



**MEETING** : LOCAL JOINT PANEL  
**VENUE** : COUNCIL CHAMBER, WALLFIELDS, PEGS LANE,  
HERTFORD  
**DATE** : TUESDAY 6 DECEMBER 2011  
**TIME** : 2.30 PM

**MEMBERS OF THE COMMITTEE**

**EMPLOYER'S SIDE:**

Councillors M Wood (Chairman), M Alexander, L Haysey and A Jackson

*Substitutes:*

Conservative

J Ranger

Liberal Democrat:

J Wing

**STAFF SIDE - UNISON**

Mr C Clowes, Mrs B Dodkins, Mrs J Sharp and Mr A Stevenson

*(Substitutes: S Gray and J Francis )*

*(Note: Substitution arrangements must be notified by the absent Member to Democratic Services 24 hours before the meeting)*

**CONTACT OFFICER: LORRAINE BLACKBURN  
01279 502172**

## PERSONAL AND PREJUDICIAL INTERESTS

1. A Member with a personal interest in any business of the Council who attends a meeting of the Authority at which the business is considered must, with certain specified exemptions (see section 5 below), disclose to that meeting the existence and nature of that interest prior to the commencement of it being considered or when the interest becomes apparent.
2. Members should decide whether or not they have a personal interest in any matter under discussion at a meeting. If a Member decides they have a personal interest then they must also consider whether that personal interest is also prejudicial.
3. A personal interest is either an interest, as prescribed, that you must register under relevant regulations or it is an interest that is not registrable but where the well-being or financial position of you, members of your family, or people with whom you have a close association, is likely to be affected by the business of the Council more than it would affect the majority of inhabitants of the ward(s) affected by the decision.
4. Members with personal interests, having declared the nature of that personal interest, can remain in the meeting, speak and vote on the matter unless the personal interest is also a prejudicial interest.
5. An exemption to declaring a personal interest applies when the interest arises solely from a Member's membership of or position of general control or management on:
  - any other body to which they have been appointed or nominated by the authority
  - any other body exercising functions of a public nature (e.g another local authority)

In these exceptional cases, provided a Member does not have a prejudicial interest, they only need to declare their interest if they speak. If a Member does not want to speak to the meeting, they may still vote on the matter without making a declaration.

6. A personal interest will also be a prejudicial interest in a matter if all of the following conditions are met:
  - the matter does not fall within one of the exempt categories of decisions
  - the matter affects your financial interests or relates to a licensing or regulatory matter
  - a member of the public, who knows the relevant facts, would reasonably think your personal interest is so significant that it is likely to prejudice your judgement of the public interest.
  
7. Exempt categories of decisions are:
  - setting council tax
  - any ceremonial honour given to Members
  - an allowance, payment or indemnity for Members
  - statutory sick pay
  - school meals or school transport and travelling expenses: if you are a parent or guardian of a child in full-time education or you are a parent governor, unless it relates particularly to the school your child attends
  - housing; if you hold a tenancy or lease with the Council, as long as the matter does not relate to your particular tenancy or lease.
  
8. If you have a prejudicial interest in a matter being discussed at a meeting, you must declare that interest and its nature as soon as the interest becomes apparent to you.
  
9. If you have declared a personal and prejudicial interest, you must leave the room, unless members of the public are allowed to make representations, give evidence or answer questions about the matter, by statutory right or otherwise. If that is the case, you can also attend the meeting for that purpose. However, you must immediately leave the room once you have finished or when the meeting decides that you have finished (if that is earlier). You cannot remain in the public gallery to observe proceedings.

## AGENDA

1. Apologies

To receive apologies for absence.

2. Minutes (Pages 5 - 8)

To confirm the Minutes of the meeting held on 13 September 2011.

3. Chairman's Announcements

4. Declarations of Interest

To receive any member's Declarations of Interest and Party Whip arrangements.

5. Reports by Secretary to the Employer's Side

(A) Volunteering Policy (Pages 9 - 20)

(B) Recruitment and Retirement Policies (Pages 21 - 48)

6. Reports by Secretary to the Staff Side

(A) Impact of Restructures on Staff and Services (Pages 49 - 62)

7. Health and Safety at Work Act 1974

8. Urgent Business

To consider such other business as, in the opinion of the Chairman of the meeting, is of sufficient urgency to warrant consideration and is not likely to involve the disclosure of exempt information.

MINUTES OF A MEETING OF THE  
LOCAL JOINT PANEL HELD IN THE  
COUNCIL CHAMBER, WALLFIELDS,  
HERTFORD ON TUESDAY 13 SEPTEMBER  
2011, AT 2.30 PM

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**PRESENT:**     **Employer's Side**

Councillor Mike Wood (Chairman)  
Councillors L Haysey and J Ranger

**Staff Side (UNISON)**

Mr C Clowes, Mrs B Dodkins, Mrs J Sharp and  
Mr A Stevenson

**OFFICERS IN ATTENDANCE:**

Lorraine Blackburn	- Committee Secretary
Alan Madin	- Director of Internal Services

**12**     **DISTURBANCE ALLOWANCE POLICY**

**The Secretary to the Staff Side submitted a report raising issues of concern highlighted by staff, regarding the application of the Disturbance Allowance Policy. The report sought changes to the policy which would address the absence of a mileage rate payable for passengers and a revision to the method of calculating the route to and from the new office base, the detail of which was set out in the report now submitted.**

**The Staff Side explained that there was no incentive to take passengers and thereby save the Council money and no incentive to car share. The Staff Side stated when the Policy was agreed**

there had not been sufficient consideration of the implications of using the “shortest” route for calculating the allowance where this was not the “normal” route to and from the new office base which is the case between Hertford and Bishop’s Stortford given the road network. The Staff Side explained that for many staff the allowance based on the shortest route would be much less than that based on the most natural route – one employee had calculated that they would be £500 worse off a year based on the mileage bands which had been agreed. The Staff Side stated that most staff used the quickest route to Hertford which was the A120 and then the A10 rather than go along relatively less safe tiny country lanes. It was felt that the disturbance allowance was being applied too rigidly and the Staff Side felt that the Council was saving money on the relocation and that there should be some compensation to staff for the additional mileage and changes to working patterns. It was calculated that 99% of staff drive to Hertford using the A120 and A10.

The Director of Internal Services explained that the policy was being applied as agreed. The policy was to determine a monetary amount to compensate for the added cost and inconvenience arising from relocation. It was not the intention to require anyone to travel a particular route. So, employees wanting to save petrol costs could use the shortest route, those to whom the time was more important could go the longer but generally quicker route. The use of post code data ensured consistency of treatment and Human Resources were not asked to interpret the policy in any particular way. He agreed that there was less cost to the Council using the basis set out in the agreed policy. Members acknowledged that the majority of staff from Bishop’s Stortford would travel using the A120 and A10 - the quickest route. It was considered that the Staff Side’s request was reasonable. Clarification was sought for the

**information of the HR Committee on how a change to the scheme would impact financially on the Council.**

**Members supported the recommendation that car drivers be paid 5p per mile for every passenger they take to and from the contractual office base who would otherwise be entitled to disturbance payment**

**RECOMMENDED – that (A) car drivers be paid 5p per mile for every passenger they take to or from the new contractual site office base who would otherwise be entitled to the mileage element of the Disturbance Payment to encourage car sharing and in the interests of “green” travel; and**

**(B) the Disturbance Allowance Scheme to use the “quickest” rather than the “shortest” route to and from the new contractual base.**

13 **APOLOGIES**

Apologies for absence were received from Councillors M Alexander, A Jackson and Emma Freeman. It was noted that Councillor J Ranger was substituting for Councillor A Jackson.

14 **MINUTES**

**RESOLVED – that the Minutes of the meetings held on 14 June and 13 July 2011 be approved and signed by the Chairman as a correct record.**

The meeting closed at 3.05 pm

Chairman .....
Date .....



## EAST HERTS COUNCIL

### LOCAL JOINT PANEL – 6 DECEMBER 2011

#### REPORT BY SECRETARY TO THE EMPLOYER'S SIDE

#### VOLUNTEERING POLICY

WARD(S) AFFECTED: NONE

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#### **Purpose/Summary of Report**

- To approve the new Volunteering Policy

<b><u>RECOMMENDATION: that</u></b>	
(A)	Members approve the new Volunteering Policy

#### 1.0 Background

1.1 This report sets out the legal status of volunteers, provides feedback on the current volunteering pilot and sets out the proposed Volunteering Policy.

