



& Council of Civil Service Unions

Efficiency & Relocation Support Programme

**Protocol for handling surplus
staff situations**

April 2008

**Making
government
work better**

Introduction

The Cabinet Office and the Council of Civil Service Unions (CCSU) recognise that the Government is committed to continuous improvement in delivery of public services to citizens and to providing value for money to taxpayers. This may affect how public services are delivered, and the work, jobs and employment conditions of civil servants.

Cabinet Office and the CCSU are committed to work together to ensure that, as the Civil Service transforms and adapts to change, the interests and concerns of employees are managed well. This process reflects the Civil Service's commitment to be a good employer.

These protocols provide a corporate approach across the Civil Service and relevant NDPBs that will help to ensure that best endeavours are used to avoid recourse to compulsory redundancies for those who want to continue their Civil Service careers. They have been agreed by the Cabinet Office and the General Secretaries of the CCSU and endorsed by Permanent Secretaries, the Cabinet Secretary and Cabinet Office Ministers.

The protocols replace those issued on 3 December 2004. They come into effect on 1 April 2008. The process applies to all pre compulsory redundancy notice situations.

In situations where jobs may be transferred out of the Civil Service, for example as a result of outsourcing and privatisation exercises, there is separate guidance that Departments should follow:

“Good Practice for Managing the People Consequences of Outsourcing and Privatisation”

http://www.civilservice.gov.uk/iam/cs_policy/employment/code_practice.asp

and

“Cabinet Office Statement of Practice on Staff Transfers in the Public Sector”

http://www.civilservice.gov.uk/iam/cs_policy/employment/code_practice.asp

STRENGTHENED PROTOCOLS

1.	Handling surplus staff
Aim	To strengthen the Efficiency and Relocation Support Programme by continuing to provide a Civil Service and relevant NDPB wide approach to handling surplus staff situations.
Benefits	<p>A corporate approach that ensures that:</p> <ul style="list-style-type: none"> • Best endeavours are used to avoid the need for recourse to compulsory redundancies for those people who want to continue their Civil Service careers. • Opportunities for redeployment both within and across departmental boundaries are maximised.
Role of Departments with surplus people	<ul style="list-style-type: none"> • Inform the Cabinet Office of an overview of surpluses (numbers, grades, location, and timing) as soon as they are forecast, confirmed and as plans develop. • Arrange as appropriate a meeting with Cabinet Office to discuss their approach. • Inform affected people of plans as early as possible and at all stages and fully manage their expectations. Ensure proposals are subject to Equality Impact Assessments and that monitoring is ongoing. Race equality duty documents can be found at: http://www.equalityhumanrights.com/en/forbusinessesandorganisation/publicauthorities/raceequalityduty/Pages/Raceequalitydutydocuments.aspx • Engage with appropriate trade unions or if there is no TU representation with the appropriate staff representatives. • Inform other departments and central Cabinet Office/ Regional Coordinators via HR National and Regional Efficiency forums of surpluses (numbers, grades, location, and timing) as soon as they are confirmed and as plans develop. • Positions filled by agency workers, consultants, temporary staff and similar appointments should be reviewed to establish if these would be suitable for permanent members of staff whose jobs are at risk. • Prior to formal Meaningful Consultation, consult with appropriate Trade Unions to implement redundancy avoidance measures, including redeployment within department, redeployment across departmental boundaries, natural turnover, voluntary exit schemes etc. • Work closely with the nominated Regional Coordinator, arrange for all affected staff to have access to the CS Vacs system, provide

dedicated support in their job search activities.

- Set up close links with other departments using the various networks and ensure that all efforts are taken to overcome barriers to movement across departmental boundaries to facilitate sensible transfer opportunities.
- Publicise departmental commitment to support surplus staff into other vacancies both within department and across departmental boundaries.
- Arrange for all affected staff to receive support. This will vary with Departments' circumstances, but could include:
 - Information about the range of options available including those in other government departments;
 - Support to staff in seeking other local jobs if this is what they want, encouraging and assisting them to prepare for any career move;
 - Help in CV writing and preparing for interviews, as appropriate;
 - Refresher skills training where necessary.
- Consider the use of voluntary exit schemes (as regulated by the CSMC paragraphs 11.5 -11.9 and the PCSPS). The selection criteria used for voluntary schemes to centre on the balance of skills and competencies required for future business delivery and appropriate costs.
- Departments should be prepared to post surplus people within their contractual entitlements and obligations. In making such postings departments should apply the following criteria:
 - Business need for moving individual;
 - Lack of viable alternatives;
 - Wording of department's staff handbook and letter of appointment;
 - Individual circumstances;
 - Legal advice.
- When the issue of compulsory notices seems likely and agreed redundancy avoidance measures have been exhausted departments should consider offering reasonable alternative employment in a location that may be outside normal contractual mobility (including other departments).

