

### Frequently Asked Questions (FAQs); Restructures

#### Consultation

**1. Why are you doing this?**

Restructures are never proposed lightly as we understand the impact this can have on staff but on this occasion the new/revised business needs require us to propose a restructure in your area. The consultation document explains the business reasons and this FAQ document may also answer further specific questions that you may have.

**2. What support and advice is available to me during this process?**

In the first instance you should talk to your line manager to assess how they can support you. For members of trade unions, an additional source of support will be your trade union representative.

There are also various KCC resources for your use such as the confidential Support Line available to all staff [supportline@kent.gov.uk](mailto:supportline@kent.gov.uk) or telephone 03000 411411, other resources listed here:

<https://kentcountycouncil.sharepoint.com/sites/KNet/Pages/moving-on-in-kcc.aspx>

**3. Are people on fixed term contracts included in the consultation process?**

There is no definitive answer to this. This will be looked at on an individual basis and will depend on the reason for the fixed term contract, the timing of the end of the contract, and alignment between that planned termination and when consultation is due to start.

Agency workers are not included in the process.

**4. What about people who are on maternity leave, long term sick leave, secondment or time out break?**

We will take all reasonable steps to ensure that those who are on maternity leave, secondment, time out break or long term sick leave are contacted and invited to give feedback and are fully engaged in the process.

**5. What is 'diminution' and how is diminution carried out?**

Diminution is a reduction in the number of people needed in a particular post i.e. the post will continue but less people are needed.

In cases where there is a diminution, selection for redundancy criteria will be developed as part of the consultation process and shared with the unions and affected staff who are part of the selection pool. The criteria will be clear, objective (based on the future need of the service/business) and free from any discriminatory factors. It will be applied fairly to all staff who are part of the selection pool.

Diminution is not applicable where posts have been deleted entirely. In these circumstances selection for redundancy criteria is not required because the posts will no longer exist and all incumbents will be in a redundancy situation.

- 6. What will be the process for appointing staff into the new structure?**  
After the formal consultation on the new structure has finished, and after a period of reflection on the comments received, a final structure will be published. Staff will then either be 'slotted' (see below) or appointed following a ring-fenced, where applicable or competitive interview process to the posts in the new structure.
- 7. When are posts 'slotted'?**  
For a post to be a possible 'slot' the following 3 conditions must apply:
- The job must be the same grade as before the re-organisation
  - There must be the same number of jobs (or more) as job holders
  - The job is deemed approx. 75% the same type of work in term of job accountabilities, activities and broad objectives.
- 8. When will people know if they have been slotted?**  
Staff who are slotted to posts will be informed of this once the consultation has closed, and the final structure confirmed.
- 9. If you have been slotted, can you still apply for any of the vacancies within the team?**  
Yes, but only for posts which are still available after any ring-fenced exercise.
- 10. If more than one person applies for a vacancy how will you select the successful applicant?**  
We will look at individuals' skills and competencies for the role and will select by way of interview and/or testing.

## **Redundancy**

- 11. When are individuals put at risk?**  
Following consultation and after any recruitment selection exercises associated with the reorganisation are completed, should you be unsuccessful and not secure a position, you will receive a letter to confirm that you are 'at risk and under notice of redundancy'.
- 12. What does "at risk" mean?**  
It means an individual is at risk of redundancy. KCC policy is that, staff that are 'at risk' status have redeployee status for any suitable vacancies at their current grade, 2 grades below their current grade (pay protection will apply for 18 months) or 2 grades above their current grade. Staff at risk will be expected to create a profile on KCC's Recruitment Management system in order to receive alerts for suitable alternative vacancies.
- 13. What is 'redundancy' and how can I work out how much I would be paid?**  
Redundancy is defined in law as where employees are dismissed because of one of the following three circumstances:
- The employer ceases or intends to cease the business in which the employee was employed
  - The employer ceases or intends to cease to carry on the business in the place where the employee was employed

- The requirement to carry out work of a particular kind has ceased or diminished or is expected to cease or diminish

All redundant employees are entitled to receive a redundancy payment providing they have at least 2 years continuous service. The amount of redundancy pay you will receive depends on your length of service, age and weekly pay. You can refer to the Blue Book – Section I, Redundancy, Appendix 2 to calculate how much you would be due if made redundant.

