

EAST HERTS COUNCIL

THE LOCAL JOINT PANEL – 25 SEPTEMBER 2006

REPORT BY THE LEADER OF THE COUNCIL

5(A) POLICY AND PROCEDURE (A) ACHIEVING ORGANISATIONAL CHANGE; (B) REDEPLOYMENT SCHEME; AND ENHANCED REDUNDANCY AND EARLY RETIREMENT PROPOSALS

WARD(S) AFFECTED: NONE

RECOMMENDATION - that the Policies and Procedures for Achieving Organisational Change, the Redeployment Scheme and Enhanced Redundancy and Early Retirement Proposals be approved.

1.0 Purpose/Summary of Report

1.1 To introduce a revised policy that ensures the Council complies with its statutory duty on consultation rights in change management scenarios.

1.2 To introduce a revised scheme to facilitate the redeployment of displaced staff when they cannot continue in the post to which they were appointed.

1.3 To introduce redundancy and early retirement benefits which comply with the Employment Equality (Age) Regulations 2006 (which come into force on 1 October 2006) and to ensure that the Council has an equitable and sustainable framework in place for the future.

2.0 Contribution to the Council's Corporate Objectives

2.1 Improve the health and sustainability of the organisation.

3.0 Background

3.1 The current policy does not comply with employment legislation, does not provide guidance to managers and does not comply with the Council's duty of care towards its employees. Because issues contained in the 3 documents are interlinked and inter-dependent, it has been necessary to review and revise each area.

4.0 Report

- 4.1 The Policy and Procedure for Achieving Organisational Change has had to be substantially rewritten to ensure that statutory rights over consultation, the right of appeal, notice period, time off to look for new work and trial period in the event of redeployment will be observed in any future change management process in East Herts.
- 4.2 The Redeployment Scheme links to the Organisational change where staff become displaced due to the deletion of their post. However, consideration should be given to redeployment for other groups, for example employees who become disabled. In order to ensure that this procedure is compliant with employment legislation, the various groups of employees have been put into priority order.
- 4.3 Please see the attached paper from EERA entitled Synopsis of research of payment protection linked to redeployment (Appendix 'A', pages 5.4 - 5.9) and a comparison table incorporating the Data from EERA and other nearby local authorities.
- 4.4 Please see attached proposals "Enhanced Redundancy and Early Retirement Benefits – Impact of Age Discrimination Legislation" (Appendix 'B', pages 5.10 - 5.15).

5.0 Consultation

- 5.1 Initial consultation has taken place with Unison and further consultation has been arranged prior to 25 September. However, both sides agreed that due to the importance of these policies they should go forward with follow up paperwork issued later if necessary.

6.0 Legal Implications

- 6.1 The proposed policies and schemes will comply with the Council's duty as an employer under the latest employment legislation.

7.0 Financial Implications

- 7.1 The level of benefits will ensure sustainability.
- 7.2 Failure to implement will leave the authority open to challenge. Currently for unfair dismissal, awards may range from £8,400 to £65,200. Additionally, for refusal to comply with a reinstatement

order, a further award of between £7,280 and £15,680 can be made. Awards against unlawful discrimination can be unlimited.

8.0 Human Resource Implications

8.1 Failure to approve the proposals will prevent the Council developing to meet its future service needs.

9.0 Risk Management Implications

9.1 Risk of claims for unfair dismissal.

Background Documents

- Policy and Procedure for Achieving Organisational Change
- Redeployment Scheme
- Synopsis of research of payment protection linked to redeployment
- Redeployment Protection Comparison Table
- Enhanced Redundancy and Early Retirement Benefits - Impact of Age Discrimination Legislation

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Synopsis of research of payment protection linked to redeployment

Findings:

- Surveyed 14 Districts in the area and the County, some of these are named and some are anonymous as they relate to an earlier EERA study on the same subject
- All of these 15 offer some form of salary protection when an employee is redeployed. This protection varies enormously with the lowest level seeing full salary protection only during the notice period, while at the other end of the scale protection is available for four years (this is county) the longest period within a district is 3 years.
- Only one other District (Uttlesford) pays increments while the employee is on 'protection', however this is only paid for the first year, then protection is reduced to 50% in the second year.
- 7 Districts protect for three years. Three of these gradually reduce the protection during this period, while one only pays a maximum of 20% (of the former salary) protection. Therefore only 3 out of 13 Districts provide full salary protection for a three-year period.
- 6 Districts protect for a period of less than three years, for 4 of these protection is only for one year. One of these only protects the old salary in the notice period, and for the remainder of the year the salary protected is between the old and the new salaries.
- At the end of the protection period (i.e. between 1 & 3 years) all apply the actual salary for the new post

Suggestion for East Herts:

- It is clear from this research that we are out of line with local policy on this subject, therefore it is recommended that:
 - We continue to offer protection for three years
 - During this time the current salary only is protected i.e. people do not receive increments, pay awards or any other payments which would see their monthly salary increasing (actually incurred payments like mileage and subsistence would be allowed at the current rate)
 - After one year we reduce the salary to 60% protection of the previous salary and after two years to 30% protection. On the third anniversary of the redeployment the protection is removed and the actual salary for the new post is paid. Of course if any of these reductions take the employee below the current rate (at mid point) for the grade of the new job, then the rate of the new job will immediately apply.
 - Annual leave and other service related benefits will be protected indefinitely. Where a lower level of annual leave entitlement is attached to the new post, this will apply at the end of the protection period.
 - If the employee has a lease car attached to their previous role, this will be continued until the lease or the protection runs out, whichever is soonest.
 - Where applicable a certificate of protection to pension benefits will be issued.

Redeployment Protection Comparison.

	What is protected?	How long protected for?	Salary freeze/Increments?
East Herts	<ul style="list-style-type: none"> • Where an offer is made for a job, which is at a lower grade than the employee's redundant post, the following conditions will apply: <ul style="list-style-type: none"> ◆ The post holder will be given 3 years full protection of salary. This means that he/she will continue to receive the annual pay award and annual increment (if not yet at the top of the redundant post's grade) for 3 years after transferring to the new post. The salary will then be frozen until the lower grade, in cash terms catches up, following annual pay awards with the current salary. 	3 years full protection	Salary frozen until the lower grade, in cash terms catches up, following annual pay awards with the current salary.
Babergh	<ul style="list-style-type: none"> • In addition to payment of the new post's salary and appropriate conditions, a protection allowance of the lesser of (i) the salary differential between the two jobs or (ii) 20% of the salary of the former post will also be paid. 	Until it is caught up or 36 months, whichever is earlier.	The sum of new salary and protection allowance will then be frozen until it is caught up by substantive salary for the job (through pay awards) or for a period of 36 months, whichever is the earlier.
Uttlesford	<ul style="list-style-type: none"> • Where the alternative employment within the Council is at a lower grade, protection will be for up to a maximum of one grade only from the highest SCP of the vacant post, regardless of the employee's grade in his/her previous post. • Annual leave entitlement attached to the former job will also be protected for two years in total. • Additional terms of personal protection regarding benefits/allowances can be considered; in particular, in cases where the employee has an ongoing lease car arrangement as an Essential Car User, this arrangement will be protected for up to three years, until the current contract expires. 	If protection is necessary it will be for one year, and then a further year at 50% of the difference between the maximum SCP of the new post, and the SCP of the above protection applied in that specific instance. Protection will cease if further employment at a higher salary is offered and the employee unreasonably refuses that offer. 2 years protection.	

<p>Welwyn Hatfield</p>	<ul style="list-style-type: none"> • Where an employee is redeployed to a lower graded post, they shall receive protection of salary for one calendar year from date of redeployment. The protection will include basic salary and rights to incremental progression and appropriate cost of living pay awards. • After that year; If the post they are redeployed to is one grade below their existing post then the employee shall receive protection of salary fixed at the cash level they are receiving on the last day of that year. The salary will then be protected at that level until the grade of the post overtakes the salary on which they are protected. Payments such as contractual overtime, car allowance will only continue if the conditions attached to payment continue to be met and are required in the new post. If the post they are redeployed to is more than one grade below their existing post then the employees salary will be reduced evenly over a period of one year to the highest spinal column point of the grade of the new post. 	<p>Minimum of 1 year</p>	<p>Increments continue for 1 year after redeployment</p>
<p>Broxbourne</p>	<p>The salary of an employee redeployed to a post below the old substantive grade will be dealt with as follows:</p> <ul style="list-style-type: none"> • During period of notice - no change. • For the remaining period up to 1 year after formal written notice of redeployment - to a salary mid way between the old salary on completion of the period of notice and the mid point of the new grade. • Afterwards, the mid-point of the new grade. 	<p>1 year</p>	
<p>North Herts</p>	<ul style="list-style-type: none"> • Where an individual is offered a role in a lesser grade full salary protection will be given for one year. After this, the salary difference will be reduced by a third each year. After three years the actual grade will apply. • Staff with a lease car will continue to receive the benefit until the lease expires. After this, they will receive the lease car (if any) appropriate to their new role. • Annual leave will not be reduced. 	<p>3 years</p>	

Hertsmere	<ul style="list-style-type: none"> • Salary Protection for 2 years with no increments. After 2 years, move onto new grade (or before, if lower salary catches up inside that time). 	2 years full protection	Salary frozen - no increments
Dacorum	<ul style="list-style-type: none"> • The employee will be paid a monthly amount, which will start from the date the employee commences the post for a period of 1 year. This sum will be calculated in accordance with the following formula: <ul style="list-style-type: none"> ♦ The difference between the current and the proposed salary/wage will be calculated and divided into 12 equal payments. This figure will be based on the actual and proposed pay at the time of the transfer. If the employee is due to retire in less than 12 months, the payment will be pro rata'd up to the date of retirement. ♦ In calculating the payment protection, all elements of contractual pay will be included, i.e. basic pay, contractual overtime, car allowance and any other contractual allowance. Any non-contractual overtime, or bonus payments, which are dependent upon performance, will not be included. 	1 year	
Herts County	<ul style="list-style-type: none"> • At the end of the 4 year period the employee will be paid at the maximum of the new (lower) grade. • But, if the maximum of the new (lower) grade catches up, through national pay increases, before the 4 years is up, the protection will cease then. • The parties to this Agreement hold the view that the norm for changes in grade, no more than 2 grades. Changes greater than this are regarded as exceptional and potentially problematic for this protection arrangement. • Car allowances will be protected in accordance with the arrangements set out in Section 2.2 of the Single Status Agreement. • If the new post is not eligible for a leased car, then the lease will continue for the length of the existing lease, but will not be renewed. • All other terms and conditions will be those applicable to the new post. • Pensions - If an employee's pay is reduced as a result of accepting a lower graded post in the year before retiring, then the better of the two previous years' pay may be used as their final pay for the purposes of calculating their retirement benefits. • To protect future pension benefits employees should request a 	4 years	The rate of pay (not grade) at the time they take the lower graded post will be frozen (i.e. no future increments or pay awards) for 4 years. From that date onwards the rate of pay of the new (lower) grade will be paid.

