

Redundancy Selection - factsheet

In a redundancy situation where there is a 'pool' of employees from whom a number will need to be selected, it will be necessary to determine the selection criteria.

Before embarking on this, it is important to first check that the appropriate pool for selection has been correctly identified. The pool will usually consist of employees who undertake a similar type of work, those in a particular team/department or location, or those whose work has ceased or diminished (or is expected to do so). In some circumstances employees who are "interchangeable" or who transfer between departments may also need to be included as well as those already working in a team/department earmarked for closure or downsizing. The contracts of employment should be checked to see how tightly these are worded in terms of job title, location and funding source (if applicable).

Having decided on the "pool" for selection, it is necessary to decide the most appropriate selection method, against which each individual in the pool will be assessed. Some organisations decide to allow the employees to apply for the remaining available jobs and will use selection methods similar to traditional recruitment exercises. Others will assess employees against a matrix of skills or selection criteria.

Selection criteria should be fair and free from discrimination, including indirect discrimination, and also discrimination by association or perception. It should be objective, relevant to the organisation and the remaining job roles, justifiable and preferably measurable and evidence based, rather than depending largely on the view of the person doing the assessment.

Criteria may include: absence records (discounting pregnancy related absence and adjusting scores accordingly where absences are related to maternity etc leave and/or disability), achievement of objectives, disciplinary records, performance records, productivity, technical expertise, qualifications, timekeeping, skills, knowledge or expertise, staff management etc. Length of service (last in, first out – LIFO) may be included in specific circumstances, however if employers wish to use length of service as a criteria, care needs to be taken that this is one of a number of criteria and that, if it relates to age, you can justify this. It is not advisable to use higher remuneration costs, or cheaper redundancy payments, as selection criteria as this could lead to claims of indirect age discrimination.

The use of subjective criteria such as "drive", "motivation", "adaptability", "flexibility" and "team fit" should be carefully considered as these can be harder to measure and evidence

for scores in these areas can be contentious. If they are used, it should be because they are a justifiable requirement for the future role(s).

It is automatically unfair to select anyone for redundancy for a number of reasons including (but not limited to):

- a protected characteristic: (age, disability, race, sex, sexual orientation, religion or belief, marital or civil partnership status, pregnancy/maternity or gender reassignment)
- time off for family leave including attending ante-natal or adoption appointments, recent childbirth, adoption leave, paternity leave, shared parental leave, parental leave or time off for dependants
- performance of health and safety duties
- the assertion of part time rights by the employee
- the assertion of fixed term rights by the employee
- membership of a trade union
- the Working Time Regulations 1998
- the Public Interest Disclosure Act 1998
- being an employee representative for redundancy or TUPE-related consultation the assertion of a statutory right by the employee.

Employees must be consulted on the proposed criteria and scoring process to be used before these are decided and applied.

Documenting your decisions

Where a skills matrix or selection criteria is used, a transparent points system is a reliable method to score each employee against the relevant criteria. Where possible, scoring should be carried out independently by two or three managers who know the performance of all the employees in the selection pool. If you are an assessor applying selection criteria to a pool of employees, you will need to fully document your criteria and marks in case you need to explain these in the future.

The managers should not discuss their scores with one another and should hand their completed score sheets to the moderator of the process, possibly a HR representative or another manager.

Documentary evidence will enable the assessors to decide the score for each of the selection criteria objectively, and will also be used in backing up decisions. Documents to refer to can include: supervision/1:1 meeting notes, diary notes, performance review notes, file notes, informal meetings, attendance records, training records etc.

Use your own judgment along with any guidance given on the score sheet to help decide the score to allocate to each employee in the pool for each of the criteria. Take a balanced view and award the score for overall performance against the specific criteria, not one

example of very good or very poor performance on one day. Do not score employees against one another; score them against the agreed selection criteria based on their work performance.

Where a criterion is felt to be particularly important, it could be 'weighted' in order that more scores can be allocated to that criteria. If this approach is to be taken, it should be clearly set out on the scoring record and form part of the consultation process.

Note on the score sheet the reasons for your scores – your observations of events and / or the documentary evidence you have referred to. Remember the employee may, under certain circumstances, be entitled to see your comments so ensure they are truthful, factual and free from bias.

Moderation

The marks from each of the assessors should be entered against each criterion into a spreadsheet and then added together and averaged to give a total score for each criterion and each employee.

Where there are wide differences in the scoring of a criterion between the various assessors, the moderator should discuss this with each of the assessors to ensure they have firm evidence for the score, have a reasonably fair and consistent expectation of the employees, have adequate knowledge of the employees and have given a score that is free from any bias.

Scores may therefore be changed during the moderation process and any additional information regarding the decision for the final score(s) allocated per criterion recorded on the score sheets.

The score sheets and the moderation sheet should be kept together on the case file and may be reviewed in the case of an appeal against a redundancy decision or dismissal.

Informing employees

Employees are not entitled to see each other's' score sheets but they are entitled to know what scores were allocated to them overall and per criterion and how they ranked in the overall process. The easiest way to do this is to show them a spreadsheet with the names of other employees blocked out so they can see their own rank and scores (these can be the average of each score overall, you do not have to show them the individual scores from each assessor). They may require explanation of the scores, especially where these seem unexpectedly low to them and particularly where this results in their selection for redundancy. In this case, the person holding the consultation will use the information provided by the assessors as the explanation for the score.

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