1.2 Volunteering brings immense benefits for both the volunteer and the Council. It gives the volunteer an opportunity to exercise their skills in a different environment and to undertake new experiences and builds bridges between the Council and the local community.

#### 2.0 Report

##### **2.1 Legal Background**

2.2 A volunteer is a person who gives freely of his/her time, skills and experience without expectation of financial reward. Volunteering can take many forms. Volunteering may be for a limited time to complete a particular project or may be on an ongoing basis.

- 2.3 Volunteers cannot be recruited to take on roles which otherwise would have been filled by paid employees. Volunteers may undertake duties which are beneficial for the Council but which, without volunteers, would not have been carried out.
- 2.4 A volunteer is not an employee and will not have a contract of employment with the Council. The Council will agree a role, with the volunteer and there will be an expectation that the volunteer will meet the role's requirements and that the Council will provide work for the volunteer. However, the volunteer is free to refuse to fulfil the role and the Council is not bound to provide the work. The Council and the volunteer will endeavour to give as much notice as possible if unable to meet these expectations, however either party can terminate the agreement with or without notice at any time.

## **2.5 Volunteering Pilot**

- 2.6 In June 2011 a volunteering pilot was commenced at Hertford Theatre. Due to the increased programming at the Theatre, volunteers were needed to assist on show days. The volunteers were asked to meet and greet customers, steward shows and sell merchandise.
- 2.7 All theatre volunteers attended an induction at the theatre prior to signing up to shifts. There are approximately 17 active volunteers at the theatre.
- 2.8 The pilot has been a great success. The Front of House Manager has found the extra help during performances very beneficial to the overall customer experience. The volunteers themselves are mainly local to Hertford and enjoy the opportunity to be part of this community resource.
- 2.9 Environmental Health Promotion have also taken advantage of the volunteering pilot by recruiting a volunteer to assist the officer with promotional events.

## **2.10 Volunteering Policy**

- 2.11 Please see **Essential Reference Paper 'B'** for the new Volunteering Policy
- 2.2 The policy sets out the legal requirements, recruitment processes, insurance and health and safety considerations. It also introduces the role of 'volunteer coordinator' and explains how volunteering will be managed

at the Council.

### 3.0 Implications/Consultations

- 3.1 Information on any corporate issues and consultation associated with this report can be found within **Essential Reference Paper 'A' (Page 3)**.

#### Background Papers

None

Contact Officer: Emma Freeman - Head of People, ICT and Property Services

Report Author: Jaleh Nahvi – HR Officer

## ESSENTIAL REFERENCE PAPER 'A'

Contribution to the Council's Corporate Priorities/ Objectives:	Fit for purpose, services fit for you <i>Deliver customer focused services by maintaining and developing a well managed and publicly accountable organisation.</i>
Consultation:	Consultation has taken place with UNISON and Heads of Service.
Legal:	As detailed in the report
Financial:	As detailed in the report
Human Resource:	As detailed in the report
Risk Management:	None.



# **East Herts Council**

## **Volunteering Policy**

### **Policy Statement**

**Policy Statement No XX (Issue No 1)**

**(insert month year)**

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## **1. Introduction**

A volunteer is a person who gives freely of his/her time, skills and experience without expectation of financial reward. Volunteering can take many forms. Some tasks require particular skills whereas others require none. Volunteering may be for a limited time to complete a particular project or may be on an ongoing basis.

The Council recognises the immense benefits that volunteers, and the bridges that they build between the Council and the local community. In return the Council hopes to give its volunteers an opportunity to exercise their skills in a different environment and to undertake new experiences.

The Council tries to offer a range of volunteering opportunities and, in accordance with its equal opportunities and diversity policies, to ensure that the opportunity to volunteer is widely available.

## **2. Status of volunteers**

A volunteer is not an employee and will not have a contract of employment with the Council. The Council will agree a role, with the volunteer and there will be an expectation that the volunteer will meet the role's requirements and that the Council will provide work for the volunteer. However, the volunteer is free to refuse to fulfil the role and the Council is not bound to provide the work. The Council and the volunteer will endeavour to give as much notice as possible if unable to meet these expectations, however either party can terminate the agreement with or without notice at any time.

## **3. Volunteering roles**

Roles suitable for volunteers are identified by managers with advice from Human Resources. A volunteer agreement will be drawn up outlining the role. This will set out the requirements of the role and the skills or experience needed, as well as any training that is required before the volunteering work is undertaken. Volunteers will not be used as substitutes for employees.

## **4. Recruitment**

A person wishing to become a volunteer will be asked to complete an application form. References and proof of identity will be required and, depending on the nature of the role, the prospective volunteer may be required to undergo a health and/or criminal records check.

## **5. Volunteer coordinator**

A volunteer coordinator will be appointed to support and manage the volunteer. The coordinator will review the arrangements after three months

and thereafter on a regular basis. If the volunteer has any queries or would like to change his/her role this should be discussed with the coordinator.

## **6. Volunteering agreement**

The volunteer will be invited to enter into a volunteering agreement with the Council. This agreement will identify:

- the volunteer's role;
- the training that the volunteer is expected to undertake;
- the expenses that the Council will pay to the volunteer;
- the insurance cover that will be provided for the volunteer;
- who will supervise the volunteer; and
- the notice that will be given to a volunteer if his/her role is to come to an end.

## **7. Dress Code**

The Council will provide all volunteers with badges. Volunteers are requested to present themselves in a smart but casual manner (no jeans, trainers or logo t-shirts). Any specific dress code requirements for the duties to be undertaken will be set out in the volunteering agreement.

## **8. Training**

The Council will provide any training required for the role, including health and safety training.

## **9. Health and safety**

The Council has a responsibility for the health and safety of volunteers. Volunteers should at all times follow the Council's health and safety policies and procedures. Volunteers have a duty to take care of themselves and others who might be affected by their actions. Volunteers should not act outside their authorised area or work. Volunteers should report all accidents to their volunteer coordinator.

The Council will provide volunteers with appropriate guidance on any health and safety issues that arise.

## **10. Reimburse**

Volunteers are unpaid. However, the Council will reimburse volunteers for travel and subsistence expenses.

Volunteers will need to complete a volunteer expenses claim form (see appendix a) and provide all receipts. Form must be submitted within 3 months of the expenditure. Mileage will be paid at 27p per mile.



Any additional expenses or any additional travel costs outside those normally incurred should be agreed in advance with the volunteer coordinator.

## **11. Policies and procedures**

Volunteers are expected to comply with the Council's health and safety, equalities and diversity and volunteering policies while they are on its premises or undertaking any of their volunteering duties. Their induction will include an explanation of these policies and procedures and copies will be given to the volunteer with their volunteer agreement.

## **12. Insurance**

Volunteers will be indemnified (protected) by the council's Public Liability insurance when carrying out the duties outlined in their volunteer agreement, unless an individual acts unethically, abuses a trust, commits a criminal act or seeks personal gain. Volunteers are also covered by the Council's Employer's Liability.

## **13. Volunteer drivers**

Any volunteers who will be transporting equipment or people using a vehicle provided by the Council must have a valid driving licence. They will be covered by the Council's insurance policy.

Where the volunteer will be using his/her own vehicle, they must provide the Council with his / her driving licence, insurance policy and, if appropriate, the MOT certificate on an annual basis. Volunteers must notify their Insurer in advance of the purpose of journeys in case they are not covered by their policy.

The volunteer must report any accidents that occur whilst on Council business. They must also report any motoring offences or police cautions to the Council. The Council will not pay any parking fines accumulated by the volunteer.

## **14. Confidentiality**

Volunteers are likely to become aware of confidential information about the Council, its staff, customers and suppliers. Volunteers should not disclose this information or use it for their own or another's benefit without the consent of the party concerned. This does not prevent disclosure once the information is in the public domain (unless it has been made public as a result of the volunteer's breach of confidentiality) or where the law permits or requires disclosure.

## **15. Dealing with problems**

The coordinator will normally try to solve any problems informally, but if this is not possible the formal complaints system will come into operation.

If the volunteer wishes to make a formal complaint they should put the complaint in writing to their coordinator. If it is not possible to reach a solution the volunteer may raise the matter with the coordinator's manager.