	<p>Certificate of Protection from ITnet pensions. This enables an employee where pay has been reduced within 10 years of their retirement to have their final pay for pension purposes calculated on the best pay for the last 5 years or the best 3 year average in the last 13 years.</p>		
<p>EERA Survey: Anonymous</p>	<ul style="list-style-type: none"> • Employees whose earnings reduce as a result of a reorganisation may apply for a Certificate of Material Change. This allows protection of pension benefits at the previous rate of pay if the employee retires from the service within 10 years of the date of the change. • Employees will be assimilated on the equivalent rate of pay or the maximum basic rate of the lower grade (whichever is the lower) with effect from the date of the reorganisation/change being effected. The protected payment made to eligible employees is defined as the difference between: <ul style="list-style-type: none"> (i) the gross weekly remuneration (including bonus) but excluding any casual overtime or casual standby payments received during the last 13 weeks in the previous job, and; (ii) the gross weekly remuneration which will normally be received in the new job. 		
<p>EERA Survey: Anonymous</p>	<ul style="list-style-type: none"> • Salary protection. 	<p>Employees who started with the Council on or after 1 January 1996 get their salary protected for 3 years. Very generously, if you started prior to this date the protection is on an indefinite basis.</p>	
<p>EERA Survey: Anonymous</p>	<ul style="list-style-type: none"> • Staff eligible to receive salary protection will be invited to choose their preferred style of payment, arising from the following options: Either: on the basis of freezing the current salary, for not longer than 3 years, while the maximum salary of the new (lower) grade catches up as a result of pay awards; Or: Payment of a lump sum equivalent to twice the gross difference between the current and new salaries. Here the new (lower) salary would be applied immediately. • Where a lump sum payment has been made and the employee leaves within 12 months of the salary reduction taking effect, a clawback of 50% of the payment will apply. A lump sum paid under these circumstances would be subject to tax and national insurance contribution. Such a lump sum payment would not be pensionable. • Where an employee is redeployed into a lower graded job in 	<p>Choice of 3 years protection, or none with a lump sum to compensate.</p>	<p>Choice of 3 year salary freeze whilst annual pay awards allow new (lower) salary to catch up; OR, lump sum payment.</p>

	<p>circumstances in which salary protection would apply, immediate (enhanced) pension benefits will not be paid.</p> <ul style="list-style-type: none"> • Staff whose salaries are to reduce as a result of redeployment, and who are members of the Local Government Pension Scheme, may be entitled to a certificate of protection of pension benefits, which can remain in force for 10 years from the date of protection. Usually, pension entitlement is based on the level of pay during the last year of service, or on one of the two previous years' pay if that amount is higher. However, staff in receipt of a certificate may elect to base their final pay on any of the last 5 years of their service or on the annual average of any three consecutive years falling within the last 13 years. 		
EERA Survey: Anonymous	<ul style="list-style-type: none"> • If an employee is redeployed to a job on a lower grade, then their salary will be frozen and protected fully in year 1; in year 2 they will receive half of the difference between the two salaries; and in year 3 they will automatically move onto the lower salary and grade. • Loss of opportunity to work non-contractual overtime, shifts or other payments over and above basic pay will not normally be considered. • If eligible they would also receive a pensions' protection certificate. • Entitlements such as car allowances, standby allowances, market force supplements etc. will only be paid if they apply to the new post. • Employees will be given at least three months' notice before any contractual entitlements are stopped, even if this is after starting the new job. 	2 years (Year 1: full protection; and Year 2: 50% of difference between old and new salary's)	Salary frozen and fully protected for first year after redeployment
EERA Survey: Anonymous	<ul style="list-style-type: none"> • We do have a redeployment policy - members of staff not able to do their job for whatever reason placed on register, invited to apply for jobs for which suitable - if successful (we tend to positively encourage) then receive 3 years protection on previous salary effectively. 	3 years full protection	
EERA Survey: Anonymous	<ul style="list-style-type: none"> • Yes we apply pay protection for redeployment and ill health. 	For 3 years	Our pay protection is a totally frozen salary i.e. no increments and no annual pay rise.
EERA Survey: Anonymous	<ul style="list-style-type: none"> • Yes we apply pay protection for redeployment and ill health. 	For 3 years	

Enhanced Redundancy and Early Retirement Benefits - Impact of Age Discrimination Legislation

1. Introduction

- 1.1 New Age Discrimination legislation comes into effect on 1st October 2006.
- 1.2 This will impact significantly on how employers calculate enhanced redundancy and early retirement benefits, which have traditionally been based on length of service.
- 1.3 The Local Government (Early Termination of Employment) (Discretionary Compensation) Regulations 2000 gave local authorities the power to enhance redundancy benefits and early retirement benefits; it is being withdrawn and will no longer apply with effect from October 2006.
- 1.4 The Regulations are being replaced with new regulations that will permit local authorities to enhance redundancy payments in accordance with age discrimination legislation. Whilst these revised regulations have yet to be finalised, the Government has published the draft regulations and the recommendations in this report comply with them.
- 1.5 Members have become increasingly concerned and unhappy about the lack of a clear framework for exercising their discretion to enhance redundancy and early retirement benefits.
- 1.6 Enhanced redundancy and early retirement benefits have to be paid from the revenue account (albeit that they can be spread over 3 years) and East Herts' employer's contribution to the superannuation fund has increased over the years. Whilst employees' pension contributions are fixed at 6% of salary, the employer is required to make whatever payment is necessary to ensure the continuing financial viability of the scheme. There was a time when this was around twice the employees' contribution; in recent years, however, East Herts has paid between 21.9% and 25.8%.
- 1.7 East Herts can no longer sustain its previous practice of paying close on maximum enhancement.
- 1.8 The Council is embarking on a fundamental review of its senior management structure and will need to consult with the trade unions and affected staff. On the one hand, therefore, there is a need to be clear about the level of benefits staff leaving the organisation might receive. On the other hand, if staff leave after 1st October 2006 the way that those benefits are calculated will be affected by age discrimination legislation in ways that are not yet absolutely clear.
- 1.9 The safest option would be to await clarification of the law before embarking on the restructuring. But there are sound business reasons for reviewing the senior management structure and it would not be in the interests of the organisation to defer that review.
- 1.10 The following proposals comply with the forthcoming Age Discrimination Legislation and the draft codes of practice, as they are currently understood. However, it will be necessary to keep an eye on developments as the Codes of Practice and supplementary regulations are published and to adjust our position accordingly.

2. Comparison with Neighbouring Authorities

- 2.1 The view has been expressed that East Herts should place itself very much within the range of practice across the region; tending towards the more generous end.
- 2.2 In 2004 the East of England Regional Assembly conducted a survey of its members on levels of redundancy payments and early retirement benefits
 - i. All respondents used actual pay to calculate redundancy payments.
 - ii. Only 12 out of 21 District Councils paid more than the statutory number of weeks' redundancy payment.
 - iii. 13 District Councils paid the maximum added years to staff taking early retirement in redundancy situations, with the remainder awarding an "other" amount.
- 2.3 Whilst all councils will have to review their existing practice in the light of age discrimination legislation, these results do give an indication of East Herts position in relation to neighbouring Councils.

3. Proposals

- 3.1 The draft regulations setting out the scope for local authorities to pay enhanced compensation for loss of office:
 - i. Retain the power to waive the statutory maximum of a week's pay for the calculation of redundancy pay.
 - ii. Replace the existing power to pay a one-off lump sum of up to 66 weeks pay (based on an age and service related formula) with a discretionary power to pay a one-off lump sum of up to 104 weeks pay.
 - iii. Remove the power to award added years to pension benefits. However additional membership can still be awarded through the augmentation provisions of the LGPS.
 - 3.2 Whilst Age Discrimination legislation does not allow employers to base entitlement to benefits on age or age-related factors (such as length of service), it does permit enhanced redundancy benefits to be determined on the basis of age and length of service, provided the calculations mirror the calculation of statutory redundancy pay. It will, therefore, be lawful to pay redundancy benefits as multiples of an employee's statutory entitlement and this is the approach recommended for East Herts.
- N.B.** It needs to be noted at this point that the position of the Audit Commission is that each case should be treated on its merits. That is not the approach that Members have indicated they would prefer and neither is it the approach being recommended here. Employers need to be able to justify differential treatment of employees on objective grounds and it is exceedingly difficult to identify objective grounds for the payment of different levels of severance benefit that do not, at least indirectly, relate to age. Whilst the legislation will permit employers to justify different treatment on the basis of age and/or length of service, there must be an objective justification and the employer must be able to demonstrate that it is

pursuing a legitimate aim and that its actions are proportionate. It is clear that there are few guarantees that the approach recommended by the Audit Commission to date would be immune from legal challenge. It is reasonable to take the view in these circumstances that the Audit Commission issued its advice before the implications of age discrimination legislation were fully appreciated and can no longer hold sway in the new legislative environment.

