

Harlow Council Organisational Change Procedure

Document Information

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1.0 The Council's Aim

- 1.1 This policy sets out how the council will deal with reorganisations and restructures which may affect employees organisational change can lead to changes to job roles, to redeployment and to redundancies. The council wishes to ensure that the effects of organisational change on staff are minimised and are handled as sensitively as possible.
- 1.2 This policy provides guidance to managers on their obligations when implementing change within the organisation. It also provides information to employees, and their representatives, who find themselves affected by such changes.
- 1.3 This policy applies whenever the council implements change which may affect:

Changes to the way the work is done

- 1.4 It may be necessary to introduce new ways of working. This may result in changes to shift patterns, reporting lines or the method by which the work is performed. Employees may, on occasion, be required to relocate or develop new skills. Whilst this may result in changes to terms and conditions, only rarely will this type of change result in the termination of an employee's employment by reason of redundancy.

Reductions in the number of employees

- 1.5 This may be necessary to implement cost savings, improve efficiencies or respond to new priorities. This can result in redundancies from existing roles and redeployment into new roles. In some situations, it will also result in termination of employment by reason of redundancy.
- 1.6 The change may impact a group of employees, or one individual employee and the policy should be applied regardless of the number of employees impacted.
- 1.7 Harlow council aims to reshape and re-size its organisation in line with the following approach:
- ensuring employees have the right skills, behaviours and understanding to operate in the new environment facing local government,
 - recognising and developing talent and potential,
 - promoting innovation and creativity - stimulating the development of new approaches to delivering services and new ways of working,
 - promoting collaboration and engagement with individuals, communities and partnership organisations aimed at creating new genuinely customer led services,
 - and creating the platform for significant, sustained and sometimes rapid change.

2. Our People Management Approach

- 2.1 Our success will depend on creating an organisation that is agile and flexible when facing change.

Where organisational changes place employees 'At Risk', the council will take all reasonable steps to support employees facing change, redundancy, or redeployment. To be successful, we need to make sure we retain the right people with the right skills - people who are committed to and will embrace new ways of working. The Council will, therefore, base its approach to reshaping the organisation on the following principles:

- It will make explicit the skills and behaviours needed by employees in the future and the performance expectations.
- Where the reorganisation of services requires changes in employee numbers or job roles, the process deciding who will remain in employment will be based on assessing employee's ability to meet the stated expectations. Where selection processes are required, they will be properly designed and objectively undertaken.
- People's past performance and conduct will be taken into account as part of any assessment process or retention decision.
- Re-training and redeployment will be used where practicable to reduce the need for redundancy.
- Voluntary redundancy opportunities may be available. Where such opportunities exist, each request will be examined on its merits with the interests of the council and service delivery being paramount to the decision.
- Support will be available to those placed 'At Risk' in accordance with the processes outlined in this document.

- 2.2 No employee made redundant by the council will be re-employed or re engaged via a third party within 2 years of leaving without the express agreement of the Managing Director.

3. Managing Organisational Change

- 3.1 The following is a summary of the key stages of the managing organisational change process. Detailed procedures are described later in the document. We will:
- A. Give clear reasons for the need to make the proposed changes
 - B. Hold consultation/briefing meetings with employees and managers about the overall process describing anticipated changes and new priorities as fully as possible.
 - C. Ensure job descriptions and employee profiles are published as early as possible to ensure that meaningful consultation can take place. New posts and amendments to job specifications will go through the job evaluation process.
 - D. Publish the criteria for selecting employees for future roles.
 - E. Provide details of any recruitment/assessment processes to be used, briefing participants in detail so that processes and outcomes are clear.
 - F. Provide clear reasons/feedback to employees about any decisions made whether the person is retained, redeployed, retrained, or put 'At Risk'
 - G. Provide support and advice to those 'At Risk'.
 - H. Explore alternatives to redundancy where possible including redeployment and alternative working patterns.
 - I. Consider all reasonable suggestions about alternative structures and approaches providing that they meet the council's overall goals and targets.
 - J. Publish, if and when appropriate, selection criteria for redundancy.

