

Early Retirement and Redundancy

Leaving British Council Employment

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Early Retirement and Redundancy: Introduction

Overview

This section gives an overview of the circumstances in which the British Council UK-appointed staff on indefinite contracts may be retired compulsorily, may be invited to retire, or may have the right to retire early.

This is a complex area of personnel management which line managers must not embark on without further advice from Human Resources Pay and Employment Relations (HR PER). See also the Civil Service Pensions website for the relevant leaflets on early retirement and redundancy, or contact PPPA.

This section covers:

- voluntary early retirement or retirement by mutual agreement
- compulsory early retirement and compulsory redundancy
- re-employment / re-engagement.

Audience

This section applies to all UK-appointed staff only. Country-appointed staff and English and Exams/ OAS staff should refer to country/territory TACOS and/or contracts.

Responsibilities

These guidelines and procedures are to be read and followed by all line managers and HR managers.

Policy

It is British Council policy to provide security of employment for staff, as far as is consistent with the effective and efficient management of its work. The British Council always uses its best endeavours, including planning staff requirements, to avoid redundancies. British Council's policy is to invite or allow early retirement under a variety of schemes, depending on circumstances. However, redundancies may sometimes be inevitable.

Guidance

The early retirement schemes offered by the Principal Civil Service Pension Scheme (PCSPS)

There are a number of early retirement schemes offered by the PCSPS:

- compulsory early retirement or severance
- flexible early retirement or severance
- approved early retirement
- early retirement with actuarially reduced benefits
- ill-health retirement.

Early retirement applies to members aged 50 and over, and early severance applies to members under age 50. The benefits are different in either case, and also differ according to whether a member is in the Classic, Classic Plus or Premium scheme. Ill health retirement is payable at any age, subject to qualifying criteria.

Compulsory early retirement or severance, and redundancy

This covers those who:

- are made redundant
- who apply for redundancy when the British Council asks for volunteers in a redundancy situation.

British Council Redundancy Procedures Agreement

Overview

This section describes the British Council redundancy procedures agreement. The agreement is based on employment best practice and relevant UK legislation

Audience

This agreement is a management and union agreement and therefore applies to all UK appointed staff on the UK pay system. It does not apply to UK or locally contracted teachers, or country appointed staff, contractors, consultants or agency staff.

Responsibilities

HR Services, with line managers are responsible for adhering to the policy and guidelines in this section.

TUS is also responsible for adherence to the policy.

Guidance

1. Definition of redundancy

The British Council follows the definition of redundancy given in the Employment Rights Act 1996. Under the Act redundancy arises in the following circumstances:

- where the employer has ceased, or intends to cease, to carry on the business for the purpose of which the employee was employed
- where the employer has ceased, or intends to cease, to carry on the business in the place where the employee was employed
- where the requirements of the business for employees to carry out work of a particular kind have ceased or diminished or are expected to cease or diminish
- where the requirements of the business for employees to carry out work of a particular kind, in the place where they were so employed, have ceased or diminished or are expected to cease or diminish.

This covers times when there is a surplus of staff and/or a restructure within the British Council which could result in redundancies.

2. Consultation

This agreement is not for one-off post suppressions or contract terminations. Where there is a proposal to make redundancies:

- Management will consult TUS as soon as practicable. Consultation to avoid redundancies should happen in good time to allow all possible redundancy measures to take effect. In all circumstances TUS will be consulted before any redundancy notice is issued. This applies whether redundancies will be voluntary or compulsory. Consultation will continue throughout the redundancy exercise and will cover all aspects of the situation and the procedure.
- In addition British Council will adhere to any existing Cabinet Office protocols agreed between Cabinet Office and Council of Civil Service Unions (CCSU).

3. Measures to avoid or minimise compulsory redundancy

Management will review the present and future work pattern of the British Council to ensure the organisation is able to maintain a workforce able to carry out the work required in any area of activity, and ascertain that a surplus of staff is unavoidable, before proposing redundancies.