The following criteria should be applied to ascertain whether alternative job offers can be considered to be reasonable:

- New job requires a balance of existing skills and competencies or ones that could be developed;
- Similar grade, reward and terms and conditions;
- Retraining/re-skilling provided where necessary;

	<ul style="list-style-type: none"> ○ The use of a trial period where an offer is accepted; ○ Individual circumstances; ○ Legal advice taken into account. <p>Offers will only be deemed reasonable where they can guarantee continuity of employment.</p> <p>Refusal by a member of staff, at risk of receiving notice of compulsory redundancy, of what is seen by management, Cabinet Office and the trade unions as a reasonable offer may lead to conclusions which could include that the individual has acquiesced to the acceptance of compulsory redundancy.</p> <ul style="list-style-type: none"> • It is particularly important that departments, in consultation with TU colleagues, have early face to face conversations with affected staff to seek clarity on what they want to do. • A formal Meaningful Consultation period (90 days) should be set up during the above process when robust efforts should be continued to avoid recourse to compulsory redundancies. This period may be varied by agreement. • Departments must notify the Cabinet Office, at the earliest opportunity, where compulsory redundancies appear to be unavoidable. A Period of Reflection meeting will then be arranged between senior members of the Department, the Cabinet Office, the National TU Side and the Departmental TU Side. This must be in the diary at least six weeks before any planned redundancy notices are issued. • Outcomes and further work to be undertaken must be agreed at the conclusion of the POR meeting. • If notices are to be issued the department must inform the Cabinet Office and relevant Trade Unions at least 2 weeks before. • Departments should also notify their Permanent Secretary and Minister of their intentions/seek approval to issue Compulsory Redundancy Notices. • Following the issue of any Compulsory Redundancy notices departments should continue to help those people find a Civil Service position – if they want to continue their CS careers.
<p>Role of Recruiting Departments</p>	<ul style="list-style-type: none"> • Share details of forthcoming recruitment exercises with HR Forums and Regional Coordinators at the earliest opportunity. • Register details of all vacancies that cannot be filled internally (numbers, grades, location, and timing) on CSVACS for a minimum of 10 working days to give exclusive access and priority to pre surplus/surplus people from OGDs. Any dispensations to the above must be agreed with Cabinet Office • Inform other departments and Regional Coordinators using HR regional and National Efficiency forums as appropriate of the details of

	<p>all vacancies (numbers, grades, location, and timing).</p> <ul style="list-style-type: none"> • If significant numbers of vacancies exist consider recruitment drives/road shows targeted at departments – Regional Coordinators/Cabinet Office can help with this. • Ensure that appropriate management information is entered on CS Vacs and continue to seek simple solutions.
<p>Role of Trade Unions.</p>	<ul style="list-style-type: none"> • The recognised Departmental trade unions will be involved on behalf of the people identified as being at risk of redundancy in departments and NDPBs. Depending upon the circumstances this may well be one or more unions or indeed all of the recognised unions. • Departmental trade unions will be fully involved in consultation prior to formal Meaningful Consultation and in the Meaningful Consultation process itself. • The period of reflection process involving the Cabinet Office will be conducted with the trade unions acting through CCSU. • The unions will as appropriate provide pro-active advice and guidance to their members subject to this protocol.
<p>Role of Regional Coordinators</p>	<ul style="list-style-type: none"> • Support Departments and Agencies within the region in the handling of their surplus staff through the provision of effective information and brokerage. • Work together to resolve career brokerage issues, seeking support from Cabinet Office where appropriate. • Inform the Cabinet Office of regional information on surpluses/vacancies including, where appropriate, wider public sector opportunities. • Share good practice. • Undertake lead responsibility for a named department. • Chair/facilitate regional E&R HR Practitioner forums to share workforce planning, offer advice and encourage networking between departments.