4. The Processes for Managing Change

- 4.1 The procedure/processes outlined in this document will apply to all those employees within the council and be used to manage the changes for those employees affected by decisions regarding revised structures within the authority.
- 4.2 Agency workers, consultants, and those employed by a third party to perform particular functions for or on behalf of the council are not covered by these procedures.
- 4.3 This procedure does not apply to employees engaged on a fixed term or temporary contract unless it is proposed to end the contract early by way of redundancy.
- 4.4 A restructure business case must be produced and signed off by HR, Finance and reported to EMT. The following must be included:

- The potential financial cost
- People implications
- What alternative options have been explored where appropriate?
- An equality impact assessment
- The rationale for the proposed changes.
- The proposed timetable (see section 5)

- 4.5 The council will consider introducing a vacancy management process to maximise opportunities within the council for redeployees and to make financial savings by limiting the use of agency workers.
- 4.6 Where appropriate, agency staff will be released in order that the number of suitable alternative jobs for redeployees can be maximised. Decisions will be taken on a case-by-case basis with the emphasis on meeting service needs – current and future.

5. Timetable for EMT Consideration of Proposals and Implementation

- 5.1 A timetable template setting out the key stages to be followed in all reorganisations/restructurings and required for EMT approval is set out below:

(Enter date) Start of consultation period i.e. individual/team meeting including issuing 'At Risk' letters to affected employees.

Consultation meeting:

Formal letter to trade unions and BIES (Department for Business Energy and Industrial Strategy) notification.

- a) A team/group consultation meeting where a trade union representative may be invited.
- b) OR an individual consultation meeting where one person is affected. The individual may want to be accompanied by a trade union representative or workplace colleague.

(Enter date) End of consultation period in line with minimum statutory consultation periods (i.e. 30 days for 20 to 99 employees at risk within the council OR 45 days over 99 employees at risk within the council). Note: These periods may be shortened by mutual agreement.

Where it is proposed that fewer than 20 employees will be at risk the consultation period may be shorter than 30 days and, depending upon the circumstances could be 14 days provided that it gives employees sufficient time to respond to proposals.

(Enter date) Formal consideration of management proposals and any employee/union comments and suggestions.

(Enter date) Announcement of final decisions on the structures, processes, and procedures for managing change.

- a) A team/group consultation meeting where a trade union representative may be invited.

- b) OR an individual consultation meeting where one person is affected. The individual may want to be accompanied by a trade union representative or workplace colleague.

(Enter date) Formal meeting:

Line managers meet with all affected employees.

Affected employees are given formal notice of redundancy, except those employees who are to be assimilated. At this individual meeting, employees have the right to be accompanied by a trade union representative or workplace colleague.

(Enter date) Selection process for ring-fence posts undertaken.

Management of redeployment processes e.g. assimilation, ring-fencing, redeployment, or suitable alternative employment.

Staged release of agency staff to allow redeployment opportunities (if applicable).

- (Enter date) Following the above, the employment will be terminated for those employees who are made compulsory redundant.

- (Enter date) Employees take up new posts.

Communications

- 5.2 As in all reorganisations, good communication is paramount.

Specific communication plans should be developed for all reorganisations/restructurings and published as part of the overall proposals.

All questions and queries asked by employees should be put to the relevant line manager who will provide immediate responses where possible or seek further information and respond as quickly as possible.

The timetable for service reviews and restructuring will be made available to managers and employees as part of the initial briefing for employees.

Absent Employees

- 5.3 All employees affected by the proposals will receive a letter, normally at their home address, inviting them to contact their line manager to arrange a 'first individual consultation meeting'. This includes employees on long-term sickness absence, maternity leave, and career breaks.

It may be appropriate for the line manager to contact the employee prior to formally sending these letters so that they are aware of any potential changes.

- 5.4 Employees on maternity leave, shared parental leave, neonatal care leave and adoption leave who are at risk of redundancy have the right to be offered a suitable alternative vacancy, if one is available, before being made redundant. They have priority access to redeployment opportunities over other employees who are also at risk. The length of protection under law is as follows:

Pregnant Employee

Employee who has a miscarriage (within the first 23 weeks and 6 days of the pregnancy)

Ends: 2 weeks after the end of the pregnancy

Note: Pregnancies ending after 24 weeks are classed as stillbirths and the employee would be entitled to statutory maternity leave and 18 months protection from the child's date of birth (or Expected Week of Confinement) as above.