If a complaint is made about a volunteer, this will be notified to them in writing and the coordinator will decide whether any action should be taken.

If the volunteer coordinator has any concerns about the volunteer's performance they will discuss this with the volunteer and decide whether any action should be taken.

If the volunteer is dissatisfied with a decision made by the volunteer coordinator they may raise it with the coordinator's manager.

## **16. Personal Information**

East Herts Council holds personal information submitted by the volunteer on the application form and Volunteer Personal Information Sheet in the legitimate interest of the Council. This information is kept in accordance with the Data Protection Act.

Volunteers are requested to keep East Herts Council updated with any change their contact details or those of their emergency.

## **17. Volunteer's pack**

On commencing with the Council volunteers will be given a pack containing:

- general information about the Council;
- a copy of this volunteering policy;
- a standard volunteering agreement;
- Equality and Diversity Policy
- Health and Safety Policy
- Volunteering Policy

## **18. Policy review and amendment**

This policy shall be reviewed after two years or sooner in line with legislation and best practice.



# VOLUNTEERS CLAIM FORM

This form is to be used to record those travel expenses you incur while volunteering for East Herts Council for which you wish to be reimbursed.

We provide reimbursement for:

- Standard Class train fares and bus fares (with receipts or tickets attached to the claim form)
- Mileage (at 27p a mile)

Please attach all receipts/tickets to the back of this form.

Expenses should be claimed on a monthly basis.

Expenses must be claimed within three months.

<b>Personal Details</b>
Name: _____

<b>Travel Details</b>			
Date	Purpose	Mileage (if applicable)	Cost Incurred
<b>Total:</b>			

I declare that I have necessarily incurred these expenses as in the course of my volunteering. All supporting receipts are genuine and are stapled to the back of this form.	
Signed: _____	Date: _____
Signed: _____	(Authorised Officer)

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## EAST HERTS COUNCIL

LOCAL JOINT PANEL – 6 DECEMBER 2011

REPORT BY SECRETARY TO THE EMPLOYER'S SIDE

RETIREMENT & RECRUITMENT POLICY UPDATES

WARD(S) AFFECTED: NONE

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### **Purpose/Summary of Report**

- To approve the revised Retirement and Recruitment Policies

<b><u>RECOMMENDATION: that Members</u></b>	
<b>(A)</b>	<b>approve the revised Retirement Policy; and</b>
<b>(B)</b>	<b>approve the revised Recruitment Policy</b>

### 1.0 Background

1.1 The Council's Human Resources policies are regularly reviewed to ensure they remain in line with current legislation, best practice and are fit for purpose for the organisation.

1.2 This report outlines the changes made to the Retirement and Recruitment Policies

### 2.0 Report

#### **2.1 RETIREMENT POLICY**

2.2 Please see **Essential Reference Paper 'B'** for the revised policy

#### **2.3 Drivers for Change**

2.4 The current policy was last revised in October 2009 and, in line with the policy amendment statement is due to be reviewed this year.

- 2.5 The statutory default retirement age was phased out from the 6th April 2011 and abolished with effect from 1 October 2011. To reflect this change, the Council ceased to operate a mandatory retirement age from 6 April 2011.
- 2.6 In 2010 the age at which an employee could request early/flexible retirement increased from 50 to 55 years.
- 2.7 It is therefore necessary to amend the current retirement policy to reflect these changes

## **2.2 Key changes**

- 2.2.1 A general retirement procedure has been devised to reflect the change from age lead retirement dates to those chosen by employees. This is outlined in section 3 of the draft policy.
- 2.2.2 The age employees can request flexible/ early retirement has been amended to reflect current legalisation.
- 2.2.3 In March 2008 CMT agreed that the Council would not offer group life insurance to late retiring employees because of the prohibitive costs. The Council's current provider will consider insuring staff beyond their 65<sup>th</sup> birthday, but the terms or cover cannot be guaranteed. E.g. if someone has a serious medical complaint, leads an unhealthy lifestyle etc, the Insurer will not offer cover or will charge a hefty premium. This issue is reflected in current legislation which allows an employer to withdraw such benefits. It is therefore recommended that the Council continues to withdraw life insurance cover for any employee who has reached the age of 65 or over. This is reflected in section 3.8.5 of the draft policy.
- 2.2.4 The rules on abatement of pensions (section 11) have been amended for clarity and the list of Local Government Pension Scheme Employers' Discretions has been updated to reflect current practice.

### **2.2.5 RECRUITMENT POLICY**

- 2.2.6 Please see **Essential Reference Paper 'B'** for the revised policy

### **2.2.7 Drivers for change**

- 2.2.8 The recruitment policy was last updated in 2003 and needed to be revised to ensure it was fit for purpose and in line with current legislation.
- 2.2.9 The Council is currently in contract with Manpower for recruitment administration and temps. The contract is based on a master contract with Hertfordshire County Council (HCC). The master contract is currently out to tender for temps and it is HCC's intention to bring permanent recruitment back in-house. At the tender stage EHC will review the options and a decision will be made and subsequent to this the policy may need to be revised again. However, it is expected that the current arrangement with Manpower will be in place until 31 March 2013 and therefore it was considered appropriate to continue with the policy amendments.

### **2.2.10 Key changes**

- 2.2.11 The revised policy outlines the recruitment and advertising processes with Manpower.
- 2.2.12 The Council's commitments to internal staff and those on the redeployment register are reinforced with detail around internal vacancies.
- 2.2.13 The Council's process of vacancy management is clearly detailed for managers (see section 5 of the policy).
- 2.2.14 Details on casuals, temps and 'sole traders', volunteers and the associated recruitment processes are given.

### **3.0 Implications/Consultations**

- 3.1 Information on any corporate issues and consultation associated with this report can be found within **Essential Reference Paper 'A'** .

### **Background Papers**

None

**Contact Officer:** Emma Freeman – Secretary to the Employer's Side

**Report Author:** Jaleh Nahvi – HR Officer

ESSENTIAL REFERENCE PAPER 'A'

Contribution to the Council's Corporate Priorities/ Objectives:	Fit for purpose, services fit for you <i>Deliver customer focused services by maintaining and developing a well managed and publicly accountable organisation.</i>
Consultation:	Consultation has taken place with UNISON and Heads of Service.
Legal:	None.
Financial:	As detailed in the report
Human Resource:	As detailed in the report
Risk Management:	None.





# **East Herts Council**

## **Retirement Policy**

### **Policy Statement**

**Policy Statement No 37 (Issue No 2)**

**Month YEAR**

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## 1.0 Introduction

- 1.1 This policy sets out the Council's approach to retirement.
- 1.2 Further to the repeal of the statutory default retirement age on the 6<sup>th</sup> April 2011 the Council ceased to operate a mandatory retirement age from 1 October 2011, with transitional arrangements in place until the 3 October 2012.
- 1.3 This change is supported by UNISON. The Council entered a collective agreement with UNISON in April 2011 agreeing this amendment to terms and conditions. The Council will not operate a mandatory retirement age and therefore employees can now choose when they wish to retire.
- 1.4 This change does not affect employees' occupational pension rights, for example the age at which they are entitled to draw the Local Government pension. The provisions for voluntary early retirement available under the Local Government Pension Scheme (LGPS) are also unaffected and employees may still request flexible or early retirement as detailed below. The state pension is similarly unaffected.
- 1.5 The Council is committed to equal opportunities for all its employees. The Council recognises the contributions of a diverse workforce, including the skills and experience of older employees. It believes that employees should, wherever possible, be permitted to continue working for as long as they wish and are able to do so. The Council operates a flexible retirement policy and employees may request voluntary retirement at a time of their choosing.
- 1.6 The Council has adopted this policy and procedures with the aim of dealing with every individual member of staff in a caring, sensitive manner and in the best interests of the Council.
- 1.7 The Council recognises that changes in operational requirements will mean that some jobs become redundant or alter substantially to improve service efficiency. In either situation the Council will strive to avoid dismissals. Therefore, prior to early or flexible retirement being agreed for either of these reasons, all other alternatives such as redeployment and retraining will be explored. It would normally be expected that members of staff would be placed in the Redeployment Register to seek alternative employment within the Council unless it is agreed that this is not required

- 1.8 The Local Government Pension Scheme (LGPS) summary guide should be referred to when considering retirement. This is available on request from LPFA Pensions or LGPS website [www.lgps.org.uk](http://www.lgps.org.uk)
- 1.9 All Councils are required to have a formal statement of their policy on their discretions under the Pension Regulations and keep this under review. Appendix A sets out those discretions. Any amendment to this policy must be published at least one month before it takes effect.
- 1.10 The LGPS also contains procedures for complaints or appeals from staff within an Internal Disputes Procedure who think there has been a mistake or that their entitlement has been incorrectly assessed. Details can be obtained from LPFA Pensions.
- 1.11 Nothing in this policy statement varies the statutory provisions relating to the LGPS and redundancy provisions. Employees considering retirement within the scope of this policy should take independent financial advice and in support of that the Council will provide estimates of benefits and entitlements.

