



MEETING : LOCAL JOINT PANEL
VENUE : COUNCIL CHAMBER, WALLFIELDS, HERTFORD
DATE : WEDNESDAY 13 JUNE 2012
TIME : 2.30 PM

MEMBERS OF THE COMMITTEE

EMPLOYER'S SIDE:

Councillors M Alexander, L Haysey, A Jackson and M Wood

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
TEL: 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. Appointment of Chairman and Vice Chairman (Pages 7 - 10)

To appoint a Chairman and Vice Chairman. Please see powers and duties of the Local Joint Panel extracted from the Council's Constitution.

2. Apologies

To receive apologies for absence.

3. Minutes (Pages 11 - 18)

To confirm the Minutes of the meeting held on 6 December 2011. Members will recall that the meeting schedule to be held on 28 February 2012 was cancelled.

4. Chairman's Announcements

5. Declarations of Interest

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

6. Reports by Secretary to the Employer's Side

(A) Redundancy and Appeals Policies (Pages 19 - 70)

(B) Bullying and Harassment Policy (Pages 71 - 98)

(C) Restructure Update (Pages 99 - 102)

(D) Recruitment Policy (Pages 103 - 126)

(E) Revised Flexible Working Scheme(Pages 127 - 154)

7. Report by Secretary to the Staff Side

(A) Senior Management Appointments, Grading and Termination_(Pages 155 - 160)

8. Staff and Member Car Parking - Review (Pages 161 - 182)

9. 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.

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LOCAL JOINT PANEL

(Comprising 4 Members of the Council and 4 representatives of employees drawn from the constituent trade union (currently UNISON), with substitutes)

CONSTITUTION, POWERS AND DUTIES

1. Title The Committee shall be called the “Local Joint Panel”.

2. Representation

The Local Joint Panel shall comprise of the 4 Members of East Herts Council to be appointed annually by the Local Authority and an equal number of employee representatives.

Named substitute members may be appointed by the employee side, to attend meetings of the Local Joint Panel in the absence of a member thereof provided prior notice is given to the Head of Democratic and Legal Support Services.

If a member of the Local Joint Panel ceases to be a member or employee of the Local Authority he/she shall thereupon cease to be a member of the Local Joint Panel; any vacancy shall be filled by the Local Authority, the organisation or the combination of organisations concerned.

3. Chairman

A Chairman and a Vice-Chairman shall be appointed by the Local Joint Panel, at its first meeting in each year. If the Chairman appointed be a member of the Local Authority, the Vice-Chairman shall be appointed from the employee side, and vice versa. The Chairman of a meeting may vote as a Panel member, but shall not have a casting vote.

4. Officers

The Head of People and Organisational Development of the Local Authority shall act as Secretary to the Employer’s Side.

5. Functions

The functions of the Local Joint Panel shall be:

(a) To establish regular methods of consultation and negotiation between the Local Authority and its employees on matters of mutual concern with the intent of maintaining and developing an efficient service. This process will aim to address differences should they arise. No question of an individual's discipline, promotion, or efficiency or conditions of employment shall be within the scope of the Joint Panel;

(b) To consider any relevant matter referred to it by a Committee of the Local Authority, or by any of the employee organisations;

(c) To make recommendations to Human Resources Committee and/or a suitable Committee of the Local Authority as to the application of the terms and conditions of service and the education and training of employees of the Authority;

(d) To discharge such other functions specifically referred to the Local Joint Panel with the exception of staffing issues;

(e) To consider matters relating to Health and Safety at Work referred to the Local Joint Panel by the Employee Associations or by a Committee of the Local Authority.

6. Rules and Regulations

(a) The Local Joint Panel shall meet during office hours as and when required, but not less than quarterly. The Chairman or Vice-Chairman may direct the Secretary to call a meeting at any time. A meeting shall be called within seven days of the receipt of a requisition signed by at least two members of either side. The matters to be discussed at any meeting of the Local Joint Panel shall be stated upon the notice summoning the meeting.

(b) The quorum of the Local Joint Panel shall be two representatives of each side.

(c) Either side will have the right to co-opt, in a consultative capacity, representatives of particular sections affected by a question under discussion which are not directly represented on the Panel but only for the period during which the relevant question is under consideration.