- 3.3 Appendix 1 shows the entitlement to statutory redundancy pay, according to age and length of local government service.
- 3.4 Whilst redundancy legislation specifies a maximum statutory amount of £290 for a week's pay, it is normal practice for employers to base redundancy payments on actual pay. This has been East Herts' previous practice and it is recommended that this remain the case.
- 3.5 It will be seen from Appendix 1 that the maximum statutory redundancy payment is 30 weeks pay.
- 3.6 Calculating redundancy payments at twice the statutory entitlement, using the employee's actual salary, not the statutory maximum gives a maximum payment of 60 weeks' pay to staff with 20 years or more service and who are aged 61 years and above. This is comparable to the maximum payment (66 weeks) under the existing (2000) regulations, and is recommended as the basis for East Herts' future practice. Appendix 2 shows this option. Other options, such as 1½ times statutory redundancy entitlement or 3 times statutory redundancy entitlement are, of course, also available.
- 3.7 For staff aged over 50 years who are in membership of the Local Government Pension Scheme, the pension regulations offer the alternative option of early retirement, with or without an enhanced pension. (N.B. The age at which this option will be available will increase to 55 years before 2010.) Whilst we have not found any definitive guidance on the point, it seems likely that local authorities' discretion to allow early retirement to staff above the qualifying age will not fall foul of age discrimination legislation.
- 3.8 As is noted in paragraph 2.1 above, most local authorities in the region currently award added years. Whilst all authorities will have to review their practice, East Herts could place itself within the general range of existing practice and comply with the draft discretionary compensation regulations by using the LGPS augmentation powers. It would have to do so in a manner complied with the age discrimination legislation.
- 3.9 The fairest and most transparent way of doing that would be to allow all employees in membership of the LGPS, regardless of their age and whether they qualified for early retirement, to convert their redundancy compensation in excess of their statutory entitlement into a period of membership in the LGPS. The Council would use the money that would otherwise be paid as a lump sum to purchase additional membership.
- 3.10 It needs to be noted that the whole of the lump sum would have to be used to purchase additional membership and that if the amount it would purchase exceeds the shorter of 6⅔ years or the period by which the member's total membership falls short of the total membership that would have had if they had stayed in membership until the age of 65, the member of staff would

not be able to purchase the permitted additional membership and take the remainder as a lump sum. They would either lose part of the value of their lump sum or have to take all of their benefit as a lump sum.

- 3.11 The Council would need to amend its existing policy on the use of the augmentation regulations and place a copy of the revised policy with the administering authority.

4. Summary of Recommendations

- 4.1 **That all staff being dismissed on the grounds of redundancy, regardless of age or membership of the Local Government Pension Scheme be paid an enhanced severance benefit of twice the statutory redundancy payment, at their actual salary.**
- 4.2 **That staff being dismissed on the grounds of redundancy who are in membership of the Local Government Pension Scheme and have reached the qualifying age for early retirement be allowed to take early retirement.**
- 4.3 **That all staff in membership of the LGPS, regardless of age, be given the option of converting the enhanced element of their redundancy payment to purchase additional membership of the scheme, subject to the restriction set out in paragraph 3.10 above.**
- 4.4 **That it be noted that in the absence of the finalised and approved codes of practice and supplementary regulations the Council cannot guarantee this level of benefits beyond 1st October 2006. This point to be made clear to the trade union and affected staff during the consultations on the forthcoming review of the Council's senior management structure.**

Statutory Redundancy Pay																				
		Service (Years)																		
		2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20
Age (Years)	20	1.0	1.0	1.0	1.0															
	21	1.0	1.5	1.5	1.5	1.5														
	22	1.0	1.5	2.0	2.0	2.0	2.0													
	23	1.5	2.0	2.5	3.0	3.0	3.0	3.0												
	24	2.0	2.5	3.0	3.5	4.0	4.0	4.0	4.0											
	25	2.0	3.0	3.5	4.0	4.5	5.0	5.0	5.0	5.0										
	26	2.0	3.0	4.0	4.5	5.0	5.5	6.0	6.0	6.0	6.0									
	27	2.0	3.0	4.0	5.0	5.5	6.0	6.5	7.0	7.0	7.0	7.0								
	28	2.0	3.0	4.0	5.0	6.0	6.5	7.0	7.5	8.0	8.0	8.0	8.0							
	29	2.0	3.0	4.0	5.0	6.0	7.0	7.5	8.0	8.5	9.0	9.0	9.0	9.0						
	30	2.0	3.0	4.0	5.0	6.0	7.0	8.0	8.5	9.0	9.5	10.0	10.0	10.0	10.0					
	31	2.0	3.0	4.0	5.0	6.0	7.0	8.0	9.0	9.5	10.0	10.5	11.0	11.0	11.0	11.0				
	32	2.0	3.0	4.0	5.0	6.0	7.0	8.0	9.0	10.0	10.5	11.0	11.5	12.0	12.0	12.0	12.0	12.0		
	33	2.0	3.0	4.0	5.0	6.0	7.0	8.0	9.0	10.0	11.0	11.5	12.0	12.5	13.0	13.0	13.0	13.0	13.0	
	34	2.0	3.0	4.0	5.0	6.0	7.0	8.0	9.0	10.0	11.0	12.0	12.5	13.0	13.5	14.0	14.0	14.0	14.0	14.0
	35	2.0	3.0	4.0	5.0	6.0	7.0	8.0	9.0	10.0	11.0	12.0	13.0	13.5	14.0	14.5	15.0	15.0	15.0	15.0
	36	2.0	3.0	4.0	5.0	6.0	7.0	8.0	9.0	10.0	11.0	12.0	13.0	14.0	14.5	15.0	15.5	16.0	16.0	16.0
	37	2.0	3.0	4.0	5.0	6.0	7.0	8.0	9.0	10.0	11.0	12.0	13.0	14.0	15.0	15.5	16.0	16.5	17.0	17.0
	38	2.0	3.0	4.0	5.0	6.0	7.0	8.0	9.0	10.0	11.0	12.0	13.0	14.0	15.0	16.0	16.5	17.0	17.5	18.0
	39	2.0	3.0	4.0	5.0	6.0	7.0	8.0	9.0	10.0	11.0	12.0	13.0	14.0	15.0	16.0	17.0	17.5	18.0	18.5
	40	2.0	3.0	4.0	5.0	6.0	7.0	8.0	9.0	10.0	11.0	12.0	13.0	14.0	15.0	16.0	17.0	18.0	18.5	19.0
	41	2.0	3.0	4.0	5.0	6.0	7.0	8.0	9.0	10.0	11.0	12.0	13.0	14.0	15.0	16.0	17.0	18.0	19.0	19.5
	42	2.5	3.5	4.5	5.5	6.5	7.5	8.5	9.5	10.5	11.5	12.5	13.5	14.5	15.5	16.5	17.5	18.5	19.5	20.5
	43	3.0	4.0	5.0	6.0	7.0	8.0	9.0	10.0	11.0	12.0	13.0	14.0	15.0	16.0	17.0	18.0	19.0	20.0	21.0
	44	3.0	4.5	5.5	6.5	7.5	8.5	9.5	10.5	11.5	12.5	13.5	14.5	15.5	16.5	17.5	18.5	19.5	20.5	21.5
45	3.0	4.5	6.0	7.0	8.0	9.0	10.0	11.0	12.0	13.0	14.0	15.0	16.0	17.0	18.0	19.0	20.0	21.0	22.0	
46	3.0	4.5	6.0	7.5	8.5	9.5	10.5	11.5	12.5	13.5	14.5	15.5	16.5	17.5	18.5	19.5	20.5	21.5	22.5	
47	3.0	4.5	6.0	7.5	9.0	10.0	11.0	12.0	13.0	14.0	15.0	16.0	17.0	18.0	19.0	20.0	21.0	22.0	23.0	
48	3.0	4.5	6.0	7.5	9.0	10.5	11.5	12.5	13.5	14.5	15.5	16.5	17.5	18.5	19.5	20.5	21.5	22.5	23.5	
49	3.0	4.5	6.0	7.5	9.0	10.5	12.0	13.0	14.0	15.0	16.0	17.0	18.0	19.0	20.0	21.0	22.0	23.0	24.0	
50	3.0	4.5	6.0	7.5	9.0	10.5	12.0	13.5	14.5	15.5	16.5	17.5	18.5	19.5	20.5	21.5	22.5	23.5	24.5	
51	3.0	4.5	6.0	7.5	9.0	10.5	12.0	13.5	15.0	16.0	17.0	18.0	19.0	20.0	21.0	22.0	23.0	24.0	25.0	
52	3.0	4.5	6.0	7.5	9.0	10.5	12.0	13.5	15.0	16.5	17.5	18.5	19.5	20.5	21.5	22.5	23.5	24.5	25.5	
53	3.0	4.5	6.0	7.5	9.0	10.5	12.0	13.5	15.0	16.5	18.0	19.0	20.0	21.0	22.0	23.0	24.0	25.0	26.0	
54	3.0	4.5	6.0	7.5	9.0	10.5	12.0	13.5	15.0	16.5	18.0	19.5	20.5	21.5	22.5	23.5	24.5	25.5	26.5	
55	3.0	4.5	6.0	7.5	9.0	10.5	12.0	13.5	15.0	16.5	18.0	19.5	21.0	22.0	23.0	24.0	25.0	26.0	27.0	
56	3.0	4.5	6.0	7.5	9.0	10.5	12.0	13.5	15.0	16.5	18.0	19.5	21.0	22.5	23.5	24.5	25.5	26.5	27.5	
57	3.0	4.5	6.0	7.5	9.0	10.5	12.0	13.5	15.0	16.5	18.0	19.5	21.0	22.5	24.0	25.0	26.0	27.0	28.0	
58	3.0	4.5	6.0	7.5	9.0	10.5	12.0	13.5	15.0	16.5	18.0	19.5	21.0	22.5	24.0	25.5	26.5	27.5	28.5	
59	3.0	4.5	6.0	7.5	9.0	10.5	12.0	13.5	15.0	16.5	18.0	19.5	21.0	22.5	24.0	25.5	27.0	28.0	29.0	
60	3.0	4.5	6.0	7.5	9.0	10.5	12.0	13.5	15.0	16.5	18.0	19.5	21.0	22.5	24.0	25.5	27.0	28.5	29.5	
61	3.0	4.5	6.0	7.5	9.0	10.5	12.0	13.5	15.0	16.5	18.0	19.5	21.0	22.5	24.0	25.5	27.0	28.5	30.0	
62	3.0	4.5	6.0	7.5	9.0	10.5	12.0	13.5	15.0	16.5	18.0	19.5	21.0	22.5	24.0	25.5	27.0	28.5	30.0	
63	3.0	4.5	6.0	7.5	9.0	10.5	12.0	13.5	15.0	16.5	18.0	19.5	21.0	22.5	24.0	25.5	27.0	28.5	30.0	
64	3.0	4.5	6.0	7.5	9.0	10.5	12.0	13.5	15.0	16.5	18.0	19.5	21.0	22.5	24.0	25.5	27.0	28.5	30.0	