The Ready Reckoner in the Kent Scheme Terms and Conditions identifies the number of weeks the redundancy payment should be calculated on based on;

- half a week's pay for each full year you were under 22
- one week's pay for each full year you were 22 or older, but under 41
- one and half week's pay for each full year you were 41 or older (this means that you have to be 42 to qualify for a full year's pay at one and half week's)

In the event that you are put at risk of redundancy, we will provide you with an estimate of redundancy payment.

**14. What is the difference between Voluntary and Compulsory redundancy?**

There is no difference in the compensation payable whether staff 'volunteer' to go on redundancy or are made redundant compulsorily.

**15. What will happen if I am on a secondment during the restructure and my substantive post is deleted?**

Where possible you should be allowed to complete your secondment (if that seconded post is not deleted in the restructure as well). You are also encouraged to apply for other posts whilst you are on your secondment. If however you are unable to secure an alternative post before the end of your secondment, your secondment completion date will become your redundancy termination date.

**16. How much notice will I have?**

The amount of notice is linked to both length of service and grade. The minimum notice we are required to give is four weeks and the maximum is either 12 weeks or 3 months contractual notice (whichever is the longer). Please see the Blue Book – section I, Redundancy.

**17. Do I have to remain at work during my notice period?**

Staff will be expected to remain at work during their notice period, unless there are exceptional circumstances to be agreed by the lead manager.

**18. Is there a ceiling on the number of years used in the redundancy payment calculation?**

Yes. KCC pay in accordance with the statutory redundancy calculations which is up to a maximum of 20 years service. This includes local government and related service in line with the Redundancy Payments (Continuity of Employment in Local Government etc) Modification Order 1999.

**19. If I am aged 55 or over, do I have to take my pension, and will it be reduced due to early payment?**

Anyone aged 55 or over and who is in the Local Government Pension Scheme (LGPS), will have immediate release of their pension. Currently their pension will not be reduced and there is no option to defer the release.

If you wish to receive a pension estimate please note that the figures can take up to 30 working days to come from the Pensions Section and therefore early requests are advisable. The Pensions Section will only prepare one estimate per person per year. Alternatively your annual benefit statement will give you an estimate of your unreduced annual pension.

The Government is to implement a 'cost cap' on exit payments made to public sector workers. The payment cap is being introduced as part of the Enterprise Bill, which has recently become law. The implementation date for the payment cap has not yet been announced but it is expected to come into force from spring/summer 2017. It will implement a cap (set at £95,000) on the exit costs that public sector employers, including KCC, can incur when an employee leaves. This will include employees leaving because of redundancy. Included in this cap, amongst other things, are the costs an employer is charged for releasing an employee's pension benefits and the cost of making a redundancy payment.

The Pensions Section are currently providing estimates which do not take account of the cap as details are not yet available on how the cap will work in practice. This means that any pension estimates provided could be subject to change depending on when the legislation is implemented. If you have any concerns about how the 'cost cap' may affect you please speak to your manager in the first instance, who will seek HR advice.

If you pay additional contributions, such as an AVC, or you have, or believe you may have, a deferred pension with the LGPS built up from a previous role, you are advised to contact the Pensions Section on 03000 413488 or email [pensions@kent.gov.uk](mailto:pensions@kent.gov.uk) for advice.

Further information can also be found on: [www.kentpensionfund.co.uk](http://www.kentpensionfund.co.uk)

**20. Can I take my remaining annual leave as a payment on leaving?**

Any untaken accrued annual leave, pro rata to the last day of service, should be taken prior to the last day of service. Payment in lieu of outstanding leave will only be made in exceptional circumstances.

Should annual leave already taken, exceed the pro rata leave entitlement, an adjustment will be made to the final salary to account for this.