## **2.0 Scope of the Policy**

- 2.1 This policy applies to all employees, of East Herts Council including Chief Officers
- 2.2 Employees who are members of the Local Government Pension Scheme may be able to obtain early release of their pension benefits in certain circumstances. These are:-
- a) Early termination of employment for Redundancy (see Redundancy policy)
  - b) Early termination of employment in the interests of the efficiency of the service
  - c) Early retirement (voluntary requests)
  - d) Retirement on ill health grounds
  - e) Flexible retirement (part pension/part employment)
- 2.3 Sections 3 – 11 of the policy cover employees who are members of the Local Government Pension Scheme (LGPS). Note that some of the benefits apply also to employees who are eligible to be members.

- 2.4 This policy and procedure should be considered alongside the following:-
- Provisions of the New LGPS Scheme
  - The Council's Absence Management Policy
  - The Council's Redundancy Policy

### **3.0 General Retirement Procedure**

- 3.1 If an employee has decided that they wish to retire, they should inform their line manager in writing as far in advance as possible and, in any event, in accordance with their notice period as set out in their contract of employment. This will assist the Council with its succession planning. Please see Appendix A for form.
- 3.2 The Line Manager will write to the employee acknowledging the employee's notice to retire.
- 3.3 The Line Manager will arrange a meeting with the employee to discuss arrangements for retirement, including the intended retirement date, succession and handover plans, pension details and phased retirement, if applicable.
- 3.4 The Council may offer pre-retirement training as part of the Corporate Training Plan. Details of this training are available from the HR department.
- 3.5 Employees should consider their pension provision and take independent financial advice before making any decision in relation to retirement. The Council is prohibited from giving pension advice.

### **3.6 Workplace discussions**

- 3.6.1 The Performance Development Review meetings are a good opportunity for employees and managers to discuss the Council's and individuals future plans and expectations. During these meetings employees may discuss their future plans or proposals for retirement. This can also be done at their monthly 1-2-1 meetings. A record of any discussions will be kept in the usual way and a copy given to the employee.
- 3.6.2 A discussion about possible retirement will not result in the Council making any assumptions about the employee's commitment to the

Council. The Council seeks to retain the best talent, including older employees. Workplace discussions are an informal opportunity for both the Line Manager and employees to plan jointly for the future.

### **3.7 Succession planning**

3.7.1 An employee who is shortly to retire will often have considerable knowledge in relation to their role and responsibilities. The Council may require the employee's assistance and cooperation for succession planning.

3.7.2 Prior to retirement, employees should cooperate with the Council, if requested to do so, by:

- providing full written details of the status of work projects and future steps
- assisting with reviewing the job description, if necessary
- ensuring a smooth handover of work
- assisting in training any successor

### **3.8 Pension and insurance benefits**

3.8.1 Employees who are aged 65 or over who are members of the Council's occupational pension scheme will remain entitled to the benefits of the scheme, in accordance with its rules.

3.8.2 Employees working after 65 may

- a) put their benefits to date into payment from age 65 and
  - start a new period of pensionable service by continuing to make contributionsOR
  - Cease making contributions
- b) defer accrued benefits to retirement

The Council will continue to pay the employer's contributions for as long as an employee pays into the fund. According to Local Government Pension Scheme criteria employees receive their pension on retirement or the eve of their 75th birthday, whichever occurs first. Pension drawn after age 65 will be paid at an increased rate. Employees taking flexible retirement after age 65 will also have increased benefits to reflect late payment. For further information contact LPFA.

- 3.8.3 Employees who are members of the Council's occupational pension scheme and who have decided to retire on a specific date may request details of their pension entitlement from Human Resources.
- 3.8.4 The Council's pension scheme allows employees to draw their pension at any time from the age of 60. However, if the pension is drawn before the age of 65, pension payments will be subject to a reduction.
- 3.8.5 The Council provides life insurance to its employees. It is not feasible to continue this benefit for employees over 65. Therefore, in accordance with current legislation, the Council withdraws life insurance cover for any employee who has reached the age of 65 or over.

#### **4.0 Discretions taken by the Council**

- 4.1 In taking the decisions relating to discretions the Council is required to be mindful of the extent to which the exercise of these discretionary powers (in accordance with the policy), unless properly limited, could lead to a serious loss of confidence in the public service; and be satisfied that the policy is workable, affordable and reasonable having regard to the foreseeable costs.
- 4.2 The aims in formulating the policy are:
- to maintain as far as possible levels of compensation consistent with what had been provided under previous regulations and discretions;
  - to make the policy simple and easy to understand.
- 4.3 East Herts Council retains the discretion to decide whether or not to grant early/flexible retirement and will take into account, among others, the following factors:-
- The need to retain an appropriate balance of skills and experience in the service concerned;
  - The business need to ensure services are maintained and delivered effectively; and
  - The cost of the retirement to the Council and pension scheme compared to the potential savings accruing from the proposal.
  - Potential savings identified by the retirement to the Council.

The above list is not exhaustive and there may be other relevant factors that may be taken into account in individual cases.

4.4 The Council has taken the decision not to override the discretions open to it to enhance pensions or accept late application.

4.5 However, these provisions contain general policy guidance and each individual case will be considered on its merits and special reasons as to why the general policy might be varied will be taken into account. The final decision on all cases will be made by Corporate Management Team (CMT) on the basis of a report by the individual's Head of Service or HR Committee with respect to a Chief Officer. In addition, as appropriate the provisions of the Council's current policies on redundancy and absence management will guide the process.

## **5.0 Removal of the 85 year rule**

5.1 The normal LGPS retirement age is 65. The 85 year rule allowed early retirements on redundancy or efficiency to take place from age 50 and voluntary early retirement from age 60 with 25 years scheme membership. The earliest retirement age is currently 55, except for permanent ill health. Apart from protections allowed for people approaching 60, there is no longer provision for unreduced voluntary early retirement below 65. For more information on the 85 year rule visit the LGPS website [www.lgps.org.uk](http://www.lgps.org.uk)

## **6.0 Early Retirement for the Efficiency of Service**

### **6.1 Criteria**

- Initiated by management in accordance with the Council's Redundancy Policy
- To facilitate organisational change short of redundancy
- Other options such as redeployment or retraining have been considered and discussed with HR
- Case is justified by at least one of these four factors – effectiveness, economy, health and compassion
- Significant improvement in organisational efficiency e.g. needs of job have changed, new skills required, need to work in a different way
- Post will be replaced
- Demonstrate savings e.g. replacement at lower grade or point on salary scale or greater productivity
- The employee has at least three months total membership or has brought a transfer value into the LGPS



- The Head of Service will submit a report for approval to CMT.

## 6.2 Circumstances in which Early Retirement for the Efficiency of Service may be appropriate

- 6.2.1 Where, due to no fault of an individual member of staff, the work method or job content have altered to the extent that they affect fundamentally the competence of the member of staff (e.g. technology, changes in legislation or organisation, development of professional standards). Note: If the job content changes greatly, redundancy may be more appropriate. Consult HR.
- 6.2.2 Where a member of staff has a particular medical condition which, whilst not considered by the Council's Occupational Health Adviser to justify retirement on the grounds of ill health does significantly impede the proper performance of the job.
- 6.2.3 Where a member of staff has particular personal or domestic circumstances, which are overwhelming to the extent that the interests of the service suffer.
- 6.2.4 Where, through a reorganisation or other reasons, the scope and content of the duties and responsibilities have diminished to the extent that, whilst not justifying redundancy, they nevertheless adversely affect the efficiency of the organisation.
- 6.2.5 Where a combination of circumstances, both in the job and the individual are adversely affecting efficiency, but where these circumstances do not involve wilful inadequate performance, which should be more appropriately the subject of disciplinary or capability action.