Statutory Redundancy Pay X 2																			
Age (Years)	Service (Years)																		
	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20
20	2.0	2.0	2.0	2.0															
21	2.0	3.0	3.0	3.0	3.0														
22	2.0	3.0	6.0	6.0	6.0	6.0													
23	3.0	4.0	5.0	6.0	6.0	6.0	6.0												
24	4.0	5.0	6.0	7.0	8.0	8.0	8.0	8.0											
25	4.0	6.0	7.0	8.0	9.0	10.0	10.0	10.0	10.0										
26	4.0	6.0	8.0	9.0	10.0	11.0	12.0	12.0	12.0	12.0									
27	4.0	6.0	8.0	10.0	11.0	12.0	13.0	14.0	14.0	14.0	14.0								
28	4.0	6.0	8.0	10.0	12.0	13.0	14.0	15.0	16.0	16.0	16.0	16.0							
29	4.0	6.0	8.0	10.0	12.0	14.0	15.0	16.0	17.0	18.0	18.0	18.0	18.0						
30	4.0	6.0	8.0	10.0	12.0	14.0	16.0	17.0	18.0	19.0	20.0	20.0	20.0	20.0					
31	4.0	6.0	8.0	10.0	12.0	14.0	16.0	18.0	19.0	20.0	21.0	22.0	22.0	22.0	22.0				
32	4.0	6.0	8.0	10.0	12.0	14.0	16.0	18.0	20.0	21.0	22.0	23.0	24.0	24.0	24.0	24.0			
33	4.0	6.0	8.0	10.0	12.0	14.0	16.0	18.0	20.0	22.0	23.0	24.0	25.0	26.0	26.0	26.0	26.0		
34	4.0	6.0	8.0	10.0	12.0	14.0	16.0	18.0	20.0	22.0	24.0	25.0	26.0	27.0	28.0	28.0	28.0	28.0	
35	4.0	6.0	8.0	10.0	12.0	14.0	16.0	18.0	20.0	22.0	24.0	26.0	27.0	28.0	29.0	30.0	30.0	30.0	30.0
36	4.0	6.0	8.0	10.0	12.0	14.0	16.0	18.0	20.0	22.0	24.0	26.0	28.0	29.0	30.0	31.0	32.0	32.0	32.0
37	4.0	6.0	8.0	10.0	12.0	14.0	16.0	18.0	20.0	22.0	24.0	26.0	28.0	30.0	31.0	32.0	33.0	34.0	34.0
38	4.0	6.0	8.0	10.0	12.0	14.0	16.0	18.0	20.0	22.0	24.0	26.0	28.0	30.0	32.0	33.0	34.0	35.0	36.0
39	4.0	6.0	8.0	10.0	12.0	14.0	16.0	18.0	20.0	22.0	24.0	26.0	28.0	30.0	32.0	34.0	35.0	36.0	37.0
40	4.0	6.0	8.0	10.0	12.0	14.0	16.0	18.0	20.0	22.0	24.0	26.0	28.0	30.0	32.0	34.0	36.0	37.0	38.0
41	5.0	6.0	8.0	10.0	12.0	14.0	16.0	18.0	20.0	22.0	24.0	26.0	28.0	30.0	32.0	34.0	36.0	38.0	39.0
42	5.0	7.0	9.0	11.0	13.0	15.0	17.0	19.0	21.0	23.0	25.0	27.0	29.0	31.0	33.0	35.0	37.0	39.0	41.0
43	6.0	8.0	10.0	12.0	14.0	16.0	18.0	20.0	22.0	24.0	26.0	28.0	30.0	32.0	34.0	36.0	38.0	40.0	42.0
44	6.0	9.0	11.0	13.0	15.0	17.0	19.0	21.0	23.0	25.0	27.0	29.0	31.0	33.0	35.0	37.0	39.0	41.0	43.0
45	6.0	9.0	12.0	14.0	16.0	18.0	20.0	22.0	24.0	26.0	28.0	30.0	32.0	34.0	36.0	38.0	40.0	42.0	44.0
46	6.0	9.0	12.0	15.0	17.0	19.0	21.0	23.0	25.0	27.0	29.0	31.0	33.0	35.0	37.0	39.0	41.0	43.0	45.0
47	6.0	9.0	12.0	15.0	18.0	20.0	22.0	24.0	26.0	28.0	30.0	32.0	34.0	36.0	38.0	40.0	42.0	44.0	46.0
48	6.0	9.0	12.0	15.0	18.0	21.0	23.0	25.0	27.0	29.0	31.0	33.0	35.0	37.0	39.0	41.0	43.0	45.0	47.0
49	6.0	9.0	12.0	15.0	18.0	21.0	24.0	26.0	28.0	30.0	32.0	34.0	36.0	38.0	40.0	42.0	44.0	46.0	48.0
50	6.0	9.0	12.0	15.0	18.0	21.0	24.0	27.0	29.0	31.0	33.0	35.0	37.0	39.0	41.0	43.0	45.0	47.0	49.0
51	6.0	9.0	12.0	15.0	18.0	21.0	24.0	27.0	30.0	32.0	34.0	36.0	38.0	40.0	42.0	44.0	46.0	48.0	50.0
52	6.0	9.0	12.0	15.0	18.0	21.0	24.0	27.0	30.0	33.0	35.0	37.0	39.0	41.0	43.0	45.0	47.0	49.0	51.0
53	6.0	9.0	12.0	15.0	18.0	21.0	24.0	27.0	30.0	33.0	36.0	38.0	40.0	42.0	44.0	46.0	48.0	50.0	52.0
54	6.0	9.0	12.0	15.0	18.0	21.0	24.0	27.0	30.0	33.0	36.0	39.0	41.0	43.0	45.0	47.0	49.0	51.0	53.0
55	6.0	9.0	12.0	15.0	18.0	21.0	24.0	27.0	30.0	33.0	36.0	39.0	42.0	44.0	46.0	48.0	50.0	52.0	54.0
56	6.0	9.0	12.0	15.0	18.0	21.0	24.0	27.0	30.0	33.0	36.0	39.0	42.0	45.0	47.0	49.0	51.0	53.0	55.0
57	6.0	9.0	12.0	15.0	18.0	21.0	24.0	27.0	30.0	33.0	36.0	39.0	42.0	45.0	48.0	50.0	52.0	54.0	56.0
58	6.0	9.0	12.0	15.0	18.0	21.0	24.0	27.0	30.0	33.0	36.0	39.0	42.0	45.0	48.0	51.0	53.0	55.0	57.0
59	6.0	9.0	12.0	15.0	18.0	21.0	24.0	27.0	30.0	33.0	36.0	39.0	42.0	45.0	48.0	51.0	54.0	56.0	58.0
60	6.0	9.0	12.0	15.0	18.0	21.0	24.0	27.0	30.0	33.0	36.0	39.0	42.0	45.0	48.0	51.0	54.0	57.0	59.0
61	6.0	9.0	12.0	15.0	18.0	21.0	24.0	27.0	30.0	33.0	36.0	39.0	42.0	45.0	48.0	51.0	54.0	57.0	60.0
62	6.0	9.0	12.0	15.0	18.0	21.0	24.0	27.0	30.0	33.0	36.0	39.0	42.0	45.0	48.0	51.0	54.0	57.0	60.0
63	6.0	9.0	12.0	15.0	18.0	21.0	24.0	27.0	30.0	33.0	36.0	39.0	42.0	45.0	48.0	51.0	54.0	57.0	60.0
64	6.0	9.0	12.0	15.0	18.0	21.0	24.0	27.0	30.0	33.0	36.0	39.0	42.0	45.0	48.0	51.0	54.0	57.0	60.0



EAST HERTS COUNCIL

**POLICY AND PROCEDURE FOR ACHIEVING
ORGANISATIONAL CHANGE**

August 2006

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1. Purpose

- 1.1 The Council is committed to being a good employer, as well as a model contractor and client. The people that work in public service are a critical asset, and this is true whether they are employed directly by the Council or by other organisations in partnership with the Council. Without such people it would be impossible to develop modern, high quality, efficient, responsive, and customer-focused public services.
- 1.2 Our approach to delivering services is a pragmatic one, based on finding the best supplier who can deliver high quality services and value for money for those who live or work in East Herts. This may involve some services or functions being provided by, or in partnership with, the private or voluntary sector, or restructured and organised in new ways within the Council.
- 1.3 The Council recognises that it is unlikely to achieve smooth and seamless transition during such organisational change without the involvement, commitment and motivation of its staff.
- 1.4 Clarity and certainty about the treatment of staff is a fundamental requirement and the Council is committed to ensuring that all staff are treated fairly and consistently and that their rights are respected.
- 1.5 We cannot offer our staff a guarantee of a job for life, but we will seek to develop our staff to the maximum of their potential and to retain their skills within East Herts Council wherever possible.
- 1.6 The Council's Policy and Procedure for Achieving Organisational Change has been written to provide a framework within which the Council's changing requirements of the workforce can be managed fairly and equitably.
- 1.7 The procedures contained within this document take account of legislation relating to redundancy and comply with ACAS guidelines.

2. Principles of the Procedure

- 2.1 This procedure provides guidance on managing reorganisations with East Herts Council so that staff are treated fairly, consistently and lawfully.
- 2.2 The Council will strive to avoid redundancies and will always consider alternative options to achieve its objectives.
- 2.3 The Council will always consult the recognised trade union and affected staff before declaring redundancies.
- 2.4 This procedure gives staff the right of appeal against redundancy.
- 2.5 Where redundancy is unavoidable the member(s) of staff affected will be offered assistance through the Council's Employee Assistance Programme to support them through the process.

3. Scope of the Procedure

- 3.1 The procedure does not apply to employees at chief officer level and above.
- 3.2 The parts of this procedure that specifically relate to redundancy can only be used in circumstances where a redundancy situation exists. Redundancy is defined in legislation as follows:
 - i. The employer has ceased, or intends to cease, to carry on the business for the purposes of which the employee was so employed;Or
 - ii. The employer has ceased, or intends to cease, to carry on the business in the place where the employee was so employed;Or
 - iii. The requirements of the business for employees to carry out work of a particular kind has ceased or diminished or are expected to cease or diminish;

Or

- iv. The requirements of the business for the employees to carry out work of a particular kind, in the place where they were so employed, has ceased or diminished or are expected to cease or diminish.

3.3 For issues relating to performance or attendance the Capability Procedure should be used. For issues relating to conduct the Disciplinary Procedure should be used.