**21. Can I appeal against being made redundant?**

Yes. You should appeal in writing to the Corporate Director of People & Communications as set out in Section I of the Blue Book.

## **Redeployment**

**22. What is Redeployee status?**

If you are 'at risk' of redundancy, assistance will be provided to you in seeking alternative work. As part of this assistance, you will be given redeployee status. This status means that where you meet the identified minimum criteria for a KCC vacancy you will be guaranteed an interview. However, the redeployee status does not give you any additional consideration during the selection process and, in accordance with normal practice, appointments will be made on merit – as assessed through an interview and any other selection methods which are used.

**23. How do I register to receive details of current vacancies?**

You should visit KCC's recruitment pages (link detailed below) and create a profile on the Recruitment Management System to start receiving alerts for suitable alternative vacancies.

<https://kenthrc.taleo.net/careersection/external/jobsearch.ftl?lang=en-gb>

**24. What if I do not want to apply for anything – will I automatically be made redundant?**

Staff who have been formally placed at risk or have been given notice of redundancy will be expected to create a profile on KCC's Recruitment Management System and actively seek alternative employment. If staff do *not* engage with this process (unless voluntary redundancy has been agreed) then their redundancy pay may be at risk, as it could be seen as them not taking action to mitigate their potential redundancy.

**25. What does "unreasonable" refusal of "suitable alternatives" mean?**

This depends on the individual's circumstances. For example, a new job may be offered on the same grade but in a different location that would make it very difficult for someone to travel to. It would not be unreasonable for someone to refuse that offer. However, we very much want to redeploy as many staff as possible. If there is a job on the same grade, same hours within easy reach of their current location, then we, as the employer, may feel that to refuse this post would be unreasonable. In such cases an employee would be redundant but KCC would reserve the right to withhold the redundancy payment. There would be detailed discussions with individuals if this situation arose.

**26. What should I do if I apply for a post before I am put 'at risk'?**

You will only be given 'redeployee status' once you are put 'at risk'. If the selection process for the post is still active at this point, please advise your redeployment support officer.

**27. Can I apply for *any* jobs within KCC?**

Yes, you can apply for any post and you will have 'redeployee status' for any post in KCC if you are "at risk" or "under notice".

**28. If applicants were to fail the interview process, would there be feedback given.**

Yes, feedback is always available after a recruitment and selection process.

**29. As a redeployee, what do I do if I need to attend interviews?**

As a redeployee, you are entitled to paid time off in order to attend interviews, but you must notify your line manager as soon as possible so that cover can be arranged.

**30. Does this include interviews outside of KCC?**

Yes it does include going for interviews outside of KCC and the normal arrangements apply – please let your line manager know in advance.

**31. If I am redeployed what happens about my LGPS pension?**

How your pension is treated depends on your own individual circumstances. You are advised to contact the Pensions Section on 03000 413488 or email [pensions@kent.gov.uk](mailto:pensions@kent.gov.uk) for information and guidance, particularly if you pay additional contributions, such as an AVC, or you have a deferred pension with the LGPS built up from a previous role.

**32. What happens if I get a job and it doesn't work out, can I be put at risk again?**

A statutory right to a trial period exists where an offer of redeployment is made during your notice period and the employment is to commence at the end of the notice period. In these circumstances a 4 week statutory trial period (maximum) must be included in the offer. If, at the end of, or during the trial period, the post is not suitable and this is accepted by both your line manager and you, the redundancy payment is made as if you had left on the expiry of your notice period.

Trial periods can be extended beyond 4 weeks to enable retraining where appropriate.

Where you are offered alternative work and the new employment commences either before you are issued notice or before the end of your notice period there is no entitlement to a statutory trial period.

**33. If I am made redundant when can I work for KCC or another local authority again?**

In order to retain the right to a redundancy payment staff must not have had an offer of another post in KCC or another local authority (or associated employer) made before the last day of service, which will commence within 4 weeks of the last day of service.