## 6.3 Circumstances in which Early Retirement for the Efficiency of Service is not appropriate

- 6.3.1 If the member of staff has a medical condition ill health retirement should be explored first, and efficiency retirement should be used only if 6.2.2 above applied.
- 6.3.2 Efficiency retirement is not to be used as an alternative to or substitute for disciplinary action or positive managing capability.
- 6.3.3 In cases involving staff with disabilities, efficiency retirement should not be used until every effort has been made to make reasonable

adjustments to the job, in accordance with the Disability Discrimination Act.

## 6.4 Benefits

### *Under 55:*

- Efficiency payment based on age and length of service in accordance with the government's redundancy pay tables (see [direct.gov.uk](http://direct.gov.uk) for details) using a multiplier of 2.6 to provide a maximum of 78 weeks' actual pay at age 61 with 20 years service.
- No access to pension benefits

### *Over 55:*

- Efficiency payment based on age and length of service in accordance with the government's redundancy pay tables using a multiplier of 2.6 to provide a maximum of 78 weeks' actual pay at age 61 with 20 years service.
- Immediate payment of accrued pension

## 7.0 **Early Retirement (Voluntary Request) (Regulation 30)**

### 7.1 Process

- Initiated by employee by means of written request to their Head of Service stating grounds and case for consideration
- The Head of Service will submit a report for approval to CMT.

### 7.2 Criteria

- Improvement in organisational efficiency e.g. needs of job, new skills required, need to work in different ways, improved productivity.
- Strain on the pension fund in relation to the benefit obtained by the Council
- Need to replace the post
- Length of service with East Herts Council.
- The employee has at least three months total membership or has brought a transfer value into the LGPS

### 7.2 Benefits

*Under 55:*

- Not available

*Over 55:*

- Actuarially reduced accrued pension benefits (See Table 2 below)
- No added years

**Table 2:** Employees who retire early will have their benefits reduced. The reduction is calculated in accordance with guidance issued by the Government Actuary and is based on how many years before 65 the employee retires (or how long until they would have met the 85 year rule if they have transitional protection), The current reductions are shown in the table below. Where the number of years is not exact, the reduction percentages are adjusted accordingly

<b>No. of years paid early</b>	<b>Pensions reduction men</b>	<b>Pensions reduction women</b>	<b>Lump sum reduction</b>
0	0%	0%	0%
1	6%	5%	2%
2	11%	10%	5%
3	16%	15%	7%
4	20%	19%	9%
5	24%	23%	12%
6	28%	27%	14%
7	32%	30%	16%
8	35%	33%	18%
9	38%	36%	20%
10	41%	39%	22%
11	44%	42%	24%
12	47%	45%	26%
13	50%	47%	27%
14	52%	49%	29%
15	54%	51%	31%

## 8.0 Retirement on Ill Health Grounds

### 8.1 Process:

#### ***At any age***

- Initiated by employee by means of written request to their Head of Service stating grounds and case for consideration; or Initiated by management as an outcome of a Capability Hearing under the Absence Management Policy.
- The Head of Service will submit a report for approval to CMT.

### 8.2 Criteria:

- To qualify for ill-health retirement, the employee must have at least 3 months membership of the scheme or have transferred other pension rights into the LGPS and the Council's Medical Adviser must provide a certificate confirming that the employee is 'permanently incapable of discharging efficiently the duties of his/her employment because of ill-health or infirmity of mind or body and the employee has a reduced likelihood of obtaining gainful employment (whether in local government or elsewhere) before age 65. There are 3 tiers for the Council's Medical Adviser to consider.
- Absence Management Policy has been followed.
- Eligible membership under LGPS provisions (See Pension Guide Book)

### 8.2 Benefits:

Benefits from 1 April 2008 depend on the tier the Council's Medical Adviser judges the employee falls into.

- Tier 1; if the employee is judged to have no reasonable prospect of being capable of obtaining gainful employment before age 65, pension benefits are payable based on accrued membership plus 100% of prospective membership between leaving and age 65.
- Tier 2; if the employee is judged to be incapable of obtaining gainful employment within 3 years of leaving but is likely to be capable of obtaining gainful employment before age 65, pension benefits are payable based on accrued membership plus 25% of prospective membership between leaving and age 65.

- Tier 3; if the employee is judged to be capable of obtaining gainful employment within 3 years of leaving, short-term reviewable pension benefits are payable based on accrued membership only.

Note: gainful employment means paid employment for not less than 30 hours in each week for a period of not less than 12 months.

## **9.0 Flexible Retirement (Regulation 18)**

### **9.1 What is flexible retirement?**

Rather than continuing in your job to 65 you can, on or after age 55 and with your employer's consent, reduce your hours or grade (which will require new job description and person specification) and draw your accrued Local Government pension scheme benefits whilst continuing in employment and building up further benefits in the Scheme – enabling you to ease into retirement.

### **9.2 The benefits to the Council of flexible retirement are:**

- Retention of key skills and knowledge
- Ability to encourage knowledge and skills transfer
- Added flexibility around where the employee works and the filling of their post

The benefits to the employee of flexible retirement are:

- Gradual move into retirement – key lifestyle change
- Opportunity to continue contributing to the organisation while pursuing other interests
- Ability to work while accessing Local Government pension (for those in the scheme)

### **9.3 Can I have a gradual move into retirement?**

9.3.1 You can request flexible retirement whether or not you are in the Local Government pension scheme, and this will be considered by your Line manager, using the criteria detailed below.

9.3.2 You can continue paying into the LGPS to build up further benefits in the Scheme. See section 3.8.2 for further details.

### **9.4 Process**

- Initiated by employee by means of an application form (see Appendix C) submitted to their Head of Service.
- The Head of Service will submit a report for approval to CMT.

## 9.5 Criteria

The Council policy is that this pension scheme provision may be used in cases where:

- The permanent reduction in hours is greater than 25% of their current working hours and/or
- There is a reduction in grade
- An application for flexible retirement is received within 3 months of a change in reduction of 25% of hours and/or grade
- The employee has at least three months total membership or has brought a transfer value into the LGPS

## 9.5 Benefits:

*Under 55:*

- Not available

*Over 55:*

- Early payment of accrued benefits
- Continue to work, receive pay in new job, on new hours, or reduced grade without break in service
- No abatement of pension if new earnings plus pension are more than old earnings
- Continue paying into the LGPS, building up further benefits in the Scheme.

## 10.0 Authorisation Procedure for Early/ Flexible Retirement

10.1 On re-structuring, potential redundancy situation, or formal request by employee, the Head of Service (or individual) must seek advice/guidance from their HR Officer who will calculate preliminary estimates of employee costs/benefits.

10.2 The Head of Service (with advice from an HR Officer) will undertake preliminary consultation with the employee ensuring that

discussions are clearly stated to be subject to available discretions, that costs and savings quoted are estimates only and that the final decision is subject to CMT approval. This consultation may be in the course of following processes under other Council policies, such as absence management and consultation on restructuring proposals.

- 10.3 The Head of Service will request details of costs/savings from HR/Payroll and investigate the impact of the request on the service.
- 10.4 The Head of Service (with advice from an HR Officer) will undertake formal consultation with employee. Employee will be notified that recommendation is still subject to CMT approval at this stage.
- 10.5 The Head of Service will submit a report for approval to CMT.
- 10.6 Following CMT approval, the decision will be confirmed to the employee in a meeting and followed up in writing within 3 working days.

## **11.0 Re-employment and Abatement**

### **11.1 Re-Employment of Individuals Granted Early Retirement**

- 11.1.1 The re-employment of ex-East Herts employees who have been granted retirement with severance payments should not be undertaken without prior consultation with HR.

### **11.2 Abatement of Local Government Pension**

- 11.2.1 In the case of Flexible Retirement, where a pensioner continues to work for East Herts Council there will be no abatement of pension. Should that employee obtain further employment with another Local Government Pension Scheme employer abatement of pension will apply if the pensioner's pay for the new post plus the LGPS pension exceeds the pay in the post from which the pensioner flexibly retired.
- 11.2.2 Where an employee takes standard or early retirement from one Local Government Employer and then takes up further employment with another Local Government Employer abatement of pension will apply if the pensioner's pay for the new post plus the LGPS pension exceeds the pay in the post from which the pensioner retired.

