



Milnbank
Housing Association

53 Ballindalloch Drive, Glasgow G31 3DQ

TO:	Governance Sub-Committee
PREPARED BY:	Linda Sichi (Deputy CEO)
SUBJECT:	REDUNDANCY POLICY
DATE OF MEETING:	20 May 2024
APPROVED BY:	Paul Martin (CEO)

REDUNDANCY **POLICY**

LS/MAY.2024/REF.P41



0141 551 8131



admin@milnbank.org.uk



www.milnbank.org.uk

A registered Scottish Charity No.SC039891 Registered: Scottish Housing Regulator.
Registration No. HCB 161 SC Registered: Financial Conduct Authority - 1818 R(S).
Registered under the Co-operative and Community Benefit Societies Act 2014.



1. GENERAL

- 1.1 MHA tries to reduce the need for redundancies as much as possible by forward planning and good management of staffing budgets. To avoid redundancies, we will:
- not fill vacancies.
 - make best use of temporary transfers or secondments to other organisations.
 - reduce the use of overtime working.
 - reduce similar work carried out by outside consultants or agencies.
 - retrain staff.
 - introduce work sharing; and
 - offer voluntary redundancy.
- 1.2 Whether we can do this will depend on the resources we have available. Redundancy implies a reduction in the requirement for employees to carry out work of a particular kind in the place they were employed.
- 1.3 If redundancy is unavoidable, we will contact Unite the Union as soon as possible so that consultation may begin. At the same time, we will tell EVH so we can get advice and guidance.

2. CONSULTATION

- 2.1 The consultation process should start before any public announcement of redundancy or issuing notices of termination. We will ask for and listen to the staff and union's views before making any decisions. The minimum time periods needed for consultation are set by law if more than 20 employees are to be made redundant. (30 days for 20 or more employees and 45 days for 100 or more employees.)
- 2.2 However, we will observe the 30-day consultation period if fewer than 20 employees are made redundant. In other words, consultation will begin at least 30 days before the first dismissal takes effect. For the purposes of consultation, we will give the union written notice of:
- the reasons why any posts have become redundant.
 - the numbers, descriptions, and locations of the affected posts.
 - the total number of employees affected.
 - the proposed method of choosing the employees who may be dismissed.
 - the proposed method of carrying out the dismissals, including the period over which they are to take effect; and
 - the proposed method of calculating severance pay (if different to the contractual arrangement).
- 2.3 MHA will send this information to the TU regional officer and the Director of EVH. We will provide any other information which would be of use to the TU in the consultation process (e.g. staff levels and structure), when they ask for it and in line with good industrial relations practice.
- 2.4 MHA will also consult individual employees who are expected to be affected by redundancies. They will also be allowed to make their comments.
- 2.5 The individual periods of notice for employees will only start once the consultation period has finished. However, we may make a payment in lieu of notice.

3. SELECTION FOR REDUNDANCY

- 3.1 The first method of selection will be to ask for volunteers for redundancy. If the volunteers come from an area where we have surplus capacity, we will consider this. The second method will be to use fair and factual criteria we set, in consultation with the union. The main consideration here will be to keep a balanced workforce.
- 3.3 If the above cannot provide the number of candidates we need for redundancy, we will use conditions related to performance, attendance, conduct, and the last-in-first-out method. (Continuous service will include that with any other fully affiliated member organisation of EVH.)
- 3.4 If you want to appeal against redundancy, your rights will be explained at the formal meeting when redundancy notice is given, and again in the letter confirming the decision. (The annex below outlines the general procedure.)

4. ALTERNATIVE WORK AND TRIAL PERIODS

- 4.1 We may offer you a suitable alternative employment (if available) to avoid the need for redundancy. We will do this before the end of your original contract, and it will apply within four weeks of the end of that contract. We will give you enough information to allow you to decide whether to accept the offer and illustrate the differences between the new position and your original one.
- 4.2 If we offer you employment which involves a different type of work or different terms of employment, you will be entitled to a four-week trial period. If this involves training, we can extend this period by written agreement. The agreement will give the date on which the trial period will end and the terms and conditions that will apply after this. If during the trial period either we or you give notice to end the contract, we will treat you as having been made redundant. Notice should be given to end the trial period as follows.
- (1) You must give four weeks' notice or the rest of the trial period (whichever is shorter).
 - (2) We must give four weeks' notice or the period of any outstanding contractual notice (whichever is longer).
- 4.3 If you refuse an offer of alternative employment, or resign during the trial period, you will lose your right to a redundancy payment unless MHA consider your refusal or resignation as reasonable e.g., involving significant changes in travelling time, skills needed, or status.
- 4.4 If you accept redeployment at a lower grade, MHA will protect your current salary for a period of 3 years.

