

Report of the Chief Officer: HR & Support Services

## **Redundancy, Pension or Exit Discretion**

### **Summary**

1. This report advises the Staffing Matters and Urgency Committee of the expenditure associated with redundancy, pension or exit discretions paid in accordance with council policy to employees below Chief Officer.
2. The new cases presented to the Committee for information cover the period October to December 2024 as well as the previous 12 months.

### **Background**

3. The employment Rights Act 1996 s139 defines redundancy where:
  - a. The employer has ceased or intends to cease:
    - (i) to carry on the business for the purposes of which the employee was employed by him, or
    - (ii) to carry on that business in the place where the employee was so employed, or
  - b. The requirements of that business
    - (i) for employees to carry out work of a particular kind or
    - (ii) for employees to carry out work of a particular kind in the place where the employee was employed by the employer

Have ceased or diminished or are expected to cease or diminish.

4. As with all employers the Council due to changes in operational requirements, structure, funding, and or priorities will on occasions require to consult with employees on proposed redundancies. Whilst every effort is made to avoid dismissal for reasons of redundancy through seeking suitable alternative employment, this

report notes the number of cases and costs where a dismissal due to redundancy is likely or has taken place.

5. The Council has a flexible retirement policy to enable a planned and flexible approach to retirement that helps facilitate the transfer of knowledge and experience to others within the organisation. This report also notes the number of applications approved and any costs associated with these. Flexible retirement business cases consider individual employee requests for flexible retirement which must include a reduction in contractual hours (of at least 2 days – equating to at least 40% of contractual hours and up to no more than 3 days at 60% of contractual hours) or a reduction of 2 grades in the pay spine in line with the policy. All business cases consider the impact on a service / team and whether the reduced hours are required to be covered by other officers in the team.

## Consultation

6. All of the proposed redundancy, pension or exit discretions have been subject to consultation in accordance with the Council's statutory obligations.

## Approval

7. In accordance with Council policy the appropriate Chief Officer of the Departmental Management Team and S151 Officer (Director of Finance) have approved presented business case(s). The decisions as to whether to make an employee redundant rest with the Chief Operating Officer or Officers nominated by him. In terms of payments related to redundancy the Council is contractually obliged to make the payment set out in the business case. Only in exceptional circumstances can discretionary additional payments for redundancy be considered. The Section 151 Officer has decision making authority for all staff other than Chief Officers in this matter. Chief Officer redundancies (Statutory Chief officers and Corporate Directors) as per the Constitution for this committee (Article 11: Staffing matters and Urgency Committee) will be presented to the committee when appropriate for approval.  
<https://democracy.york.gov.uk/documents/s175988/Article%2011%20-%20Staffing%20Matters.pdf>

## Analysis

8. Table 1 below is an anonymised summary of the cases approved in the last quarter, and the Committee is requested to note costs associated with each. Table 2 is a summary of the previous cases reported in the last 12 months:

*Table 1 – Summary of new cases over the last quarter to be noted by the Committee*

Employee	Directorate	Exit Type	Cost (note over what time period)				
			Estimate £	Time period	Actual £	Discretionary elements	Total
1	Place	Flexible Retirement	£0.00	June 2024	£0.00	N/A	£0.00
2	Customer & Communities	Flexible Retirement	£0.00	Oct. 2024	£0.00	N/A	£0.00
3	Customer & Communities	Flexible Retirement	£0.00	Sept. 2024	£0.00	N/A	£0.00
4	Customer & Communities	Flexible Retirement	£0.00	Sept. 2024	£0.00	N/A	£0.00
5	Childrens	Flexible Retirement	£0.00	Oct 2024	£0.00	N/A	£0.00
6	Finance	Flexible Retirement	£0.00	Nov 2024	£0.00	N/A	£0.00
7	Finance	Flexible Retirement	£0.00	Dec 2024	£0.00	N/A	£0.00

*Table 2 - Summary of cases over the last 12 months to date*

Total Number	Type of Exit	Directorate	Reporting Period	Total Cost of Redundancy	Pension Costs
4	Compulsory Redundancy	Place	Jan - Feb 24	£51,722.37	£66,768.46
4	Flexible Retirements	Childrens	May 24 – Jan 25	N/A	£0.00
2	Flexible Retirements	Finance	Oct 24 – Jan 25	N/A	£0.00
2	Flexible Retirement	Childrens	May 24 – Jan 25	N/A	£0.00
1	Flexible Retirement	PH	May-24	N/A	£0.00
5	Flexible Retirements	Place	May-24 – Jan 25	N/A	£0.00

## Council Plan

9. Whilst the actions in the report are not material to the Council Plan, they are consistent with the required outcomes of the Workforce Development Strategy.

## Implications

10. Each case is assessed individually in line with HR processes and procedures. The implications of each business case have been assessed by relevant officers prior to approval. The Committee can be assured that relevant signatures and authorisations have been undertaken prior to processing agreed cases.

## Risk Management

11. The specific risks associated with each proposal and how they can be mitigated are contained in each business case. In summary, the risks associated with the recommended option are financial, legal, operational, and reputational.

## Recommendations

12. Staffing Matters and Urgency Committee is asked to note the expenditure and cases that have been approved. This report will be presented on a quarterly basis.

Reason: To provide an overview of expenditure.

## Contact Details

### Author:

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HR Manager

### Chief Officer Responsible for the report:

Helen Whiting

Chief Officer – HR & Support Services

Report  
Approved

Date 2 January 2025

### Specialist Implications Officer(s):

Wards Affected: *List wards or tick box to indicate all*

All

**For further information please contact the author of the report**

**Background Papers:** None

**Annexes:** None