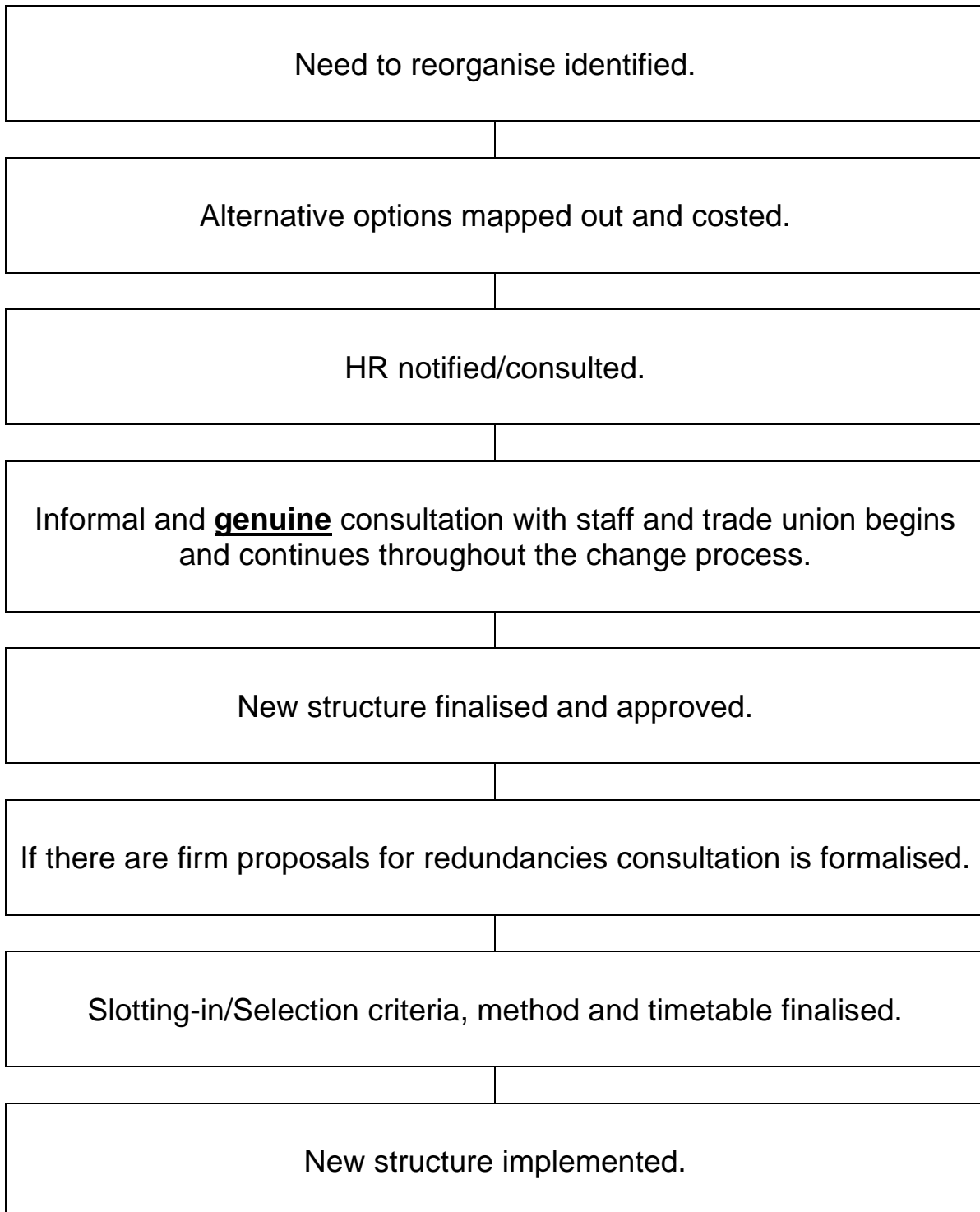
3.4 The procedure will not apply where an employee's services are terminated in the following situations:

- i. At the end of a pre-determined limited or fixed term contract where the employee has less than two years continuous employment.
- ii. Retirement.
- iii. Contravention of an enactment (e.g. where an employee who requires a work permit does not have one).

3.5 Employment legislation places very clear obligations on employers to consult staff and recognised trade unions; Notice of Redundancy cannot be issued without meaningful consultation having taken place. (See Section 8, below)

4. An Overview

4.1 No two restructurings will follow exactly the same process or timetable, but the following flowchart shows the key stages:



4.2 A more detailed outline of the stages and likely timescale for a restructuring are set out in the form of a management planning tool at Appendix 1.

5. Identifying the Need to Reorganise

5.1 Managers should inform staff early about the need to restructure; they need to be clear about the reasons for restructuring and should communicate this clearly and consistently to staff. This is effective change-management practice as well as sound procedure for managing reductions in the workforce.

6. Exploring Options and Initial Consultation

6.1 Having established that a restructure is required, managers next need to consider the option/s open to them to meet the needs of their service and how they might be implemented. This will include an early consideration of how redundancies might be avoided, by, for example, natural wastage.

6.2 Advice from Human Resources should be obtained at this stage.

6.3 HR will advise and support managers throughout the process, but the extent of support will depend on resources. Where new job descriptions are required, for example, these will need to be drafted by managers, with support and advice from HR, if required.

6.4 The reorganisation proposals will need to be costed. This will include getting estimates of possible redundancy costs from Payroll.

6.5 Staff should be kept informed throughout this process, and individual members of staff who could be affected significantly should be spoken to on a one-to-one basis.

6.6 Informal consultations should also be opened with Unison as soon as options for reorganisation have been developed. This is best done by calling a meeting with Unison Representatives

to explain the rationale and put forward the options for consultation.

6.7 Whilst the primary focus of these consultations will be the options for the new structure, if it seems likely that redundancies could be necessary, they should also begin to explore ways of reducing the number of redundancies and the options for selecting staff for redundancy.

6.8 There is no timescale laid down for these consultations, but they must be genuine – there must be some prospect that they can affect the final proposals. Alternative proposals put forward by staff or the trade union must be taken seriously and reasons given if they are rejected.

6.9 Similarly, any suggestions from staff must be given proper consideration and, if not practical, staff must be told why.

7. Obtaining Formal Approval for Proposals

7.1 Once the proposals for restructuring have been finalised a report should be submitted for approval in principle by the Corporate Management Team.

7.2 A copy of the report will be given to Unison and the affected staff before it goes to CMT so that they may comment on its proposals.

8. Consultation

8.1 There is a legal requirement to consult the recognised trade union (UNISON) and individual members of staff on redundancies before the first redundancy notice is issued.

8.2 Whilst informal consultation will have started as soon as redundancies were a possibility (see paragraph 6.6 above), formal consultation must start at the point that redundancies are formally proposed.

8.3 The statutory consultation period if between 20 – 99 staff are to be dismissed on the grounds of redundancy is at least 30 days. The 30 day consultation period must end before the

first redundancy notice is issued. (NB for 100 staff or more the consultation period must be at least 90 days.)

8.4 Whilst the statutory requirement to commence formal consultation at least 30 days before the first redundancy notice is issued only applies if 20 or more staff are to be made redundant, there is a statutory requirement on employers to act reasonably if fewer than 20 staff are to be made redundant. In such cases the Council will therefore strive to commence formal consultation at least 30 days before the first redundancy notice is issued.

8.5 Formal consultation starts with Unison being invited to a meeting and being given the following information in writing:

- i. The reason for the proposed redundancies.
- ii. The number of posts affected and the likely number of redundancies.
- iii. The total number of similar posts within the Authority.
- iv. The selection criteria for redundancy.
- v. The proposed method of carrying out the dismissals having regard to the agreed procedure including the period over which the dismissals are to take effect.
- vi. The method of calculating the redundancy payments for dismissed employees.

HR will advise on the drafting of the letter commencing formal consultations and setting out the required information.

8.6 Formal consultation must cover:

- i. Avoiding the dismissals
- ii. Reducing the numbers of employees to be dismissed
- iii. Mitigating the consequences of the dismissals
- iv. Selection criteria and method (this will include any “ring-fence” arrangements – see paragraph 9.8 below)

8.7 If at all feasible, the initial meeting with Unison representatives should be followed immediately by one-to-one meetings with individual members of staff who are more adversely affected by the proposals (Unison representatives will then be on hand to support those staff if needed) and a

meeting with all staff to tell them about the proposals, which the Unison representatives may also attend. HR will support managers at these meetings.

8.8 At this point affected staff should be given a letter explaining that their current post is being deleted and that they are at risk of redundancy. Template letters are set out at Appendix 2. Payroll will be asked to provide estimates of likely severance benefits for staff who have been told that they are at risk of redundancy.

8.9 Further consultation meetings with Unison representatives will be held as necessary.

9. Appointing Staff to the New Structure and Selection for Redundancy

9.1 The process of appointing staff to the new structure results in those staff not being appointed being selected for redundancy.

9.2 In all cases the Council will follow the principle that the staff appointed to the new structure will be those that have the most appropriate combination of knowledge, skills and experience to make an effective contribution.

- i. If jobs in the new structure are similar to jobs in the old structure and there are sufficient jobs in the new structure for all existing members of staff, staff may simply be assimilated into the new posts.
- ii. If there are fewer jobs in the new structure, there will have to be a selection process.
- iii. If the jobs in the new structure are significantly different to the jobs in the old structure, such that it cannot be assumed that all existing staff will have the necessary knowledge, skills and experience to do the new jobs, there will have to be a selection process.

9.3 Management will decide whether it is appropriate to ask staff if they want to volunteer for redundancy. Staff who may be interested in applying for voluntary redundancy will be given an estimate of their likely severance benefits on receipt of a

written request. Applications for voluntary redundancy will only be approved if it is considered to be in the Council's interest. There will be no right of appeal against a decision not to grant an application for voluntary redundancy.

9.4 Selection may be done in one of two ways:

- i. Through a recruitment process, with staff being formally assessed for the new posts (e.g. interviews, assessment centres) and the best candidates being appointed.
- ii. Through management selection, based on an assessment of past performance.

9.5 In either case the following criteria will be considered:

- i. Skills
- ii. Experience
- iii. Work performance
- iv. Aptitude for work
- v. Disciplinary record
- vi. Attendance record

9.6 Each approach has its advantages and disadvantages:

- i. The recruitment approach gives management clear information from the interview on which to base their decisions. On the other hand, staff are frequently distrustful of such processes, believing they know who are going to get the jobs anyway and it may seem perverse to base such decisions on a relatively short interview when the organisation may have in-depth knowledge of staff gained over several years.
- ii. Management selection places a greater onus on management to justify their decisions and to produce the evidence to support them. On the other hand, it is honest about management's perceptions and, for that reason, may be welcomed by staff as more transparent and accountable.

9.7 This policy does not favour either method over the other. Staff will always be consulted about their preferences and

management will only go against staff preferences if there are clear organisational reasons for doing so.