Employees taking adoption leave

Ends: 18 months from the child's adoption placement (UK adoptions); date of the child's entry into Great Britain (overseas adoptions) (inclusive of any time spent in this period on adoption leave or other statutory leave).

Employees taking shared parental leave

Note: If the employee has also taken maternity or adoption leave, the above periods apply instead.

Ends: If less than 6 weeks of shared parental leave is taken, the protection ends at the end of the shared parental leave. If more than 6 continuous weeks of shared parental leave is taken, 18 months from the child's date of birth (inclusive of any time spent on statutory leave).

In all cases the period of protection commences from the date that the employee notifies the council that they are pregnant/intend to take adoption or shared parental leave.

Employees Taking Neonatal Care Leave

Note: If the employee has also taken maternity or adoption leave, the above periods apply instead.

Ends: If less than 6 weeks of Neonatal Leave is taken, the protection ends at the end of the Leave. If more than 6 continuous weeks of Neonatal Leave is taken, 68 days from the child's date of birth (inclusive of any time spent on statutory leave).

The protection gives employees priority for redeployment opportunities, where available. It is not a ban on making employees redundant during the protection period.

6. Voluntary Redundancy

- 6.1 The council may consider voluntary redundancy in some instances where this option achieves the best outcome for the council and its customers/service users. Any opportunity to apply for expressing an interest for voluntary redundancy will be published - this may be on a council-wide, department-wide, or other basis.

The council may invite relevant employees to apply for voluntary redundancy in writing by completing an application form.

Any communications about voluntary redundancy will be clear that:

- The council wishes to retain those employees who will best meet the needs of the organisation in terms of delivering effective and efficient services to the public.

- The council reserves the right to decline any applicant for voluntary redundancy and there is no right of appeal. Where a request is refused, the reasons for doing so will be given in writing by the line manager.
- Any application for voluntary redundancy must be approved by EMT.

7. Notification to Employees - Consultation meeting

- 7.1 Once decisions have been taken by the manager on the proposals and the new organisational structures are known, affected employees will be invited to a consultation meeting with their manager:
- a) A team/group consultation meeting where a trade union representative may be invited.
- OR
- b) An individual consultation meeting where one person is affected. The individual may want to be accompanied by a trade union representative or workplace colleague.
- 7.2 The purpose of this meeting will be to explain to the employee how the changes will affect them i.e. whether they are to be:
- a) Issued a variation to contract (usually agreed with employee)
 - b) Assimilated into a role.
 - c) Assessed for a new role through a ring-fence process.
- OR
- d) Whether they will receive an 'At Risk' letter of redundancy.
- 7.3 If an employee falls in category c) or d) above, the manager should also:
- 1) Explore any issues or matters of concern relating to the restructure.
 - 2) Advise any employee placed in a ring fence of the requirements of the new post as outlined in the job description and the employee profile and outline the selection process that will be used to select the post.
 - 3) Explore any further options for the employee.
 - 4) Employees may request a redundancy estimate from HR.

Affected employees in category c) or d) above will receive a formal 'at risk' letter which will be sent from HR confirming their position and the outcome of the meeting.

8. Consultation Period

- 8.1 Trade unions and employees are encouraged to meet and discuss the proposals as and when required during this consultation period.
- 8.2 Exchange of information regarding the proposals maybe written or face to face.
- 8.3 In some cases, it may be appropriate to respond to proposals during the consultation period to enable employees and trade unions to submit further proposals.
- 8.4 Managers must make records of any proposals submitted.
- 8.5 It is a legal requirement to notify the Insolvency Service's Redundancy Payments Service (RPS) in writing of a proposal that may result in 20 or more employees being made redundant. Advice is available from HR on the notification process.

9. End of Consultation Period

- 9.1 The end of the consultation period is for formal consideration of management proposals, and any employee/ union comments and suggestions.
- 9.2 These meetings will be chaired by the assistant director or nominated manager along with HR representative and other appropriate managers.
- 9.3 The assistant director or nominated manager will announce and outline final decisions on the structures, processes, and procedures for managing change.
- 9.4 Assistant directors/managers must make notes and a record of any meetings that take place.