11.2.3 Abatement rules are set out in the LGPS Regulations 1995 and, if applicable, the LG (Discretionary Payments) Regulations 1996.

## **12.0 Policy review and amendment**

12.1 This Policy shall be reviewed after two years or sooner in line with legislation and best practice to reflect the best possible level of support and management.

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## Notice of intention to retire

<b>Employee's name:</b>			
<b>Employee Number:</b>			
<b>Directorate:</b>			
<b>Service:</b>			
<b>I am writing to notify the Council that I wish to retire and terminate my contract of employment.</b>			
Proposed retirement date:			
Notice period as set out in my contract of employment:			
Once you have given notice of your intention to retire you may request a change in your working pattern in order to prepare for retirement. Would you like to discuss phased retirement?			Yes/No
The Council offers free training for employees on planning for retirement. Do you wish to receive further information on this?			Yes/No
<p>If there are special circumstances to vary the exercise of discretion under Regulations 30(5), Regulation 12, or Regulation 13 please set out below;</p> <p>a) the extend to which the discretion should be varied</p> <p>b) the special reasons justifying the variation</p>			
<b>Signed:</b>			<b>Date:</b>

Please return this form to your Head of Service.

## THE LOCAL GOVERNMENT PENSION SCHEME (LGPS)

## EMPLOYERS' DISCRETIONS

DISCRETION AVAILABLE	POLICY DECISION
<p><b>Regulation 30 Early Retirement</b></p> <p>To allow retirement at the request of the scheme member between the ages of 55 and 59. (aged 60 to 64 you do not need your employer's consent to receive payment of your benefit)</p> <p><b>Regulation 18 Flexible Retirement</b></p> <p>An employee may reduce their hours, or take a lower graded post and receive their benefits with employer's consent.</p>	<p>Yes, as detailed in the policy 6.0</p> <p>Yes, as detailed in the policy 8.0. reduction of hours must be 25% or more or a lower grade.</p>
<p><b>Regulation 30(5) Waiving of Benefit Reduction</b></p> <p>If a member is allowed to draw benefits after age 55 and before the normal retirement age of 65 benefits will be reduced if the total in complete years of age and scheme service does not equal or exceed 85. The employer has an option to waive this reduction on compassionate grounds.</p>	<p>East Herts Council does not waive a reduction.</p>
<p><b>Regulation 12 Power to increase membership</b></p> <p>To award up to 10 added years to active members under the</p>	<p>East Herts Council does not exercise the powers to award added years of service.</p>

<p><b>LGPS to increase benefits.</b></p>	
<p><b>Regulation 13 Power to award additional pension</b></p> <p><b>To award up to £5000.00 per annum</b></p>	<p>East Herts does not exercise the powers to award additional pension.</p>
<p><b>Regulation 15(3) and 25(3) Shared Cost AVC Scheme</b></p> <p><b>To contribute to a shared cost additional voluntary contribution (AVC) scheme.</b></p>	<p>East Herts Council does not contribute to a shared cost of AVC.</p>
<p><b>Regulation 16 (4) (b) (ii) (LGPS (Admin) Regs 2008)</b></p> <p><i>Facility to extend time limits for active members to aggregate deferred periods of LGPS membership</i></p> <p><b>Where a deferred member becomes in active members, then the member can elect to aggregate his deferred membership with his active membership. The election to aggregate must be made by the member within 12 months of becoming an active member and the member must be active at the date of election. Employers may allow a longer period than 12 months</b></p>	<p>East Herts Council does not allow a longer period than 12 months</p>
<p><b>Regulation 83 (8) (LGPS (Admin) Regs 2008)</b></p> <p><i>Facility to extend time limits for active members to request a transfer of previous pension rights into the LGPS</i></p>	

<p><b>Where an active member requests to transfer previous pension rights into the LGPS, the member must make a request within 12 months of becoming an active member. Employers may allow a longer period than 12 months</b></p>	<p>East Herts Council does not allow a longer period than 12 months</p>
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## Flexible Retirement Application Form

### *Note to the employee*

It will help the Council to consider your request if you provide as much information as you can about your desired working pattern. It is important that you complete all the application form. When completing sections 3 and 4, think about what effect your change in working pattern will have both on the work that you do, your service and on your colleagues. Once you have completed the form, you should immediately forward it to your Head of Service (you might want to keep a copy for your own records). If the request is granted, this will be a **permanent change** to your terms and conditions and you will not be able to make any further requests for any new flexible retirement arrangements.

**It is important to consider your application very carefully if you have more than one job, internal or external of the Council, as this may have serious tax implications. Please contact LPFA for more information regarding this.**

### **Note to Head of Service:**

Please can you confirm receipt of this application form. Please consult with Human Resources before advising the employee of any decision that has been reached.

### **1. Personal Details:**

Name:

Payroll number:

Manager:

National Insurance No:

I would like to apply to amend my working arrangements under the flexible retirement procedure.

**Criteria to request flexible retirement -**

- I am over the age of 55 years old
- This is my only application to request flexible retirement.
- My request complies with the flexible retirement procedure, in that I am proposing my hours are reduced by at least 25% or my grade is reduced.
- I have considered my own personal tax implications in accepting flexible retirement.

2a. Describe your current working pattern (days/hours/times worked):

2b. Describe the working pattern you would like to work under flexible retirement (days/hours/times worked):

2c. I would like my flexible retirement to commence from:

Date:

3. Impact of the new working pattern

I think this change in my working pattern will affect the Service and my colleagues as follows:

4. Accommodating the new working pattern

I think the effect on the Service and colleagues can be resolved as follows:

Signed .....

Dated.....

Please return your application for to your Head of Service for their consideration.

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## EAST HERTS COUNCIL

### LOCAL JOINT PANEL – 6 DECEMBER 2011

#### REPORT BY THE SECRETARY OF THE STAFF SIDE

#### IMPACT OF RESTRUCTURES ON STAFF AND SERVICES

WARD(S) AFFECTED:     None

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#### **Purpose/Summary of Report**

To make the Local Joint Panel aware of the impact of restructures on staff and council services.

<b><u>RECOMMENDATION FOR LOCAL JOINT PANEL:</u></b>	
<b>(A)</b>	<b>That the report be noted and,</b>
<b>(B)</b>	<b>a report be submitted to the next LJP meeting providing details of the outcomes of all the recent restructures, including the total number of voluntary and compulsory redundancies and early retirements/resignations resulting from the restructures.</b>

#### 1.0 Background

1.1 Following the Council's approval of the 2011/12 budget, the Corporate Management Team has sought to find large savings in staffing costs. This has been achieved by undertaking a series of restructures across the whole of the establishment. There is virtually no service area which has been left unscathed.

1.2 There has been some consultation with UNISON and with staff but apart from some minor alterations to proposals, there has been little prospect of preventing implementation of the proposals.

#### 2.0 Report

2.1 This report focuses on just two examples of restructures, that of Community Projects and Democratic Services but it is important to

stress that these restructures are just two of many and are being replicated across the organisation. These particular proposals and a response by UNISON and a member of the Community Projects Team are attached to this report and illustrate the impact restructures are currently having on individuals, on the team and on service delivery. The main concerns are listed below:

## 2.2 **Restructure Fatigue**

Restructures are costly in terms of time, energy, morale and good will and the general well being of employees. Some staff have undergone several major restructures during the past ten years and some individuals affected by these particular restructures have been waiting nearly two years for an outcome to previous proposals. The whole process subjects employees to anxiety, uncertainty and stress and many have to go through a selection and appointment procedure in order to retain their job.

## 2.3 **Terms and Conditions**

UNISON is not in favour of reducing terms and conditions by stealth or downgrading jobs under the guise of a restructure. Jobs should only be re-evaluated if the role has changed significantly. Under or over stating a role and re-writing job descriptions with a view to changing a grade should not happen. Some posts in this particular example have been downgraded and yet there is no evidence that the requirements of roles have diminished.

## 2.4 **Redundancies**

The Council in its redundancy policy states that compulsory redundancies will be avoided wherever possible. However, in these examples and other restructures the Council far from avoiding redundancies is actively promoting them by the deletion of certain posts.