- 9.8 It is also likely that as part of the selection process it will be necessary to specify which posts particular staff may be considered for. This is known as a “ring-fence”. Whilst staff and the trade union will be consulted about the ring-fence the final decision about how the ring-fence will be drawn will be a management decision. HR must be approached for advice on drawing the ring-fence.
- 9.9 Care must be taken in choosing the selection criteria and methodology so that it is fair and reasonable in each particular. HR will advise on options for selection criteria and methodology to ensure that the process adopted meets the needs of the organisation, ensures that a balanced workforce is retained to meet future needs and that there is no discrimination on the grounds of race, sex, disability, sexual orientation, religion or belief or age.
- 9.10 Staff may be offered lower graded jobs in the new structure. In such circumstances it will be for the employee to decide whether or not they wish to accept the post. Any such decision will not affect their entitlement to a redundancy payment. (See also Salary Protection arrangements as set out in the Redeployment Procedure.)
- 9.11 Staff will be told the outcome of the selection process in writing. For staff who are not being offered a position in the new structure, the statutory, three stage dismissal procedure will be invoked:
- i. The letter informing them of the outcome of the selection process will state the intention to dismiss them on the grounds of redundancy and invite the employee to a meeting to discuss the matter.
 - ii. At the meeting, the line manager will confirm the intention to dismiss the employee on the grounds of redundancy and invite the employee to respond, stating any reasons why they feel that the dismissal should not proceed.

- iii. The outcome of the meeting will be confirmed in writing and the employee told how to exercise their right of appeal.
- iv. Appeals will be heard.

Staff will not be confirmed in posts and notices of dismissal will not be sent until all appeals have been dealt with.

N.B. It is important that appeals are dealt with without undue delay. To ensure that this happens the timetable for implementing the restructuring, including the timetable for appeals and the availability of all those necessary for appeals to be heard will be arranged early in the restructuring process.

10. Appeals

10.1 Staff may appeal against redundancy on the following grounds:

- i. Their post is not redundant,
- Or
- ii. That the selection criteria were unfairly applied.

10.2 Appeals will be heard by the Chief Executive within three weeks of staff being told the outcome of the selection process in writing.

10.3 Staff who wish to appeal must register their intention in writing to the Chief Executive within 3 working days of receiving the letter advising them of the outcome of the selection process. The Chief Executive will acknowledge receipt of the registration of appeal in writing and, at the same time, advise the appellant of the date and time of their appeal hearing.

10.4 Within a further 5 working days they must submit a written statement of the grounds for their appeal, along with copies of any documentary evidence they wish to refer to in support of their appeal. A copy of the statement and any documentary evidence will be given to the Service Director.

10.5 Within a further 3 working days the Service Director will submit a written response to the statement of appeal, again

with any documentary evidence. Copies will be given to the appellant.

10.6 The procedure to be followed at appeal hearings is set out in Appendix 3.

10.7 If the appeal is on the grounds that the selection criteria were unfairly applied the appeal hearing will have available anonymised information on the assessment of the other candidates within the ring-fence, which the Chief Executive will take due consideration of when reaching her decision. This information will be made available to both sides at least 3 working days before the appeal hearing and both sides will be invited to comment on how the appeal might impact on other staff.

10.8 If an appeal on the grounds that the selection criteria were incorrectly applied is successful the member of staff who is selected for redundancy in their stead will have a right of appeal, which they must register within three working days of receiving written confirmation that they have been selected for redundancy.

11. Notice Periods

11.1 Following the appeal hearings, if any, dismissal notices will be issued to staff who have been selected or volunteered for redundancy.

11.2 Staff who are made compulsorily redundant will be given a minimum of 12 weeks notice of termination of employment, regardless of their actual statutory or contractual entitlement to enable them to make full use of the Redeployment Procedure and identify alternative employment within the Council. (N.B. If the member of staff has a contractual entitlement to more than 12 weeks notice they will receive their contractual entitlement.)

Redeployment, Counter Notice, Trial Period and other Considerations during Period of Notice

12. Redeployment

- 12.1 Full details of the application of the Redeployment Procedure to staff under notice of redundancy are set out in the Redeployment Policy. The outline of the process set out below neither supersedes, nor shall be interpreted as contradicting the provisions of the Policy.
- 12.2 There is no entitlement in the procedure for staff to be offered a minimum number of redeployment opportunities. Staff will be offered whatever opportunities arise during their period of notice.
- 12.3 All suitable vacancies will be offered to staff under notice prior to being advertised externally.
- 12.4 If a vacancy arises which is similar in status, of the same grade or slightly higher, at the same work place and where the skills required broadly match, HR will arrange for the employee and recruiting manager to meet to discuss suitability.

13. Counter Notice

- 13.1 If an employee finds employment with another employer during their notice period they may wish to terminate their contract earlier than the date on which their notice will expire. To do this they have to give East Herts written notice to terminate the contract early; this is known as "Counter Notice".
- 13.2 East Herts Council will, in the majority of cases, agree to such requests. There are, however, some specific employment law considerations that will need to be taken into account and managers who receive a written counter notice must contact HR for advice.

14. Trial Period

- 14.1 Staff under notice of redundancy have a statutory entitlement to a four-week trial period in a job offered as suitable alternative employment. The trial period allows both the employee and the employer to assess the suitability of the offer of alternative employment.
- 14.2 The statutory four-week trial period may be extended only for the purpose of training the employee to do the job and the length of the trial period must be determined at the outset. **The Trial Period cannot be extended once it has been started, for whatever reason.**
- 14.3 The trial period can last beyond the date of dismissal and, if a suitable vacancy is identified very near the dismissal date, the trial period can start after the old contract has ended.
- 14.4 A template letter setting out the details of the post, the trial period and if the job is seen to be reasonable alternative employment is included in Appendix 2.

15. Time Off to Look for New Work or for Training

- 15.1 Managers must allow their staff a reasonable amount of time off to look for new employment or for training during the notice period. Requests for time off will have to be assessed on a case by case basis but some latitude should be extended to this group of staff during what is a very difficult period. HR will advise.
- 15.2 The sort of activities for which requests for time off will receive favourable consideration will include:
- i. Completing an application form
 - ii. Attending career counselling
 - iii. Registering with employment agencies
 - iv. Conducting internet searches at work

This is not an exhaustive list.

Key Steps in Organisational Change

The following table sets out the possible actions in implementing organisational change. Not all change initiatives will involve all of the steps and larger restructurings will inevitably take longer to take through them. A major restructuring could easily take over 6 months to implement. Thinking through how your change initiative is likely to proceed will allow you to plot the likely time-line.

Key Action	Associated Actions	Likely Timescale
Need to restructure identified and alternative options developed.	<ul style="list-style-type: none"> • Identify objectives of new structure. • Scope duties of individual posts • Identify likely grades • Identify whether redundancies may be necessary • Discuss options and likely costs with Group Accountant • Discuss potential redundancy costs with HR/Payroll • Discuss with HR when and how staff should be told that management are reviewing the structure • Determine whether any individual members of staff may be significantly affected and whether they should be seen at 1-to-1 meetings 	1 week to 1 month
Notify/consult HR	<p>This may have been started at the previous stage – but needs to go further. HR will need to:</p> <ul style="list-style-type: none"> • Confirm the extent of any possible redundancies and advise on any legal requirements. • Review draft job descriptions and person specifications. • Do indicative JE's to ensure that grades being sought reflect duties • Outline possible approaches to consultation and agree consultation strategy with the manager • Identify any potential problems with consultation (e.g. staff on maternity leave) and identify how they will be addressed. • Discuss options for selection criteria and processes – whilst these will be subject to consultation with staff and the trade union at a 	2 weeks to 1 month

Appendix 1

Key Action	Associated Actions	Likely Timescale
	<p>later stage, it is important for management to be clear about their preferences and the reasons for those preferences early in the process</p> <ul style="list-style-type: none"> • If management selection is the preferred option confirm the availability and quality of management information on which to base decisions 	
Commence informal consultation with staff and TU.	<p>Again, important to discuss options with HR.</p> <ul style="list-style-type: none"> • Identify appropriate TU representatives - consult with Branch Secretary on whether there are TU reps in the service who will lead or whether branch officials will be taking a lead role. • Formally invite TU reps to meeting – telling them what it will be about and that you will be speaking to the staff immediately afterwards. • Arrange staff meetings. • Decide how to accommodate staff who are not at work or cannot be released from work to attend the meeting 	1 to 2 weeks
New structure finalised and approved	<ul style="list-style-type: none"> • Write report for CMT identifying reasons for change, proposals and costs. • Send copy of report to TU on good time to allow them to comment • CMT consider and approve 	1 week
Start formal consultation	<ul style="list-style-type: none"> • Consult with HR on the letter formally starting the consultation process. • Set a date for the first meeting – tie in with 1-to-1 meetings with affected staff and general staff meeting immediately following TU meeting • Send “at risk” letters to staff potentially facing redundancy. • Agree likely timetable for consultation with HR and include HR in the consultative process. • Invite TU reps to further consultative meetings – number of meetings will vary depending on the nature and effects of the restructuring – if redundancies involved will need more than one. • Work out likely timetable for the selection process and, if redundancies seem likely, any appeals. • Consult those needed for the selection process and appeals to ensure their availability 	2 to 6 weeks

Appendix 1

Key Action	Associated Actions	Likely Timescale
	<ul style="list-style-type: none"> • Keep key players informed throughout the process. • Ensure that all suggestions from staff and TU are responded to with explanations if rejected 	
Finalise selection criteria and method	<ul style="list-style-type: none"> • If voluntary redundancy is part of package, invite volunteers • Fix dates for selection panels or interviews and possible appeals, ensure that key players are available, book accommodation • Decide on ring-fence arrangements. • Ensure that all staff are aware of how the selection process will operate, what the timetable is and if they need to do anything to ensure that they are considered 	1 week
Implement new structure	<ul style="list-style-type: none"> • Make selection decisions • Decide how you will manage the crossover period • Tell staff in writing • Invite unsuccessful staff to meetings to discuss their potential dismissal • Hold meetings with staff and advise them of the outcome in writing, including rights of appeal • If appeals are received, advise HR and CE and comply with requirements for exchange of documentation before appeal hearing • Once all appeals have been heard, confirm final decisions in writing, giving notice of termination to unsuccessful staff • Determine what action is necessary to ensure that all staff are aware of their new roles in the new organisation. • Consider team-building and training initiatives necessary to maximise the potential for successful change. 	1 to 2 months

Template Letters

Template Letter 1	Letter to employee at risk of redundancy
Template Letter 2	Letter to staff consulting on selection methodology
Template Letter 3	Letter to employee on the outcome of the selection process – intention to dismiss
Template Letter 4	Letter to employee on the outcome of the selection process – intention to offer position in new structure
Template Letter 5	Letter to employee on the outcome of the dismissal meeting
Template Letter 6	Letter to employee on the outcome of appeal – notice of dismissal

Template Letter 1

First Formal Notification to an Employee That He/She is at Risk of Redundancy

***N.B.** This letter should not be sent to staff “cold”. There should at least be a meeting with the staff as a group advising them that the restructuring proposals have been approved and what the consequences of that decision might be. If particular individuals are clearly going to be significantly affected they should be seen on a one-to-one basis before being given this letter, which may be handed to them at the conclusion of the one-to-one meeting.*

Dear _____,

Restructuring of *** Service: Potential Risk of Redundancy**

You will be aware from the staff meetings held on ***** and my one-to-one meeting with you on ***** that proposals have been developed for restructuring the ***** Service.

