



POLICY NAME:	Redundancy Procedure
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DATE OF LAST REVIEW:	1 July 2007
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AMENDMENTS TO THIS REVIEW:	In May 2008, “Director of Corporate Services” replaced the wording “Director of Administration” and “Scottish Government” replaced the wording “Scottish Government.”
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DATE OF NEXT REVIEW:	1 July 2010
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IMPACT ASSESSMENT:	
- FINANCIAL	None
- HUMAN RESOURCE	None
- RISK	None
- EQUAL OPPORTUNITIES	None

FEEDBACK:



REDUNDANCY PROCEDURE

The Scottish Criminal Cases Review Commission (the Commission) has a redundancy procedure, which aims to ensure that employees are aware of the benefits and entitlements available to employees selected for redundancy, and to ensure that the Commission complies with the law. This Procedure applies to all employees full-time or part-time.

Definition of Terms

- **Redundancy**

Redundancy arises where:

- The Commission ceases to carry on the business in which the employee was engaged or closes the place in which the employee was working.
- The Commission ceases to require people with the particular skills of the employee or needs fewer of them to carry out the work.

- **Affected Employees**

“Affected employees” include not only those who may be dismissed, but also any employee affected by the proposed dismissals or who may be affected by measures taken in connection with those dismissals.

- **Appropriate Representatives**

The appropriate representatives of any affected employees may be:

- A trade union representative where they are recognised, independent trade unions.
- A representative elected by the workforce, or that section of it, which is affected by the redundancies. Such representatives must be employees at the time of their election.

Procedure

Where the Commission is contemplating redundancies, it will advise the staff accordingly, and, where required, commence an appropriate consultation process. The length of the consultation process will be decided by the Commission, depending upon the number of redundancies contemplated, but will be reasonable in all the circumstances. At the start of the consultation process, the Commission will advise the staff of:

- The reasons of the Commission’s proposals.
- The number and descriptions of employees whom it is proposed to dismiss as redundant.
- The proposed method of selecting the employees who may be dismissed.

- The 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 otherwise than in compliance with the statutory obligation.

Consultation in Process

Where the Commission is proposing to make employees redundant a consultation process will be initiated, and a reasonable amount of time will be allowed for such consultation before any final decisions are made. If the Commission is contemplating dismissing as redundant at least 20 employees within a period of 90 days or less, consultation about the dismissals will take place for a minimum period of 30 days between the Commission and any appropriate representative of the affected employees.

Redundancy Selection Criteria

The Commission reserves the right to determine the appropriate selection criteria for redundancy, where appropriate, in consultation with the appropriate representative. In deciding upon the selection criteria consideration will be given to a number of factors, to include length of service, relevant skills, conduct, absenteeism and timekeeping as well as any other relevant considerations. The Commission will apply any criteria considered objectively and responsibly. At all times the Commission, when assessing employees for potential redundancy, will consider the possibilities of suitable alternative employment within the Commission.

Voluntary Redundancy

During the consultation period the Commission will invite employees to volunteer for redundancy, and an employee can indicate their wish to be considered for voluntary redundancy. This will be considered by the Commission and granted, if appropriate in all the circumstances.

Notice and Time-Off

Once the consultation period has ended, a final decision will be taken and the staff advised. Any employee who is selected for redundancy will receive a minimum period of 30 days notice as well as any redundancy payments laid down by statute. The employee will also be given every assistance to find new employment, including reasonable paid time-off work to look for another job or to arrange for training.

Redundancy Payments

This section may change subject to SEJD guidance and consultation with the Trade Union.

Redundancy payments will be calculated in accordance with the statutory limits laid down by legislation in force at the time of the redundancy arising. In order to qualify for a redundancy payment, an employee must have two years' service since attaining the age of 18. Presently, for service between the ages of 18 and 22, this is half a week's pay for each year of service. For service between the ages of 22 and 41, it is one week's pay for each year of service and for service over the age of 41 it is one and a half week's pay for each year of service. Any service up to the age of 18, or after the age of 65 does not count towards redundancy calculations. The maximum

service which can be taken into account is 20 years, and the greatest amount of redundancy pay which is payable is 30 weeks. The present maximum entitlement that will be given under the basic award is therefore £7,800 and 'a week's pay' is currently capped at £260.

Notification to the DTI

The Commission will send written notification to the Department of Trade & Industry if they propose to make 20 or more employees redundant within the appropriate statutory period.

Grievances Related to Redundancy

Any employee who is dissatisfied with any decision made in respect of his rights should instigate the Commission's formal grievance procedure.

Contact Details

Scottish Criminal Cases Review Commission
5th Floor, Portland House
17 Renfield Street
Glasgow
G2 5AH
Tel: 0141 270 7030
Fax: 0141 270 7040
E-mail: info@sccrc.org.uk