10. Notification to Employees - Formal meeting

- 10.1 Employees who continue to be 'At Risk', e.g. after ring-fenced competition will be invited to a second individual consultation meeting with their manager and assistant director as appropriate. Employees will be entitled to be accompanied by a workplace colleague or trade union representative (but not a person acting in a legal capacity).

As a result, there will be an individual meeting. The meeting will:

- Confirm that the employee is under notice of redundancy and a letter will be sent via HR to the employee confirming employment details and redundancy payments (if appropriate).
- Discuss the next steps.

- Outline the council's approach to suitable alternative employment/redeployment.
- Consider any alternative options that may be available to avoid the employee being made redundant, for example job share.
- Describe any support available.

The assistant director/manager will make records of this meeting.

11. **Implementing the Restructuring**

The relevant assistant director and the assistant director of Governance, HR and Legal will decide on the selection process.

- 11.1 For the purposes of managing the changes required across the council, the following processes will apply.

All posts will be filled by one of the following methods prior to any external recruitment activity:

- **Assimilation** - matching employees with posts, where their current job descriptions meet the required criteria i.e. 80% (See Pt. 12)
- **Ring-fencing** - undertaking a selection process to appoint employees where despite employees performing a similar role to posts (i.e. 80%) on the new structure there are more post holders than jobs. (See Pt 13)
- **Redeployment** - ensuring that where employees are 'At Risk' or under notice of redundancy they get priority for vacant posts where they meet the essential criteria. This may include appropriate training and support. (See Pt 16)
- **Suitable Alternative Employment** - ensuring that 'at risk' employees and employees on notice of redundancy are given priority during the recruitment process for those posts that employees could meet the essential criteria with appropriate support and training. (See Pt 17)
- **Open internal competition within the Council** - advertising of posts which are ring fenced to Harlow Council employees who are 'At Risk' or on notice of redundancy.

- 11.2 The definitions above explain the principles of the approach only – see below.

- 11.3 In some instances, the right skills and experience may not exist in the Council and where this occurs the post will be filled by external advert.

- 11.4 Where assimilation, ring-fencing, redeployment, suitable alternative employment, or open internal competition is applied the inclusion of any employee will be based on their substantive post i.e. not including any honoraria, secondments, acting up or any other temporary arrangements currently in place for an employee irrespective of the length of those arrangements.

- 11.5 The process will be overseen by HR to ensure that legal and council policy requirements are met.

12. Assimilating Employees into Posts

- 12.1 Assimilation will be undertaken wherever possible providing that the employee can meet the job description and employee profile for the role. The process of assimilation will be as follows:

- The council will manage the process of assimilation promptly and openly in a way that is reasonable, fair, and justifiable.

- 12.2 The council will assimilate employees without interview if:

- 80% essential requirements of the existing job description and employee profiles is contained within new/revised job description and employee profile.

AND

- There are no other employees who have a comparable claim to the post by reason of assimilation.

Assimilation may occur where the grade differential between the old and new posts is not more than 1 grade up or down.

- 12.3 If the council considers that there are other employees with a comparable claim to the post, then a ring fence process will apply.

13. Ring-Fencing

- 13.1 The process of ring fencing will be as follows (please see section 5.4 regarding employees on maternity leave who are in a special position):

- The council will manage the process of ring-fencing and deal with it promptly and openly in a way that is reasonable, fair, and justifiable.
- The council will place employees in a selection pool, known as a ring-fence, where:
 - 80% essential requirements of the existing job description and employee profiles is contained within new/revised job description and employee profile.
 - There are other employees who have a comparable claim to the post by reason of assimilation.

- 13.2 Ring-fencing may occur where the grade differential between the old and new post is not more than one grade up or down.

- 13.3 Ring-fencing will not occur where the job description, employee profile, or performance expectation has altered such that the skills or attributes required are different to those needed previously for the role. Selection in a ring-fence will be based on either a minimum of an interview but may include an assessment centre or selection tests appropriate to the post and grade or on a redundancy selection matrix. The interview process will be used to determine which employee will be appointed on merit to the new post.