Following consultations with staff and with Unison, formal proposals were considered and approved by the Corporate Management Team on *****.

This decision means that you are at risk of being given notice of termination of employment on the grounds of redundancy. I have asked Payroll to produce an estimate of your likely severance benefits and I will forward these to you as soon as I have them.

Our consultations with staff and Unison will continue and become more formal now. They will focus on how the restructuring proposals will be implemented and in particular:

- How redundancies might be avoided.
- If that isn't possible, how the number of redundancies might be reduced
- How the consequences of redundancy for individuals might be mitigated
- What selection criteria and methods might be appropriate.

Please note that no firm decision has yet been taken on your personal position. You will be kept fully informed and consulted as the situation unfolds. If you would like a meeting with me to discuss matters please *(insert how meeting may be arranged)*

Template Letter 2

Letter to Staff Consulting on Selection Methodology

N.B. This letter is only sent to those staff who will be included in any selection process. These staff will have been sent Template Letter 1; First Formal Notification to an Employee That He/She is at Risk of Redundancy.

Dear _____,

Restructuring of *** Service: Selecting Staff for Appointment to the New Structure.**

Further to my letter of (*date of Template Letter 1*), we now need to decide how to select those staff who will be offered jobs in the new structure. Those staff who are not offered jobs in the new structure will be given notice of termination of employment on the grounds of redundancy.

Before setting out the options on how the selection might be done, I need to make it clear that the jobs in the new structure all have job descriptions and person specifications and that, whatever method is adopted, decisions will be based on who best meets the criteria set out in the person specification.

The selection process may be by interview or by management selection:

- i. We could interview staff just as if we were recruiting in the normal way and appoint those staff who demonstrate at the interview that they best meet the selection criteria in the person specification.
- ii. Management could use its knowledge of the strengths and weaknesses of staff and the information that it has from the PDRS to make decisions. Line managers would be required to submit a written assessment, which the staff concerned would be able to see and comment on.

In either case the decisions would be made by a panel made up of (*insert names*). We have been consulting Unison on both these options; this is your chance to have your say. I would be grateful if you could return the enclosed voting slip indicating your preferred selection method.

I can't guarantee that the most popular option will be adopted, but the Council's policy is that management will only go against staff preferences if there are clear organisational reasons for doing so. You will be told the outcome of this consultation exercise and the reasons for choosing the selection method decided upon.

Template Letter 3

Outcome of Selection Process – Intention to Dismiss

Dear _____,

Outcome of Selection Process for Jobs in the New *** Structure**

Either

I refer to your recent interview for the post of ***** in the new ***** Service Structure

Or

The management panel have decided who should be appointed to the post(s) of ***** in the new ***** Service structure
.....and I have to tell you that you we do not intend to offer you a position.

This means that you have been selected for redundancy and it is my intention to give you notice of termination of employment on the grounds of redundancy. You are invited to a meeting at ***** at ***** on ***** to discuss the reasons for this decision. I will be accompanied at the meeting by (*HR Officer*) and you may be accompanied by a trade union representative or a friend. Following that meeting I will decide whether to proceed to give you notice of termination of employment on the grounds of redundancy.

You will have the right of appeal against a decision to dismiss you on the grounds of redundancy. I will give you details of how you may exercise that right at the meeting.

I appreciate that this will be a difficult time for you and know that I can rely on you to behave in a professional manner and ensure to the best of your ability that our services are maintained. (*N.B. Managers might want to consider alternative forms of words that are more personal to encourage the member of staff to behave appropriately.*)

Template Letter 4

Outcome of Selection Process – Intention to Offer Position in New Structure

Dear _____,

Outcome of Selection Process for Jobs in the New *** Structure**

I refer to your recent interview for the post of ***** in the new ***** Service Structure

Or

The management panel have decided who should be appointed to the post(s) of ***** in the new ***** Service structure

.....and I am pleased to tell you that we intend to offer you a position.

However, there are other members of staff who are not likely to be offered positions in the new structure and they have rights of appeal against dismissal on the grounds of redundancy. I am not able to make firm offers of jobs in the new structure until I know whether people want to exercise their right of appeal and, if they do so, what the outcomes of those appeals are.

I appreciate that this continued uncertainty is distracting and unsettling, but I know that I can rely on your professionalism to ensure that our services are maintained through this difficult period. *(N.B. Managers may want to consider a more personal form of words.)*

Template Letter 5

Outcome of Dismissal Meeting

N.B. This letter is sent to staff following the meeting referred to in Template Letter 3.

Dear _____,

Meeting Held on

I confirm the outcome of our meeting on _____, also attended by _____, that

Either

I have not changed my intention to give you notice of termination of employment on the grounds of redundancy.

Or

I no longer intend to give you notice of termination of employment on the grounds of redundancy.

If intending to proceed with dismissal:

You have the right of appeal against my decision. Your appeal must be based on one or both of the following grounds:

That your post is not redundant,

or

That the selection criteria were unfairly applied.

If you wish to appeal you must register your intention to do so in writing to the Chief Executive within 3 working days of receiving this letter.

I enclose a copy of the Council's Redundancy Policy, which sets out how appeals are dealt with.

If not intending to proceed with dismissal:

I now intend to offer you the position of _____ in the new _____ Service structure.

As you will appreciate, there are other members of staff who are not likely to be offered positions in the new structure and they have rights of appeal against dismissal on the grounds of redundancy. I am not able to make firm offers of jobs in the new structure until I know whether people want to exercise their right of appeal and, if they do so, what the outcomes of those appeals are.

Template Letter 6

Outcome of Appeal – Notice of Dismissal

Dear _____,

Appeal Against Dismissal on the Grounds of Redundancy

I refer to your Appeal Hearing on ***** and confirm the decision not to change the intention to give you notice of dismissal from the Council's service on the grounds of redundancy.

In accordance with the Council's Redundancy Policy I therefore give you 12 weeks' notice of termination of employment on the grounds of redundancy. Your last day of service will be *****.

The Council will make every effort to find you suitable alternative employment and to this end a member of the HR staff will be contacting you very shortly to discuss what sort of alternative employment you may be interested in and to compile a skills inventory.

You will be written to separately with full details of the Council's Redeployment Scheme, but, in essence, you will automatically be considered for any suitable vacancies before they are advertised. If we are able to find you suitable alternative employment before ***** (*last day of service*) your notice of dismissal will be withdrawn.

Also, you are entitled to reasonable time off work during your notice period for the purpose of seeking new employment or to undergo training to improve your chances of finding new employment. If you wish to take up this facility you should approach your line manager with details of what time off you would like and how you intend to use it.

Details of Outplacement support/EAP support.

Procedure for Hearing Appeals Against Redundancy

1. Appeals against redundancy will be heard by the Chief Executive, or her nominated deputy.
2. The Chief Executive (or her nominated Deputy) will be accompanied and supported by an HR Officer.
3. The Appellant may be accompanied and supported by a trade union representative, or friend.
4. The manager responding to the appeal may be accompanied and supported by an HR Officer, who shall act independently of the officer advising the Chief Executive.
5. A note-taker will take the minutes.
6. The Chief Executive will ensure that all of the parties have the documentary submissions and will confirm the grounds of appeal.
7. The appellant will present their case, producing evidence and calling witnesses as they see fit.
8. If witnesses are called they will be questioned
 - i. by the appellant, or their representative;
 - ii. by the respondent manager;
 - iii. by the Chief Executive.

The HR Officer supporting the Chief Executive will be given the opportunity to ask questions of clarification.

9. When the appellant has finished presenting their case they may be questioned by the respondent manager and the Chief Executive. The HR Officer supporting the Chief Executive will be given the opportunity to ask questions of clarification.
 10. The respondent manager will present their case, again producing evidence and calling witnesses if they see fit. Witnesses will be questioned by the respondent manager, the appellant (or their representative) and the Chief Executive. The HR Officer supporting the Chief Executive will be given the opportunity to ask questions of clarification.
 11. Both sides will sum up before leaving the hearing whilst the Chief Executive makes her decision.
- N.B.** Where the appeal is based on the grounds that the selection criteria have not been applied fairly, the appeal hearing will have available anonymised information on the assessment of the other candidates within the ring-fence, which the Chief Executive will take due consideration of when reaching her decision.



EAST HERTS COUNCIL
REDEPLOYMENT SCHEME
August 2006

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1. Purpose

- 1.1 The Council is committed to being a good employer. The people that work in public service are a critical asset.
- 1.2 Nevertheless, there will inevitably be situations where the needs of the Council for particular jobs to be carried out in a particular way will change and other circumstances where the ability of staff to continue working as they have been working will change.
- 1.3 We cannot offer our staff a guarantee of a job for life, but we will seek to develop our staff to the maximum of their potential and to retain their skills within East Herts Council wherever possible.
- 1.4 We believe this approach to be in the best interest of our staff, by offering security of their employment with East Herts wherever possible and maximising their ability to compete for jobs elsewhere.
- 1.5 We believe it to be in the best interest of East Herts by helping us retain the skills and experience of staff that we have invested in and minimising unnecessary recruitment costs.
- 1.6 This procedure has been established to provide a mechanism for redeploying staff into alternative jobs where this becomes necessary due to:
 - i. Disability,
 - ii. Redundancy,
 - iii. Illness,
 - iv. Capability, or
 - v. Other circumstances where, in agreement of the member of staff concerned, the Council feels that redeployment is the appropriate response.
- 1.7 The procedure takes account of ACAS guidance, the Council's obligations under the Disability Discrimination Act 1995, the Sex Discrimination Act 1975, Fixed Term Employees (Prevention of Less Favourable Treatment) Regulations 2002 and the Employment Rights Act 1996.