## 2.5 **Retention of 'Talent'**

UNISON takes issue with the assertion that restructure proposals provide opportunities for the Council to retain talent. Proposals that are going to result in redundancies and fewer jobs, cannot possibly achieve this aim. Two staff that UNISON is aware of (there may well be more) have already left the Council, knowing that there was no future for them in Communications at East Herts. Proposals cannot offer redeployment opportunities when every single service is contracting. There will be no opportunities other than lower paid jobs in areas where staff cannot use their skills and expertise to their full potential.

## 2.6 **Impact on Service**

The main purpose of restructures is to reduce staff costs. This is done in one of three ways:

- by reducing the number of staff employed
- by cutting their hours, or
- by rewriting their job description and downgrading their post.

Fewer staff cannot deliver the same level of service. Some services will completely disappear and others will be watered down so that they are not delivered to the same standard. Concerns about the impact this will have on council tax payers and on the community are well illustrated in the feedback from the Community Projects Team. This may be an inevitable consequence of the reduction in funding from central government but the Council should not be maintaining that services will be protected since this is clearly not the case.

## 3.0 Implications/Consultations

- 3.1 Restructures have implications for all staff. The consultation process does provide an opportunity for UNISON and staff to raise concerns and influence outcomes in a very minor way. However, the consultation process has limited value when it has been made clear that members have already agreed savings in the MTFP and therefore staff resources will be reduced.

### Background Papers

None

Contact Officer: Brenda Dodkins – UNISON Branch Secretary

Report Author: Jane Sharp – UNISON Service Conditions Officer

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Further to the comments made on 26 September 2011 and in response to the Consultation and Information Document UNISON wishes to make a final statement taking into account feedback from union members.

## **DRIVERS FOR CHANGE**

UNISON accepts that council members voted in favour of proposals for budget savings but is convinced that the majority of members were neither fully aware of the implications the proposals would have on council services nor the number of compulsory redundancies that would ensue.

It is a contradiction in terms to suggest that members wished to protect services to customers but accepted at the same time that there would be a number of activities that the Council would no longer undertake. Once you remove those activities, services are no longer protected. It is ironic and evidence of a strange set of priorities that sees a Council plough scarce resources and capital into improving Hertford Theatre, which benefits a small, largely affluent group of the community, whilst funding is withdrawn from community partnership working, which aims to help the more vulnerable groups of society.

### **Response**

Like many authorities across the country, EHC members had no option but to set a budget that required significant savings from many parts of the organisation and services. Members were made aware that staff resources would be reduced. The savings have been agreed by members in the MTFP.

## **OPPORTUNITIES FOR THE COUNCIL TO RETAIN TALENT**

UNISON takes issue with the above assertion. How can these proposals, which are going to result in redundancies and fewer jobs, possibly achieve this aim? Two staff that UNISON is aware of (there may well be more) have already left the Council, knowing that there was no future for them in Communications at East Herts. How also can the proposals offer redeployment opportunities when every single service is contracting? There will be no opportunities other than lower paid jobs in areas where staff cannot use their skills and expertise to their full potential.

### **Response**

The council's redeployment policy explains how the council makes best endeavours to retain talent wherever possible. This can be demonstrated in how restructure proposals have changed following consultation, flexible retirement and voluntary redundancy requests have been accepted to try and retain talent in difficult circumstances when posts are being reduced.

## **EFFECT ON STAFF**

There are 23 posts at risk of redundancy in this proposed restructure. Obviously most employees will not be made redundant but they will all have been subject to a stressful period of uncertainty where some may have to take on a role, not of their choice, where

others will be downgraded or have their hours cut. Many will have to undergo a selection process, competing with their colleagues and being interviewed for a job similar to the one they have been performing for many years. For some, this will be yet another restructure on top of all the others they have undergone during the past ten years or so. Yet senior management appears to be quite happy to subject their staff to this time and time again.

#### Response

The council's redundancy and redeployment policies set out how a restructure process will be carried out, ensuring that the process is fair. .

### **COST TO THE COUNCIL**

All the emphasis in the documentation is on savings that will be achieved by the Council. However, where is the cost/benefit analysis? There is a no mention of the cost of implementing yet another restructure, of the estimated cost of redundancies or early access to pensions, of the human cost in terms of morale and loss of good will. How many hours are spent by managers and HR in meetings, in job evaluation panels, in consultation with affected staff, in recruitment and selection and appeals?

#### Response

The council must reduce its ongoing revenue costs. There will inevitably be set-up costs to do so.

### **ALTERNATIVES**

UNISON has already suggested using some of the East Herts considerable financial reserves to help maintain services and levels of staffing. Given that each year there is almost always an under spend of the Council's budget, it is unlikely that the Council will suffer any financial crisis. Extending the invitation for voluntary redundancy to all staff, not just those in the affected areas has also been suggested many times. UNISON does not accept the argument that the Council would lose all its key staff this way, since a) voluntary redundancy does not have to be granted and b) this would open up opportunities for staff to apply for internal vacancies without the need to spend so much time, energy and money on restructuring nearly every single service area within the Council.

The Council's MTFP sets out clearly the savings that need to be made. The Council's Redundancy Policy sets out the Council's position on voluntary redundancy.

### **SPECIFIC FEEDBACK BY STAFF**

Following consultation with union members, UNISON wishes to include in this paper specific points raised by members of Democratic Services about how the proposals affect them.

#### **Democratic Services Operational Needs**

There is no mention in the proposals of the operational needs for the service going forward. Reducing staff numbers by 25% will need to be matched by a corresponding decrease in workload and yet there is no mention of what the service will look like in, say,

a year's time. There is a complete absence of detail on what work currently done is not required.

In the absence of any articulation of what Democratic services should look like and be focussed on, one can only conclude that CMT view the team as flabby, underworked and directionless. This seems strange considering Democratic Services won the Team of the Year award at the 2009 Staff Recognition Awards.

According to the then Chairman *"Democratic Services work closely and support each other to deliver a great service to the council. The team have a fantastic 'just get on with the job' attitude."*

The Chief Executive commented: *"This team are the glue that hold things together. The team ensure the smooth running of business and particularly support various chairmen. They are always working quietly and professionally in the background and therefore deserve some recognition."*

#### Response

The reductions in staff numbers in this area are no more than the Head of Service proposed for the MTFP.

#### Senior Democratic Service Officer

It is proposed that this grade 10 post be replaced with a Democratic Services Team Leader post at grade 9. There is no evidence to suggest that a revised job description was needed for this post as the post was re-evaluated in 2005, which is much more recent than other posts that have not been re-evaluated.

Considering the enhanced job description that has been submitted, it seems strange that a grade 9 post is required to deputise for the Governance Support Manager in managing the whole team including a grade 9 Senior Land Charges Officer. Where else in the organisation does this happen? The downgrading of this post has not been accompanied with any reduced responsibilities. Clearly, the downgrading (like others in the proposals) is about achieving the same for less, or even more for less, and is a cynical ploy to punish hard-working staff.

#### Response

The JDs were updated to reflect the changes. All posts which have been amended have been evaluated in accordance with the Hays Evaluation policy. Unison members are part of this evaluation panel. It would not be equitable or rational to pick and choose which posts should be re-evaluated and which should not.

#### Scrutiny Officer

It is proposed that the Scrutiny Officer post is transferred into the Governance Support team on the same grade and job description reporting directly to the Governance Support Manager. The suggestion for this transfer has been knocking around for a while and was originally mooted on the basis of achieving efficiencies and avoiding duplication with the duties carried out by Committee Services. This suggestion gained more weight when the decision was taken to cut one Committee Officer post on the basis of reducing support to non-statutory meetings and the Strategic Direction team was required to make savings.

Since the Scrutiny Officer post was created, there has been a clear link between the postholder and the Committee Section as it was recognised at an early stage that close working was needed. This has included regular 1:1 meetings between the Scrutiny Officer and the Senior Democratic Services Officer. It is unclear whether transferring the Scrutiny Officer post to report to the Senior Democratic Services Officer and to merge into the Democratic Services team has been considered. It is also unclear whether the natural synergies of merging all of these posts into one team under the management of the Senior Democratic Services Officer, has been considered. UNISON wishes to put this forward as a proposal and in so doing would suggest that this should prevent the downgrading of the Senior Democratic Services Officer post. Or, was the intention to come up with a structure where downgrading could be achieved?