<p>Role of Cabinet Office</p>	<ul style="list-style-type: none"> • To establish and maintain commitment to the corporate protocols and ensure that good practice is shared. • Work with Departments and Regional Coordinators to ensure that all HR contacts have access to information on departmental surpluses and vacancies, nationally and within a regional context. • Monitor and review developing practice and report periodically to the Permanent Secretary Employee Relations Sub group (PSER). • Support Departments in their opening up of opportunities across the wider public sector (e.g. front line posts). • Work alongside the national TU Side /CCSU • Facilitate the Period of Reflection Meetings. • Develop appropriate policies that will help in avoiding compulsory redundancies. • Actively encourage departments to attend HR regional efficiency and relocation forums. • Effectively lead the team of Regional Coordinators. • Chair the monthly HRD National Efficiency & Relocation Meeting. • Keep the Minister responsible for the Civil Service and Head of Civil Service informed of all significant developments.
<p>The Period of Reflection</p>	<ul style="list-style-type: none"> • Issues to be covered during the Period of Reflection meeting(s) include: <ul style="list-style-type: none"> • Introduction by CO and scene setting • Context and efforts made by the department across the Civil service and NDPBs to avoid recourse to compulsory redundancies • TU response, including suggestions for further action as appropriate • Discussion (all parties) on relevant people issues to develop appropriate processes that will help in avoiding compulsory redundancies • Clarity on the way forward including an agreement to further actions and ongoing discussions to avoid compulsory redundancy • Summary by CO • An acceptable outcome, as seen by management, Cabinet Office and the trade unions, to the Period of Reflection process might be: <ul style="list-style-type: none"> • The redundancy issue has been resolved through one of the following: <ul style="list-style-type: none"> ○ People accepting voluntary terms within the rules of the Civil Service Compensation Scheme; ○ Being posted within their contractual obligations;

	<ul style="list-style-type: none"> ○ Being redeployed, within their department or to other departments; ○ Being offered what are agreed as reasonable offers. See also reference to reasonable offers under role of departments with surplus staff; ○ People acquiescing to being made compulsorily redundant <ul style="list-style-type: none"> • All steps have been taken under the protocols to avoid the issue of notices of compulsory redundancy. <p>NB: discussions at PORs should focus on the measures to avoid redundancy for those who want to continue their careers rather than wider departmental policy decisions.</p>
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2.	Advice on terms and conditions of service Clear and comprehensive advice to Departments on Civil Service terms and conditions of service.
Aim	Departments are effectively supported in their management of relocation, mobility and redundancies and their onward advice to staff.
Benefits	A broadly common approach across the Civil Service in handling conditions of service issues. This will enable Departments to make informed policy decisions and support them in their engagement with trade unions. Departments and appropriate NDPBs should work closely together to overcome any redeployment barriers.
Role of Departments	<ul style="list-style-type: none"> • Implement, reasonably and consistently, departmental terms and conditions. • Provide advice to staff.
Role of Cabinet Office	<ul style="list-style-type: none"> • Provide policy advice to Departments and work with them in sharing best practice. • Consult with Treasury Solicitor's Department on legal issues that have a corporate dimension. • Propose and achieve a consensus on appropriate conditions of service protocols. • Engage the Council of Civil Service Unions (CCSU) in the development and promotion of protocols and central advice. • Work together to resolve all local efficiency & relocation employer issues, through the monthly HR Director meetings on those issues which have national significance.

3.	Career transition (advice and training) Career advice and support to be offered, as appropriate, by Departments to staff to help them prepare for future career moves.
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Aims	Provide specific career support for Civil Servants affected by the changes. Offer appropriate training to staff to help to prepare them for their future career.
Benefits	Professional advice and assistance in helping the transition of staff being redeployed or released. Focus on potential employment opportunities. Reduced impact on staff of changes and improved skills.
Role of Departments	<ul style="list-style-type: none"> • Enable all surplus staff to have an understanding of the range of options available to them and the role each individual is expected to play in the process. • Where appropriate, encourage and assist staff in preparing for any career move. • Offer refresher skills training where necessary. • Engage Trade Unions.
Role of Cabinet Office	<ul style="list-style-type: none"> • Share best practice on outplacement and refresher skills training.
Role of Regional Coordinators	<ul style="list-style-type: none"> • Work with Departments and Agencies within the region to identify training and re-skilling requirements to ensure economies of scale.

4.	<p>Oversight of the ERSP Protocols:</p> <p>To be undertaken by key stakeholders including PSER, Cabinet Office, CCSU and members of the Overarching Meeting</p>
Role of Key Stakeholders	<ul style="list-style-type: none"> • A joint overview of the workings of the protocols will be undertaken by the Cabinet Office/CCSU Overarching Meetings reporting back to the Permanent Secretary Employee Relations Sub-Group and to the Council of Civil Service Unions. • If notices of redundancy are issued the national unions will raise any issues of concern about non adherence to this protocol with appropriate senior officials and Ministers. • The objective in all discussions within the context of this agreed protocol will be to avoid the issuing of notice of compulsory redundancy to staff who have clearly demonstrated that they wish to continue their career in the Civil Service or NDPBs. • The Cabinet Office will provide assurance, as appropriate, to the Minister for the Civil Service and the Head of the Civil Service.