(d) Either side shall arrange for the attendance in an advisory capacity of an Officer or Trade Union Official at any Panel meeting where it would be helpful to the business under discussion.

(e) Attendances at (c) and (d) shall be notified in advance to the Head of People and Organisational Development in their capacity as Secretary to the Employer's Side.

(f) No recommendation shall be regarded as carried unless it has been approved by a majority of the members present on each side of the Local Joint Panel, and in the event of either the Local Joint Panel being unable to arrive at an agreement or the relevant Council body disagreeing with the Panel's recommendations, then the matter in dispute should either be referred:

(i) to an independent arbitrator acceptable to both sides, such as ACAS, in order to secure an agreement, or

(ii) to the Joint Secretaries of the East of England Regional Council, should the dispute concern conditions of service, to advise/mediate.

The decisions of the bodies referred to above will be binding on both sides.

(g) The proceedings of any meeting of the Local Joint Panel shall be recorded and reported at the appropriate Council Meeting, but before submission, the Minutes shall be approved by the Head of Human Resources acting as Secretary to the Local Joint Panel and the person nominated by the staff side to act as its Secretary.

(Extracted from the Council's Constitution dated October 2011)

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MINUTES OF A MEETING OF THE
LOCAL JOINT PANEL HELD IN THE
COUNCIL CHAMBER, WALLFIELDS,
HERTFORD ON TUESDAY 6 DECEMBER
2011, AT 2.30 PM

PRESENT: **Employer's Side**

Councillor M Wood (Chairman)
Councillors M Alexander, L Haysey and
J Ranger

Staff Side (UNISON)

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

OFFICERS IN ATTENDANCE:

Valdis Belinis	- Community Planning Officer
Lorraine Blackburn	- Committee Secretary
Emma Freeman	- Head of People and Organisational Services
Alan Madin	- Director of Internal Services

15 **VOLUNTEERING POLICY**

The Secretary to the Employer's Side submitted a report introducing a volunteering policy. The report set out the legal status of volunteers and the benefits to both the Council and the volunteer, in contributing to the local community. The report provided feedback on a

volunteering pilot at Hertford Theatre where volunteers were asked to “meet and greet”, steward shows and sell merchandise. The Secretary to the Employer’s Side assured Members that appropriate CRB checks would be made on the volunteers as necessary.

A Member hoped that the policy would have a “light touch” so that the approach was not encumbered by Local Government Policy. It was also hoped that jobs which could “benefit the Council” could be defined more specifically. The Chairman stated that running the Rhodes Complex in Bishop’s Stortford relied on some 35 volunteers.

The Secretary to the Staff Side agreed that there was a place for volunteers, but would not wish to see them substituted for employees and that the Council should not become reliant on them. The Panel considered instances where and how volunteers could be used.

Members supported the recommendation that the Volunteering Policy be approved.

RECOMMENDED - that the new Volunteering Policy, as now submitted, be approved.

16 **RETIREMENT POLICY - UPDATE**

The Secretary to the Employer’s Side submitted a revised Retirement Policy report which had been updated to reflect key changes which were set out in the report now submitted. Following a query by a Member, concerning “benefits” for those under 55, it was agreed that the draft report should be amended to clarify this point.

The Secretary to the Staff Side expressed concern regarding paragraph 4.4 set out in the report now submitted and preferred to see the wording “does not generally” added. The Director of Internal Services stated that the retirement policy was a general policy and that there may be special reasons which may, from time

to time, need be taken into account and that the Council should retain discretion to look at individual cases. The issue of “added years” was discussed. The Director stated that in 99.9% of cases the general policy would apply.

The Panel supported the suggestion that paragraph 4.4 be removed and that the content of paragraph 6.4 be clarified.

RECOMMENDED – that the revised Retirement Policy, as now amended, be approved.

17 APOLOGY

An apology for absence was submitted from Councillor A Jackson. It was noted that Councillor J Ranger was substituting for Councillor A Jackson.

18 MINUTES

RESOLVED – that the Minutes of the meeting held on 13 September 2011 be approved and signed as a correct record and signed by the Chairman.

19 CHAIRMAN'S ANNOUNCEMENTS

The Chairman commented that with the consent of Members, the report by the Secretary to the Employer's Side concerning recruitment be deferred as all supporting papers had not been provided for circulation with the agenda. This was agreed.

