for the proposal.
- Number and categories of employees potentially affected.
- Total number employed in those categories.
- Proposed method of selecting employees who may be made redundant.
- Proposed method of carrying out the dismissals with due regard to any agreed procedure, including the period over which the dismissals are to take effect.
- The proposed method of calculating the amount of any redundancy payments made to employees who may be dismissed.

The objectives of consultation are:

- Avoiding the need for dismissals.
- Reducing the number of employees to be dismissed to a minimum.
- Mitigating the consequences of the dismissals with a view to reaching agreement with the Trade Union(s).

Once the consultation has taken place and, if following the consultation process, it is still necessary to make redundancies, then the group(s) of staff affected will be notified. They will be provided with details of the criteria adopted to determine selection for redundancies.

HFRS has a statutory duty to notify the Secretary of State before giving any notice to terminate contracts where 20 or more employees are to be made redundant within a 90-day period. The timescale for consultation is that prescribed by S.188 of the 'Trade Unions and Labour Relations (Consolidation) Act 1992', should begin in good time and must commence:

- Where fewer than 20 employees are to be made redundant, as much consultation as is reasonably practicable will take place.
- At least 30 days before the first dismissal take effect if 20-99 employees are to be made redundant at one establishment over a period of 90 days or less.
- At least 45 days before the first dismissal takes effect if 100 or more employees are to be made redundant at one establishment over a period of 90 days or less.

## **8. SELECTION OF STAFF TO BE MADE REDUNDANT**

Where HFRS undertakes a restructure process, the [Restructuring Policy](#) will be applied in the first instance to help mitigate redundancies.

Where HFRS considers that the need for redundancies remains, after due consideration of other alternatives, management will give written detail of their proposals to employee representatives. Wherever possible, HFRS will attempt to redeploy staff to suitable alternative positions (please see [Redeployment Policy](#)).

Selection criteria appropriate to a particular circumstance will be determined at the time redundancies occur as opposed to defining one approach for all situations. In accordance with the Equality Act 2010, on each occasion HFRS will seek to utilise criteria which is fair and objective as possible, that in no way discriminates against staff on the grounds of any protected characteristics (please see [Managing Organisational Change/Restructuring Policy](#)).

HFRS will aim to utilise a selection criteria that is measurable and verifiable. This may be achieved through consideration of attendance and disciplinary records, skill levels in terms of qualifications held, competency testing, assessments, individual training records and Performance Appraisals. The knowledge and expertise of managers and Directors will also be relevant.

Individual consultation will take place prior to selection for redundancy. Staff selected for redundancy will be informed in writing and be involved in individual consultation. The basis for this selection will be explained to every employee involved. HFRS will consider fully any employee representations before making a final decision on who will be made redundant. All employees will have the right to appeal the decision to be made redundant.

The appeal must be submitted in writing within seven calendar days of receiving the letter giving them notice of redundancy. The employee may be accompanied by a trade union representative or work colleague. An appeal manager will inform the employee of the decision within seven calendar days of the interview.

## **9. NOTICE PERIODS**

The amount of notice which the employee is entitled to receive is as set out in the individual's terms and conditions of employment. (Notice periods are based on one week for each completed year of service up to a maximum of 12 weeks).

If an employee under notice of dismissal wishes to leave their job prior to the expiry of their notice period, they must request this in writing to the Chief Fire Officer and Chief Executive. The right to a redundancy payment will only be payable where HFRS agree to waive any outstanding notice period. Staff will be deemed to have been dismissed by HFRS on the date of the expiry of the employee's notice and not that of the original notice from the organisation.

## **10. REDEPLOYMENT**

HFRS understands that it is of mutual benefit to the organisation and the employee to strive to retain employee's skills and experience. HFRS will therefore fulfil its statutory obligation to consider employees who are identified as redundant for alternative employment within the organisation. If suitable vacancies are available, staff that are under redundancy notice will be considered for them.

For further information, please see the [Redeployment Policy](#).

## **11. THE RIGHT TO TIME OFF TO SEEK OTHER EMPLOYMENT**

Employees under notice of redundancy will be given reasonable paid time off during working hours to seek alternative employment or to make arrangements for future training. This will need to be agreed between the employee and their line manager.

HFRS will fully explore any opportunities to support employees who are under notice of redundancy, e.g. outplacement provision. This will be fully communicated to employees at the earliest possible juncture.

## **12. CONTINUOUS SERVICE**

If the contract has been renewed or an employee is re-engaged then the effect of continuity for statutory rights will be as follows:

- Any break of up to four weeks between the ending of the original employment and the re-engagement by HFRS will count for redundancy purposes.
- Employees re-engaged within four weeks by another authority covered by the Modification Order 1999 will have continuity for redundancy but not for any other statutory rights.
- The trial period will count towards continuity for all statutory employment rights.
- Receipt of a redundancy payment will break continuity for future redundancy payment purposes.