5. HELP FOR EMPLOYEES

- 5.1 If you are under a notice of redundancy, we will give you the following help to get training or future employment:
- Reasonable paid time off during working hours to go to interviews or to make arrangements for future training or employment.
 - Access to IT resources to help you prepare a CV, application forms and so on.
 - If you ask, MHA will give you information on the EVH temporary register and details of how to register for the EVH weekly jobs bulletin.

6. REDUNDANCY PAYMENTS

- 6.1 All redundant staff with at least 2 complete years' service will receive redundancy pay. Payments are based on your length of service (in complete years up to 20 years), and age at the date your employment ends. The following table shows the calculation.

Age	Number of weeks' pay per complete year of service. (up to 20)
Up to 21	1 week
22 – 40	1.5 weeks
41 and over	2 weeks

A week's pay for this calculation refers to basic contractual pay.

- 6.2 We will give redundancy pay as well as any payments which may be made to end your contract in-lieu-of-notice. You are entitled to a notice period (please see below). If we agree that you do not have to work this notice, we may make a payment-in-lieu of notice for all or part of the period.
- 6.3 If you leave voluntarily during your contractual notice period, you will not lose your entitlement to redundancy pay if you leave with our permission. We will allow you to take up alternative employment or training during that time.

7. PERIODS OF NOTICE

- 7.1 The following are the minimum periods of notice to end your contract of employment.

- 1 You - 4 weeks' notice.
- 1 MHA – 4 weeks' notice if you have continuous service for under 4 weeks.

MHA – If you have continuous service for 4 years and over for the first 4 years of service + 1 weeks for each additional complete year up to a maximum of 12 weeks.
(e.g. if you have 8 years' service at MHA, you will be entitled to 8 weeks' notice)

Other conditions:

1. We may give you a payment in lieu of notice.
2. If we dismiss you for gross misconduct, we will end your employment immediately without payment in lieu of notice.
3. If we make you redundant, the redundancy terms will apply.
4. If you want to retire, MHA encourage you to provide longer notice by writing to the CEO at least three months before your intended retirement date.
5. If you fail to give or serve the set period of notice, we may take an amount off any amounts due to you (including accrued holiday entitlement) to cover the period you have not served.
6. If the total annual leave you have already taken is more than you are entitled to when you leave, we will take off an amount from any final payment to you.
7. MHA may, at our discretion, require you not to attend work and/or not to undertake all

or any of your duties during any period of notice (whether notice is given by you or by us). We shall continue to pay your salary [and benefits] while you remain our employee.

8. REVIEW OF POLICY

8.1 The Redundancy Policy will be reviewed by the Governance Sub-Committee every two years or sooner if circumstances require it.

ANNEX TO THE REDUNDANCY AGREEMENT.

Appeals

If you do not believe you should have been selected for redundancy, you can appeal.

Appeals will be heard by a sub-committee of MHA's Management Committee, which will not take part in the selection of those to be made redundant.

Procedures for hearing appeals

1. MHA will tell you about your right to appeal at the formal meeting when your redundancy notice is given and, in the letter, confirming the decision.
2. You must send your appeal in writing to the secretary of the management committee within two working days of your letter of redundancy.
3. The letter of appeal must clearly state why you want to appeal against your selection for redundancy.
4. Appeal hearings will be heard without delay, and no later than five working days after receiving your appeal. We will give you two working days' notice of the time and place, and reasonable time off to meet with your trade-union representative.
5. At the appeal hearing, you have the right to be accompanied by either a union representative, or a workplace colleague or ex-colleague.
6. The Appeal Panel will consider the issue in private and decide as soon as possible, and no later than two working days after the hearing. If your appeal is unsuccessful, we will give you and your representative documented reasons for your selection to prove that we followed the agreed criteria.
7. You can make a final appeal to the JNC Appeal Chair in writing within three working days of receiving the result of the internal appeal. The JNC Chair will decide as soon as possible, and no later than two working days after the hearing. This decision will be final.

JNC appeals.

The JNC Appeal Chair is the final stage of the redundancy procedure available. The Chair's decision is followed by a written report. The Secretary to the JNC Appeal will send you a copy of the guidance notes if you make a valid request for an appeal.