It was noted that Valdis Belinis had been co-opted to the Staff Side to speak on the report “Impact on Restructures on Staff and Services” from a Community Projects Team perspective.

20 IMPACT OF RESTRUCTURES ON STAFF AND SERVICES

The Secretary to the Staff Side submitted a report which considered the impact of restructures on staff and Council Services and referred to two examples affecting Community Projects and Democratic Services Sections. She referred to the fact that all services had been affected by the proposed restructures and that this was not only stressful, but affected staff in terms of morale, energy and goodwill. She referred to the possibility of changing terms of conditions under the guise of a restructure, the promotion of redundancies to delete certain posts, of the impact on service delivery of reduced staffing levels and how this will impact on talent retention.

The Secretary to the Staff Side stated that following consultation, CMT had decided that they would not delete the post of Senior Democratic Services Officer and one staff member had agreed to redundancy. She referred to the fact that reducing staffing would affect the service in that statutory committees would continue to be staffed, but non-statutory would not.

The Secretary to the Staff Side stated that in accordance with the Panel's Constitution an Officer had been co-opted onto the Panel to put forward the perspective of the Community Projects Team in relation to the suggested restructures.

Valdis Belinis referred to the role of the Community Projects Team in supporting the Council's corporate priorities and of the fact that 2.5 staff were being asked to carry out a disproportionate amount of work and questioned how three part time officers could deliver seven corporate short/medium term outcomes by 2013. He referred to the significant partnership role to be played by the team in terms of the Local Strategic Partnership, the demands of the Localism Bill and working with the community, the role of the team in relation to projects allocated under the New Homes Bonus, and their responsibility for implementing a transport strategy.

A Member stated that 3.5 staff to 2.5 was not a 50% reduction in staff adding that one FTE member of staff would be lost. He emphasised the role of the Council as an "enabler" and of the need to find other partners to undertake the work which the Council could not undertake. The Secretary to the Staff

Side reminded the Member that all organisations appeared to be cutting jobs and of the difficulties in getting partners to take on functions which the Council could no longer undertake. The Staff Side stated that the Council had ploughed money into certain areas at the expense of more vulnerable areas of the community.

Validis Belinis referred to the fact that the team had been reduced from six to three and half FTE and stated that a further reduction in the light of aforementioned demands would be unrealistic. He stated that under previous proposals, 7.5 staff were identified as being responsible for delivering priorities. He stated that the role of “enabler” was not a function mentioned in the Job Description.

A Member acknowledged the good work of the team having worked closely with them in the past. She hoped that the Council would continue with its good progress and find ways of working with partners to achieve its aspirations better than the Council might provide itself. She said that the team should be congratulated for its innovative ways of working and achieving its outcomes.

The Director of Internal Services emphasised the need for the Council to work within its means and sought feedback in terms of possible alternatives to the restructure. The Secretary to the Employer’s Side acknowledged that restructures were stressful but that the Council consistently applied its policies, e.g. in relation to recruitment, redeployment and selection and that jobs were ring-fenced or “slotted in” wherever possible.

The Staff Side stated that Members needed to understand what could be delivered with limited resources and of the incorrect expectation on the part of Members, that things would carry on the same but with reduced staff. Officers stated that Job Descriptions needed to be realistic.

A Member referred to a survey which revealed that 1/6 of staff were prepared to work less hours to make savings. The Secretary to the Staff Side reminded the Member that there had been considerable negative changes recently on

employees' pay and pensions since that survey had been taken.

The Panel debated the suggestion by the Staff Side that there should be an Equalities Impact Assessment carried out on areas where restructuring was taking place. The Secretary to the Employer's Side stated that the Council carried out an equalities impact assessment on staff. The Staff Side suggested that one should be carried out to measure the impact of its policies on services provided by the Council. A majority vote in favour of this recommendation was not supported.

The Local Joint Panel received the report and agreed that the Secretary to the Employer's Side should report back to the next meeting providing details of the outcomes of all recent restructures including the total number of voluntary and compulsory redundancies, early retirements / resignations resulting from the restructures during the civic year 2010/11.