An employee must have two years' continuous service with HFRS in order to qualify for a statutory redundancy payment (at the relevant date of redundancy). In calculating entitlement to, and the amount of, a redundancy payment, HFRS will count all continuous local government service.

The Redundancy Payments (Continuity of Employment in Local Government) (Modification) Order 1999 makes it mandatory for HFRS to count continuous service in local government (and with other specified bodies listed within the Modification Order) in calculating redundancy payments up to a maximum of 20 years.

## **13. REDUNDANCY DURING MATERNITY/ADOPTION LEAVE etc**

It is automatically unfair dismissal to select a woman for redundancy on the grounds of her pregnancy. HFRS will ensure that any individual absent from work due to pregnancy or maternity leave will be consulted and kept informed.

Redundancy during maternity leave will end the contractual obligations to both maternity pay and the right to return. Statutory Maternity Payments will not be affected and continue until the end of the maternity pay period.

Any payments made to an employee in respect of occupational maternity pay will go towards meeting HFRS's obligations in respect of notice pay.

Any employee on maternity/adoption leave, additional paternity leave or shared parental leave who is under notice of dismissal on the grounds of redundancy will be offered any suitable alternative vacancies available in preference to other employees. Suitable vacancies will be identified at Stage 1 of the restructuring process.

Where, after due consideration of other alternatives, HFRS considers that the need for redundancy remains, the employee who is pregnant or on maternity leave will receive a written statement of the reason for dismissal.

#### **14. REDUNDANCY PAYMENTS**

Redundancy payments will be calculated in accordance with contractual terms and statutory provisions. The relevant statutory provisions are based on the employee's age, length of continuous service and a maximum weekly amount. HFRS will inform employees prior to any proposed redundancy situation if enhanced benefits will be provided by HFRS i.e. utilising the employee's actual weekly wage as opposed to the statutory requirement.

Overtime will not be counted in the calculation of a week's wage unless there is a contractual obligation for HFRS to provide it, and the employee is bound to work it.

The calculation date (for determining a week's pay) for redundancy is the date on which statutory notice starts.

#### **15. DISCRETIONARY PAYMENTS**

##### **Local Government Pension Scheme (LGPS)**

The options available to authorities to deal with redundancy and efficiency terminations are contained in the Local Government Pension Scheme (Benefits, Membership and Contributions) Regulations 2007 and the Local Government (Early Termination of Employment) (Discretionary Compensation) (England and Wales) Regulations 2006.

For further information on discretionary payments, please see the Local Government Pension Scheme Discretions Policy.

#### **16. ANNUAL LEAVE/FLEXI-TIME**

Employees will be expected to take any outstanding annual leave entitlement during the notice period where reasonable and where the needs of HFRS have been considered e.g. workloads. Employees should also ensure that they are at zero hours on their flexitime where applicable.

#### **17. OFFER OF A NEW JOB WITH MODIFICATION ORDER BODIES**

If HFRS has given an employee notice of redundancy and if, before dismissal takes effect, the employee receives an offer of employment from another body specified in Schedule 1 of the Modification Order 1999, the individual will lose entitlement to a



redundancy payment. This only applies where the offer of a new job is made by the relevant body before the end of the old contract and where the new employment starts within four weeks of the date of redundancy.

## **18. LOST ENTITLEMENT TO A REDUNDANCY PAYMENT**

An employee who would normally be entitled to a redundancy payment may lose this entitlement where:

- The employee commits an act of gross misconduct and is dismissed (i.e. an offence of a serious nature as defined in the Disciplinary Policy).
- The employee leaves early before notice has expired within HFRS's agreement and where HFRS can justify the reason for their refusal.

All employees have the right to appeal against dismissal for redundancy. Details of the appeal process will be communicated in the employee's notice of redundancy letter.

The employee has the right to be accompanied at an appeal meeting by a Trade Union representative or a work colleague who is an employee of HFRS.

If an appeal results in the decision for redundancy being upheld, then the redundancy notice will continue from the date of when the original notice of redundancy was given.

## **19. WHO CAN PROVIDE SUPPORT OR ADVICE TO EMPLOYEES**

We are committed to maintaining a safe and supportive work environment for everyone. Below are internal and external routes staff can use to speak up, raise a concern and get support.

Most speaking up happens through conversations with supervisors and line managers where challenges are raised and resolved quickly. We strive for a culture where that is normal, everyday practice and encourage you to explore this option it may well be the easiest and simplest way of resolving matters. However, you have other options: Station Managers, Group Managers, TLT and SLT member with responsibility for the subject matter you are speaking up about.