[Response](#)

[Unison's suggestion is noted](#)

## **SUMMARY**

UNISON welcomes the minor changes already incorporated within the proposals following informal consultation with staff. It is hoped that the intention of the formal consultation process was as stated, to listen to staff and union feedback and to incorporate further amendments where constructive suggestions have been made. There is after all no one that knows better the operational needs of the service than the staff employed in that service area.

Report Author – Jane Sharp. Service Conditions Officer

[Response](#)

[CMT thanks Unison for its comments and feedback.](#)



## Community Projects Team Restructure

The Community Projects Team has already expressed concern (email 22<sup>nd</sup> September 2011) over the fact that “the part time nature of the new posts does not give enough officer time to deliver on the engagement/ partnership element of the work.” The restructure and reduction in FTE to 50% does indeed raise issues about the capacity of the team to deliver corporate priorities.

### 1. Consultation/Engagement

Capacity to deliver is particularly relevant to the new post of Engagement and Partnerships Officer (consultation) where it is proposed to absorb many of the tasks from the current post of Performance & Improvement Coordinator. The proposal is to add a substantial proportion of tasks from a deleted post to a post which retains core tasks from under the previous structure. This raises questions about capacity which are further compounded by the fact that the new post will be at 50% FTE.

One of the council’s short and medium term (i.e. by 2013) outcomes is to **undertake a review of Community Engagement to enhance opportunities for community involvement and engagement with the council.**

The above outcome is the responsibility of the Task and Finish Group on Public and Community Engagement guided by the Community Projects Team Leader. The T & F Group has not completed its work. Discussions continue on what will replace Community Voice which was one of the main ways the council consulted and engaged with residents in each of the five towns in the district. It would appear to be premature to reduce all three Engagement and Partnerships posts to 50% FTE until decisions have been reached as to how the council intends to engage with local residents. Have the views of members of the T & F Group been obtained on the proposed restructuring of the team specifically responsible for public and community engagement?

How will a team of three part time officers help deliver the corporate short/medium term outcome (i.e. by 2013) of **enabling the local community to influence decisions, to assist in the delivery of services?**

## **2. Local Strategic Partnership**

The importance of sport and physical activity will be highlighted in the year of the Olympics. Residents' expectations regarding the council's contribution to sport will inevitably be raised over the next twelve months. A commitment has already been made to work with the community sports network and hold a second Sports Awards event in 2012. A sports summit and a festival focussing on disabled sports are also planned to take place over the next twelve months. Promotion of sport and supporting the community sports network, albeit with a "light touch," will make demands on the resources of the Community Projects Team.

Working with partners such as Herts Sports Partnership clearly remains a priority for the council which has a longer term (i.e. by 2015) outcome **to work with our LSP partners to provide efficient, effective and sustainable services which meet identified local needs.**

The team will still have a significant partnership role to play following a review of the LSP structure with its new focus on the three priorities of vulnerable people, economic development and community safety.

## **3. Localism**

The Government has placed the idea of Localism at the heart of its agenda. The Localism Bill will radically change the face of community consultation.

The Localism Bill creates new rights to challenge the way local services are provided, purchase important community assets and to create neighbourhood plans. Towns, villages and neighbourhoods will have more say about what happens on their patch. Neighbourhood planning groups will need to find out what local people really think if their neighbourhood plans and development orders are to truly represent their communities.

Under *Leading the way, working together*, a longer term (i.e. by 2015) corporate outcome is **to continue to work to transfer management of community assets such as community centres to local people as opportunities arise.**

The Planning Policy Team leads on policy around localism, However, there may be occasions when additional resources will be required to consult residents on specific issues.

#### **4. New Homes Bonus and Community Infrastructure Levy**

A key part of the localism agenda is the New Homes Bonus and the Community Infrastructure Levy. A report on the new homes bonus and the community infrastructure levy (CIL) was approved by the local development framework executive panel on 7 July 2011

Council agreed <http://www.eastherts.gov.uk/index.jsp?articleid=24683> that one quarter of the New Home Bonus will be allocated to projects in communities where the new homes are built, such as improving playgrounds or parks. Apart from skills in funding and consultation, the Community Projects Team has developed expertise in the development and funding of play areas and sports facilities.

The Government expects local councillors to work closely with their communities – and in particular the neighbourhoods most affected by housing growth – to understand their priorities for investment and to communicate how the money will be spent and the benefits it will bring.

A corporate outcome in the short and medium term (i.e. by 2013) is to **“improve democratic engagement by supporting and developing the skills and knowledge of local councillors as democratic champions and community leaders.”**

Is it intended that the Democratic Services Team will be exclusively responsible for achieving this outcome? Will the Democratic Service role of identifying, implementing and delivering Member development/training programmes be enlarged to take on work resulting from the distribution of the New Homes Bonus? The report to the LDF Executive Panel acknowledged that defining what neighbourhood wishes are, and how the New Homes Bonus might be allocated in accordance with these wishes will *“require a lot of detailed ongoing work.”* Is the Community Projects Team expected to contribute to this important work of helping councillors understand the needs of their communities?

## **5. Transport**

Transport has not been specifically mentioned in any of the new job descriptions. Currently work on transport subsidies and community transport is undertaken by the Community Projects Team. There are reasons to believe that in the next year or so, the issue of rural transport will become increasingly important.

The Executive Member for Planning Policy and Economic Development transport and planning has indicated that that rural transport will be a priority in the near future. It has been suggested that efficiencies resulting from a reassessment of bus subsidies be used to develop a rural transport hub within the district.

A short and medium term (i.e. by 2013) outcome under Corporate Priority - Pride in East Herts is to develop a practicable and pragmatic Transport Strategy and action plan. The Parking Manager in conjunction with the Parking and Transport Task and Finish Group is responsible for the development of the Transport strategy. However, will the community projects team have any responsibility for the *implementation* of the action plan? If so, this needs to be recognised in the restructure.

At this year's rural conference, consultation by the Parking and Transport Task and Finish Group revealed that a significant majority regarded improved public transport as a priority outcome and many delegates made it their top priority. I understand that the emerging position from the work of the Task & Finish Group is that there is a concern and need for improved public transport, particularly among our rural communities in particular. As with the engagement T & F Group, should the Transport and Parking T & F Group be allowed to finish its work before a decision is made to reduce the capacity of the team?

## **6. Conclusion**

The contribution of the community projects team to council priorities is highlighted by the fact that two Task & Finish Groups are currently examining work that is central to the role of the team or where the team makes a significant contribution. A final decision on the restructure should if possible await the final report of both T & F groups.

The team recently lost two members of staff and has been reduced from six to three and half FTE i.e. a reduction of nearly 50%. Team members responded positively to this decrease in resources and have continued to ensure that minority groups and the vulnerable have access to council services. *A further reduction in FTE hours on a scale of 50% is unrealistic at a time when the demands on the team are likely to increase as a result of localism, implementation of the council's engagement and transport strategies and the Olympics.*

Under the proposed restructure the achievement of the council's short and long term outcomes for consultation/ engagement will present a real challenge for three part time officers. The possibility that the team may be required to help deliver the corporate outcome of the improvement of democratic engagement (particularly regarding localism and the allocation of the New Homes Bonus) should be considered.

It seems likely that the work of the team may remain linked in some way *to all of the short/medium and long term outcomes* of one of the five corporate priorities, ***Leading the way, working together***. [www.eastherts.gov.uk/index.jsp?articleid=11550](http://www.eastherts.gov.uk/index.jsp?articleid=11550)  
The number of democratic services and community engagement staff *directly* responsible for delivering responsible community leadership outcomes is currently ten i.e. 2.9% of the workforce of 350. The restructure will result in a reduction to 7.5 staff. In effect, 2.1% of the workforce will be expected to deliver one out of five corporate priorities. Similarly, I expect that a tiny proportion of staff will be required to not only co-ordinate the council's contribution to the LSP, but also help deliver a substantial part one of the three LSP priorities.

***Leading the way, working together*** focuses on delivering responsible community leadership that engages with our partners and the public. Whilst colleagues from across the council contribute towards responsible community leadership, the Community Projects Team plays a major part in the delivery of this priority. Further explanation as to how a depleted team of part time officers will support the delivery of a key corporate priority would be helpful.

**V Belinis – Endorsed by the Community Projects Team**

**14<sup>th</sup> Oct 2011**