When it is clear that there is likely to be a surplus of staff in any area of work, the following measures will first be considered:

- Alerting staff to alternative internal posts where vacancies exist and providing training where appropriate.
- Reducing the number of fixed-term contact staff.
- Seeking to negotiate voluntary transfer to other non-departmental public bodies or into the Civil Service.
- Seeking to negotiate secondments and employment opportunities to other organisations.
- Restricting recruitment, substantive promotion, and the use of short-term agency staff, consultants, contractors and agency workers.
- Reducing or stopping overtime.
- Offering voluntary redundancy. Once the measures above have been taken, management will invite staff to volunteer for redundancy. This may be a general invitation to all staff, or, may be restricted by factors such as area of work, specialism, grade, location, and length of service. Management reserve the right to select from the volunteers those who should be released and those who should be retained because of their particular skills and abilities and/or the British Council's investment in them (for example, through training or recent relocation). There is no automatic right to voluntary redundancy for anyone.

This list is not exhaustive and any other practicable measures will be considered.

4. Pools for selection for compulsory redundancy

If, after considering the measures in 3 above, it becomes clear that compulsory redundancy is necessary, management will decide the pools for selection after consultation with TUS.

The pools for selection will also depend on circumstances and operational considerations, which may include one or more of the following:

- the location of the work affected
- the functional area of work
- the pay band in surplus and/or pay bands higher
- specialism/discipline
- other relevant factors.

Redundancies may not be restricted to the whole of one pay band, and could be a smaller unit within a pay band(s), based on the criteria above.

5. Selection criteria for compulsory redundancy

In any compulsory redundancy situation, management will decide, after consultation with TUS, the appropriate pools for selection, the selection criteria and their application. Selection criteria will generally be based on the following:

- Knowledge, skills or qualifications - selection may take into account whether any specialist knowledge, skills or qualifications have been acquired at British Council expense. TUS will be consulted about the specific knowledge, skills and qualifications to be used.
- Standard of work performance as detailed in annual performance evaluations.
- Absences - records of absence must be accurate before any consideration of absences can be used.

- Disciplinary records - although no spent disciplinary records will be admissible.
- Length of service - length of service covers the period of continuous employment in the British Council immediately prior to the redundancy. Where service has been broken by unpaid leave for domestic reasons, British Council will take the length of service before and after the career break/unpaid leave and add them together to determine the total length of service in years.

This list is not exhaustive.

For each pool of selection, the application and weighting of selection criteria used will be considered individually to ensure that staff remaining in the British Council meet present and future work needs.

6. Redundancy panel

Whatever criteria are applied to the selection pools, they will be objective and applied fairly and consistently and in accordance with British Council's Equal Opportunities and Diversity policy. To ensure this, management will convene a redundancy panel to review the selection criteria and apply them to the redundancy pool.

7. Individual Consultation

All individuals identified as being compulsory redundant will be consulted. Each individual will be invited, in writing, to at least one meeting at which they have the right to be accompanied by either a colleague, or a TUS representative.

8. Appeals

When staff apply for redundancy under a voluntary scheme but are not selected, they may appeal the decision if they do not agree it under the British Council's grievance procedure (refer to Grievances and Appeals).

Staff who feel they have been unfairly selected for compulsory redundancy have the right to appeal that decision in writing within 10 working days of the decision being notified to them (refer to Grievances and Appeals).

9. Period of Notice

The minimum period of notice to be given to staff on compulsory redundancy is 6 months.

10. Further assistance to staff being made compulsorily redundant

Management working through HR Services with line managers will:

- a) Assist and alert potentially redundant staff to advertised vacancies. Consider re-training where staff would be suitable for a post with only a limited amount of re-training.
- b) Consider downgrading/re-grading. Management may offer staff downgrading/re-grading as an alternative to compulsory redundancy. When staff accept, they retain their existing pay on a mark-time basis, and have the right to a minimum trial period of four weeks. This gives them the chance to decide whether the alternative post is suitable without losing their right to be treated as redundant. Management can also use the trial period to assess the suitability of staff. If management terminate employment during or at the end of the four week trial period, for a reason connected with the new job, the employee preserves the right to a redundancy payment.
- c) Offer outplacement services. Management will arrange career counselling and practical facilities for redundant staff to help them find alternative employment.
- d) Give time off during notice period. Staff who are on notice, having been selected for redundancy, will be allowed reasonable time off on full pay to look for alternative employment.

11. Terms

Redundancy benefits are paid under the rules of the Civil Service Compensation Scheme, known as CSCS.

British Council staff with service that is not reckonable under the CSCS will be subject to a separate agreement with TUS.

12. Agreement

This agreement supersedes all other redundancy agreements between Management and TUS.