### **Via your line manager**

Your line manager is a key point of contact for reporting concerns and seeking support. They are here to listen, provide guidance, and ensure that your concerns are addressed appropriately. Whether you have questions about workplace policies, encounter issues with colleagues, or require assistance with personal matters affecting your work, your line manager is there to support you.

If, for any reason, you feel uncomfortable discussing your concerns with your line manager, we have established multiple channels for reporting concerns anonymously or confidentially.

## Through our Policies and our Professional Standards Policies

Various routes are included in our Policies and our Professional Standards Policies listed below:

- Anti-Fraud and Corruption
- Complaints
- Dignity at Work (anti Bullying and Harassment)
- Disciplinary
- Exits From the Service
- Equality and Inclusion
- Grievance
- Menopause
- Mediation
- Personal Relationships at Work Policy
- Safety Event Reporting Recording and Investigation Arrangements
- Whistleblowing

## Further Whistleblowing Support

[Protect](#) is the UK's whistleblowing charity, who aim to stop harm by encouraging safe whistleblowing. Their free, confidential [Advice Line](#) supports more than 3,000 whistleblowers each year who have seen malpractice, risk or wrongdoing in the workplace.

## Independent Speak Up (Powered by Crimestoppers)

This service aims to provide a safe space for staff to speak up when something isn't right in the workplace:

- Discrimination, victimisation and harassment (on gender, sexual orientation, disability)
- Misogyny and violence against women and girls
- Health and safety breaches
- Fraud and corruption
- Poor or unsafe working practices

The service is available online or via phone [here](#).

Service users can remain anonymous or can choose to provide their name and contact details which will then be shared for confidential use by the Fire Service

## Our internal bullying and harassment hotline

Bullying will not be tolerated within Humberside Fire and Rescue Service. Our Dignity at Work policy clearly defines bullying and how to report it.

The Service's 'Zero Tolerance' campaign has a very simple strapline - **SUPPORT - CHALLENGE - REPORT** - and we encourage our employees to do just that.

## **Contact HR**

You can contact your HR team, in complete confidence, on: 01482 567572.

This number will take you through to one of our HR advisers who will listen to what has caused you to feel the way you do.

You don't need to provide names and you will receive completely confidential advice as to how to manage any issues you raise.

## **HMICFRS Independent reporting line**

The independent reporting line (IRL) form is a tool for fire and rescue service staff to confidentially pass information to HMICFRS, which as an independent body is responsible for inspecting fire and rescue services on their efficiency, effectiveness and how well they look after their people.

The reporting line can be accessed [here](#).

## **Employee Assistance Programme**

As part of an ongoing commitment to employee wellbeing, Humberside Fire and Rescue Service Occupational Health Team are very pleased to offer all employees confidential support, with free access to emotional and practical support through CiC's Confidential Care Service.

The service is provided by CiC, an external organisation, who are entirely independent, so support and advice is completely confidential. You can call the Confidential Care line as often and for as long as you need to discuss any issues you would like support with.

The Confidential Care service is available 24 hours a day, 7 days a week, 365 days a year and is accessed by calling the freephone number: 0800 085 1376.

## **Internal Freedom to Speak Up Routes**

The Freedom to Speak Up model was developed in health and has six key elements; we have used the model as the basis for the HFRS process. How we implement 'Valuing' and 'Modelling' Speaking Up within HFRS will be developed from the 'ground up' by listening to staff about how line managers and the organisation can value and model Speaking Up.

Our 'Freedom to Speak Up Guardian' can support you to speak up if you feel unable to do so. The Guardian will ensure that people who speak up are thanked for doing so, that the issues they raise are responded to, and that the person speaking up receives feedback on the actions taken. You can find out more about the guardian role [here](#).

Additional information relating to Freedom to Speak Up Routes can be found [here](#).

You may also wish to speak to:

- A colleague
- A trade union representative
- The Humberside Fire Authority Counselling Service

You may wish to discuss the concern with a colleague or trade union representative first and may find it easier to raise the matter if there are other colleagues who share the same concerns. A trade union representative or work colleague may accompany a member of staff at any meetings or interviews in connection with the concerns raised.

**If you require any further guidance/information in relation to this policy,  
please contact Human Resources**

**APPENDIX A**

**Early Voluntary Release Application Form**

I would like to apply for Early Voluntary Release. I understand that this application is not binding on either myself or HFRS at this stage and does not constitute an agreement to Early Release.

Name:.....

Job Title: .....

Department: .....

Line Manager: .....

Date: .....

Signature\* .....

*\*By signing this form, you give consent for HR to contact East Riding of Yorkshire Pension Fund to obtain an individual benefit statement and a statement outlining costs to the Authority in relation to a potential Early Voluntary Release. Please be assured that the individual benefit statement will not be accessed by HR but sent securely to you.*