14. Interview Process

- 14.1 A short application form will normally be completed, and affected employees will be advised to consider the job description and employee profile for the post and the extent to which their own skills, knowledge and experience make them a suitable candidate.
- 14.2 A selection panel consisting of not less than two managers (or above) and a representative of HR will select for ring-fenced posts. Employees who are unsuccessful at any stage will have the opportunity to discuss the reasons for this with the chair of the selection panel.
- 14.3 The fact that an employee is unsuccessful in the ring-fence process does not mean that there may not be other suitable opportunities for re-deployment.
- 14.4 Employees unsuccessful at interview are entitled to feedback from the chair of the appointment panel.
- 14.5 Failure to participate in an interview process or refusing an allocated suitable alternative employment post could result in loss of employment with no entitlement to redundancy or other compensatory payment(s).
- 14.6 The assistant director/manager will make notes of the interviews and also notes on how the decision to appoint or not appoint was made.

15. Redundancy Selection

- 15.1 The criteria for redundancy selection will vary from case to case, but the council will always strive to ensure criteria are fair, objective and supported by the appropriate documentation. The criteria should be set out in the formal consultation documentation and would include:
- interview scores
 - current disciplinary record
 - performance record
 - an assessment of skills, knowledge, and experience.
- 15.2 The process will establish the group of employees directly affected. Ring-fences will be drawn primarily around the directly affected employees within, for example, a team, section, or professional grouping. All ring-fenced employees are required to participate in the selection process.

16. **Redeployment Procedure**

16.1 The process of redeployment will be as follows:

- The council will maintain a council wide redeployee register.
- The council will release those agency assignments that may result in an alternative position for a redeployee regardless of the term of the agency assignment.
- The council will be as flexible as possible in facilitating the range of job opportunities across a range of relevant skills, locations and working hours. The period of the job search for the purposes of redeployment will be until they obtain a new role or leave the council on redundancy.
- Consideration can then be given to skills gaps and retraining to fill those gaps whilst they remain in employment. Please see interview process as above.

The approach to redeployment is as follows:

- Employees will be forwarded the relevant vacancy bulletins to support their search for alternative employment.
- At the same time HR will endeavour to identify other vacancies which match the employee's skills and experience.
- When vacancies arise, HR will consult with the assistant director (or nominated manager) and the redeployee as to a potential match.
- An employee must demonstrate they have essential criteria regarding the job description and employee profile or can be trained to the desired level within a reasonable time (using a trial period, and if necessary, with retraining) the employee will be offered a four week trial period in the post.
- The trial period can be extended, to a maximum of 8 weeks, for retraining purposes by mutual written agreement that specifies the date on which the trial period ends and sets out the employee's terms and conditions after it terminates.
- During this trial period your contract may be terminated at your request or by decision of the council, in which case you will still be entitled to a redundancy payment based on your previous post that you were made redundant from.
- If the employee works beyond the trial period and subsequently leaves the council's employment, they will have no entitlement to a redundancy payment because they will have been deemed to have accepted the new employment.

17. Suitable Alternative Employment

- 17.1 'At risk' employees and employees on notice of redundancy are given priority during the recruitment process for those posts where employees could meet the essential criteria with appropriate support and training. Employees will be advised that the post is considered as suitable alternative employment
- 17.2 In addition to meeting the required skills and abilities, the following factors will be considered in determining whether or not alternative work is suitable (this list is not exhaustive): Pay, status, location, working environment and hours of work.
- 17.3 Any offer of alternative employment will be:
- made in writing and show how the new employment differs from the old contract
 - be made before the employment under the previous contract ends
 - inform the employee that they have a statutory right to a trial period of 4 weeks in the new job where the provisions of the new contract differ from those of the old
- 17.4 The offer will inform the employee that the trial period can be extended, to a maximum of 8 weeks, for retraining purposes by mutual written agreement that specifies the date on which the trial period ends and sets out the employee's terms and conditions after it terminates.
- 17.5 If an employee works beyond the trial period, they will have no entitlement to a redundancy payment because they will have been deemed to have accepted the new employment.
- 17.6 The offer will also advise the employee that if they refuse an offer of suitable alternative employment, they may lose any entitlement to redundancy pay.
- 17.7 Training, where appropriate, will be facilitated centrally by HR,
- 17.8 Line managers will keep records of all meetings and discussions.
- 17.9 For employees with a disability, external funding from Access to Work may be available in order to make reasonable adjustments to enable the employee to undertake the role. This will be discussed with HR.
- 17.10 Assistant directors/managers must make records on why the alternative employment is considered suitable.