2. Scope of the Procedure

- 2.1 This procedure applies to all employees (part time, full time and fixed term) of East Herts Council, including officers employed on JNC Conditions of Services for Chief Officers and Chief Executives.
- 2.2 Employees with less than 12 months service will not be entitled to redeployment under the provisions of this procedure, except as detailed in paragraph 2.3 below.

- 2.3 Employees who are covered by maternity regulations and employees who become disabled in service will be entitled to seek redeployment under this procedure regardless of length of service.

3. Principles of the Procedure

- 3.1 An effective mechanism for redeployment is an important contribution to the Council's duty to treat its staff fairly. It is important that managers, employees and Human Resources work together collaboratively to effect successful redeployment.
- 3.2 Staff will only be admitted to the redeployment scheme when they have been given notice of termination of employment. The Council will continue its attempts to find suitable redeployment for the employee throughout the period of notice. There is no entitlement to a minimum or maximum number of offers of redeployment: if suitable jobs become available, staff will be considered for them; if suitable jobs do not become available the member of staff's employment will terminate at the end of their notice.
- 3.3 Managers need to be aware that the duty to find a member of staff suitable alternative employment may arise from a statutory duty on the Council and that failure to offer an employee suitable alternative employment that is available could result in legal consequences with a wider impact than the specific service where the job may be located.
- 3.4 As a result, line managers may not have the same degree of flexibility about whether or not to accept a redeployee as they would expect to have in a normal recruitment process. HR will advise on individual cases. The Council expects and requires line managers to apply the provisions of this procedure in the spirit in which it is intended.
- 3.5 Staff seeking redeployment have a responsibility to take a positive approach and to play an active role in securing alternative employment.
- 3.6 In the event of an internal reorganisation every effort will be made to redeploy affected staff to alternative posts within the existing team or service.

4. Eligibility

- 4.1 Access to the Redeployment Scheme is limited to employees for whom the Council has a legal obligation to seek alternative employment. At the time of writing this procedure this includes staff who need to find alternative employment because of disability, redundancy, chronic or long-term

sickness and capability reasons that have been considered under the Capability Procedure.

- 4.2 This list may be extended or changed by the Council, subject to consultation with the recognised trade union, in response to changes in legislation and/or case law.
- 4.3 The Redeployment Procedure is not open to staff who are simply seeking a career change.

5. Categories of Staff and Priorities

- 5.1 Employment legislation and case law imposes different levels of obligation on the Council to redeploy staff dependant on the reasons for the redeployment and the circumstances of the individual employee. In particular, there is a specific obligation to offer alternative employment to staff on ordinary or additional maternity leave or adoption leave. To ensure that the Council meets its legal obligations, therefore, it is necessary to clearly identify how the Council will ensure that these different levels of legal obligation are met.
- 5.2 Staff admitted to the Redeployment Register will be placed in one of the following priority categories: (the priorities are not statutory and some variation may be possible, which will require careful consideration and advice)

Priority Category 1: Pregnant employees or those on ordinary or additional maternity leave or adoption leave who are under notice of dismissal for any reason other than misconduct or capability.

Priority Category 2: Employees who become disabled and for whom redeployment to a suitable post is a reasonable adjustment.

Priority Category 3: Employees with over 2 years service (including those on fixed term contracts of over 2 but under 4 years length) who are under notice of redundancy;

Priority Category 4: Permanent employees with under 2 years service who are under notice of redundancy;

Priority Category 5: Permanent employees who have been recommended for redeployment as a result of a capability hearing.

6. The Redeployment Process

- 6.1 Staff will normally be nominated for redeployment by their Line Manager.

- 6.2 HR will determine whether the member of staff meets the criteria for admission to the redeployment scheme and which priority category the employee will be placed in.
- 6.3 If an employee, or their line manager, feels that they have been unreasonably denied access to the redeployment register or placed in the wrong priority category they may raise the matter with the Head of HR, who will consider the circumstances of the case and adjudicate. There will be no other right of appeal.
- 6.4 An HR Officer will interview each member of staff admitted to the Redeployment Scheme to conduct a skills audit and produce an agreed inventory summarising the member of staff's skills, qualifications and experience, together with an indication of the type of work he/she should to be considered for and whether he/she is prepared to consider redeployment into a lower graded post. A pro-forma Skills Audit is attached as Appendix 1.
- 6.5 All posts submitted for advertisement will be assessed against staff on the redeployment register before being placed for advertisement or forwarded to the Council's recruitment agent. If there is a likely match the employee will be advised and his/her skills inventory passed to the recruiting line manager
- 6.6 If a post is inadvertently advertised but is potentially suitable for a redeployee, the redeployee will be considered ahead of any other candidates.
- 6.7 Recruiting managers may assess the suitability of redeployees for posts by:
- i. An assessment of the skills inventory only,
 - ii. An informal discussion with the redeployee about the job requirements,
 - iii. A more formal interview (N.B. this option will only be used where there is more than one redeployee with a legitimate claim to the job).
- HR may attend informal discussions or formal interviews on their own initiative or at the request of a redeployee or the recruiting manager.
- 6.8 If a redeployee meets the requirements of the person specification for the post, or will do so with training that is available at reasonable cost and within a reasonable time-scale, he/she will be offered a trial period in the post.

- 6.9 If a manager determines that a redeployee put forward for a post by HR is not suitable, the manager must provide HR with a written statement of the reasons for rejecting the redeployee. HR may wish to discuss the position with the manager and may raise the matter with the manager's manager (up to and including the Chief Executive) if they feel that the recruiting manager's reasons for rejecting the redeployee are unreasonable.

7. Salary Protection

- 7.1 The Council believes firmly in the principle that staff should be fairly paid for the jobs that they do but also, that it would be an improper use of public money to offer open-ended salary protection to staff who accept redeployment to a lower graded job. We do recognise, however, that staff may need some time to reorganise their personal finances if they find themselves accepting a lower graded job, through no fault of their own.
- 7.2 No member of staff will be required to accept a job on a lower salary.
- 7.3 Where a member of staff chooses to accept a job at a lower salary, and with the exception of staff being redeployed following formal action under the capability procedure, the Council will provide some form of protection for a period of three years to enable him/her to reorganise their personal finances on the following basis:
- 7.3.1 During this time the current salary only is protected i.e. people do not receive increments, pay awards or any other payments which would see their monthly salary increasing (actually incurred payments like mileage and subsistence would be allowed at the current rate)
- 7.3.2 After one year we reduce the salary to 60% protection of the previous salary and after two years to 30% protection. On the third anniversary of the redeployment the protection is removed and the actual salary for the new post is paid. Of course if any of these reductions take the employee below the current rate (at mid point) for the grade of the new job, then the rate of the new job will immediately apply.
- 7.3.3 Annual leave and other service related benefits will be protected indefinitely. Where a lower level of annual leave entitlement is attached to the new post, this will apply at the end of the protection period.
- 7.3.4 If the employee has a lease car attached to their previous role, this will be continued until the lease or the protection runs out, whichever is soonest.
- 7.3.5 Where applicable a certificate of protection to pension benefits will be issued.

- 7.3.6 Where the employee's payment varies from month to month the protected salary will be the average of the previous three months' payments.
- 7.3.7 Where the employee has been redeployed as an alternative to redundancy, the total amount of protection paid to the employee over the period of protection shall not exceed the amount of redundancy payment the employee would have received had they been dismissed.
- 7.3.8 At the end of the three years' personal protection the member of staff will be paid the highest point of the substantive grade for the job they have been redeployed into and will, from then onwards, receive the nationally negotiated pay awards for local government staff.
- 7.3.9 Staff who choose to accept redeployment to a job with a lower salary following formal action under the Capability Procedure will be paid the maximum salary of the job they have been redeployed into from their first day in the job.

8. Additional Action

- 8.1 The Council will seek to establish reciprocal arrangements with neighbouring local authorities to share information about staff seeking redeployment, with the objective of increasing the opportunities available.
- 8.2 These arrangements will be completely voluntary and none of the protections provided by this procedure, such as trial periods and salary protection will apply.
- 8.3 Employees will retain continuity of local government service, but how this is applied to entitlements to local terms and conditions will be at the accepting authority's discretion.
- 8.4 Staff who are being redeployed because of redundancy will lose their entitlement to a redundancy payment if they accept employment with another local authority (or any body listed in the Redundancy Payments (Continuity of Employment in Local Government, etc.) (Modification) Order 1999) within 4 weeks of leaving East Herts' employment.

PRIORITY GROUP:

Redeployment Scheme: Skills Inventory

1. Personal Information

Name: Department:.....

Job Title: Post Number:

Access to email at Work? Yes/No

Access to email at Home? Yes/No (if yes give email address below)

.....

Work Phone Number:..... Home Phone Number:

Mobile Phone Number:

Home Address:

.....

2. Type of Jobs to be Considered

Minimum Grade: Full-time/Part-time:

Description of type of work sought

Special Requirements:

.....

3. Reason for Admission to the Scheme and Priority Group

Reasons for admission

PRIORITY GROUP:

Priority Group:

- 1** (Pregnant employees or those on ordinary or additional maternity leave or adoption leave who are under notice of dismissal for any reason other than misconduct or capability.)
- 2** (Employees who become disabled and for whom redeployment to a suitable post is a reasonable adjustment.)
- 3** (Employees with over 2 years service (including those on fixed term contracts of over 2 but under 4 years length) who are under notice of redundancy.)
- 4** (Permanent employees with under 2 years service who are under notice of redundancy.)
- 5** (Permanent employees who have been recommended for redeployment as a result of a capability hearing.)

4. Current Job Details

Brief Outline of Duties

(N.B. attach copy of JD and Person Specification)

PRIORITY GROUP:

Corporate Competency Levels

*N.B. Need to list competency levels required by redeployee in their current job.
May need to pick up changes made as part of the PDRS review.*

Key Skill and Knowledge Requirements of Current Job

5. Previous Employment History

PRIORITY GROUP:

6. Qualifications and Training Courses Attended

7. Summary of Member of Staff's Knowledge, Skills and Experience

Knowledge

Skills

PRIORITY GROUP:

Experience

8. Jobs that the Member of Staff is Particularly Interested in.

9. Jobs in East Herts that Would Suit the Member of Staff