18. Compulsory Redundancy

- 18.1 Employees who remain at risk following consideration of assimilation, ring fencing, and redeployment will face compulsory redundancy unless they have made an application for voluntary redundancy that the council has accepted.

In cases where an individual has/is undergoing a trial period in a new post the end date of the trial will become the new termination date if it is later than the date notified in their notice of redundancy.

- 18.2 Arrangements will be put in place by the employee's manager to support the employee throughout their notice period, including reasonable amount of time off to look at potential opportunities outside the council as well as providing the time to attend interviews and training. line managers must complete an authorised absence form for each authorised absence.

19. Equalities Impact Assessments

19.1 Assistant directors will be responsible for ensuring EIAs are completed.

19.2 Any new arrangements arising from these reviews will be introduced in accordance with the council's diversity and equalities policies. assimilation, ring- fencing, redeployment, and redundancy processes will be monitored to ensure that the council continues to meet its commitment to achieving a representative workforce consistent with its operational requirements.

20. Appeals

20.1 Employees are entitled to raise an appeal in writing within 7 calendar days of formal notification of decision taken under the assimilation, ring-fencing, and redeployment procedures/processes. Any such appeals should be sent to the assistant director of Governance, HR and Legal who will ensure that a hearing is convened within 21 calendar days. An assistant director from the relevant directorate will consider this appeal. The process will follow the grievance procedure.

21. Appeals Against Dismissal

21.1 Any issues arising regarding the selection of an employee for redundancy will be dealt with as an appeal.

21.2 Any such appeals must be lodged in writing within a period of 14 calendar days from when the employee was informed of the decision. The appeal meeting will be held within 21 calendar days of the receipt of the appeal. The employee must take all reasonable steps to attend the meeting and may be accompanied by a workplace colleague or a trade union representative.

21.3 Receipt of the appeal. The employee must take all reasonable steps to attend the meeting and may be accompanied by a workplace colleague or a trade union representative.

21.4 An independent assistant director who was not involved in the previous decisions or member of EMT will normally chair the appeal meeting. This process will follow the disciplinary appeal procedure.

21.5 The assistant director should ensure that notes are taken at the appeal and the relevant outcome letters are sent to the employee appealing.

22. Protection of Salary

22.1 Salary protection arrangements will apply where employees, as an alternative to redundancy, are offered and accept a post on a lower grade and salary than their existing substantive grade and salary. If an employee is redeployed into a post on a lower salary than their current contractual salary, then they are entitled to claim protection for a period of 12 months at full pay.

N.B: Pay awards or increments will not be applied to the salary of their original post.

23. Pensions

23.1 Employees who are members of the LGPS and leave via redundancy and are aged 55 and over may have an entitlement to immediate payment of their pension.

23.2 Pension entitlement is determined by the LGPS regulations applicable at the time. Contact HR on 446070 or Essex Pension services on 01245 431912 for more information.

24. **Calculation of Redundancy Payments**

- 24.1 Calculation of redundancy payments are based on the statutory criteria which is enhanced by Harlow Council in line with the discretionary compensation and redundancy payments policy.

25. **Managing Change Support for Employees**

- 25.1 Training will be made available to affected employees who are in ring fence or redeployment situations on application and selection techniques i.e. how to fill in an application form and interview technique tips.
- 25.2 At their formal meeting employees will be provided with estimates of their financial information regarding severance and where eligible pension information.
- 25.3 Employees will also be given reasonable paid time off to attend interviews with other employers whilst at risk of redundancy.

26. **Employment with Another Employer**

- 26.1 Should an employee be successful in obtaining another post and take up an appointment with another authority or body specified in the Redundancy Payments (Local Government) Modification Order 1983 within four weeks of the date of redundancy they will lose their rights to any severance payment.

27. **HR Support**

- 27.1 If there are any questions about the Human Resources procedures/processes, contact the HR team on x6070.

28. **Trade Unions**

- 28.1 Employees are encouraged to contact their trade union for advice and support. They should contact either their local representative or email the branch office: unison@harlow.gov.uk

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