RESOLVED – that (A) the report be noted; and

(B) the Secretary to the Employer's Side provide details of the outcomes of all recent restructures including the total number of voluntary and compulsory redundancies and early retirements / resignations resulting from restructures during the 2010/11 civic year to the next Local Joint Panel.

The meeting closed at 3.35pm

Chairman
Date

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EAST HERTS COUNCIL

CORPORATE MANAGEMENT TEAM - 29 MAY 2012

LOCAL JOINT PANEL - 13 JUNE 2012

HUMAN RESOURCES COMMITTEE - 11 JULY 2012

REPORT BY SECRETARY TO THE EMPLOYER'S SIDE

REVISED REDUNDANCY AND APPEALS POLICIES

WARD(S) AFFECTED: NONE

Purpose/Summary of Report

- To approved the revised Redundancy and Appeals Policies

<u>RECOMMENDATIONS FOR CORPORATE MANAGEMENT TEAM: That:</u>	
(A)	The revised Redundancy and Appeals Policies are approved
<u>RECOMMENDATIONS FOR LOCAL JOINT PANEL: That:</u>	
(A)	The revised Redundancy and Appeals Policies are recommended for approval
<u>RECOMMENDATIONS FOR HR COMMITTEE: That:</u>	
(A)	The revised Redundancy and Appeals Policies are approved

1.0 Background

- 1.1 The Council's Redundancy and Appeals Policies were last reviewed in 2009. The Council's programme of policy review is after two years or sooner in line with legislation and best practice.
- 1.2 The Council has been through a number of large restructures in the last twelve months. Areas where the policies could be improved were identified and these revised policies reflect those changes. The full policies can be found at **Essential Reference**

Paper ‘B’ (Redundancy Policy) and Essential Reference Paper ‘E’ (Appeals Policy).

2.0 Report

Key changes – Redundancy Policy

- 2.1 The formal consultation process timeline has been improved. Formal consultation now takes place prior to a CMT report being submitted for approval. This is in line with both best practice and the practices of Stevenage Borough Council and North Hertfordshire District Council. This will ensure a smoother process for any restructures linked to shared support service.
- 2.2 It is proposed that the redundancy calculator is reviewed with Unison as part of the proposed shared services.
- 2.3 The process for applying for voluntary redundancy and criteria for approval have been more clearly explained and defined.
- 2.4 Suitable alternative employment and the process for agreeing/ declining offers have been expanded to ensure clarity.
- 2.5 Notice periods for compulsory and voluntary redundancy have been clearly outlined.
- 2.6 The appointment and selection process has now been expanded and includes the selection methodology.

Key changes – Appeals Policy

- 2.7 New grounds for appeal have been added including ringfencing/slotting in; suitable alternative employment, dismissals for Some Other Substantial Reason (SOSR) and declining flexible working requests.
- 2.8 The Appeals Procedure will now apply to any formal appeal, even if it is not directly specified in the policy, unless it is already subject to a separate appeals process, e.g. job evaluation appeals.
- 2.9 Improvements have been made in the process, giving clarification on who will hear the appeal and confirming if an employee is working their notice period the appeal will run concurrently.

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

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ESSENTIAL REFERENCE PAPER 'A'

IMPLICATIONS/CONSULTATIONS

Contribution to the Council's Corporate Priorities/ Objectives <i>(delete as appropriate):</i>	People This priority focuses on enhancing the quality of life, health and wellbeing of individuals, families and communities, particularly those who are vulnerable.
Consultation:	The policies have been shared with UNISON and Heads of Service
Legal:	As detailed in the report
Financial:	None
Human Resource:	As detailed in the report
Risk Management:	None

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East Herts Council

Redundancy Policy

Policy Statement

**Policy Statement 6 (Issue No 3)
July 2012**

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1.0 Purpose

- 1.1 The Council, in consultation with the Trade Unions, will seek to avoid and minimise the effect of staff changes by endeavouring to find suitable alternative employment using the Council's Redeployment Procedures. Where ever possible reduction in the number of employees will be achieved through natural wastage.
- 1.2 Where compulsory redundancy is unavoidable the Council will handle the redundancy process in a fair, consistent and sympathetic manner in accordance with the Council's policy, under the requirements of the law.
- 1.3 This policy applies to all employees of the Council (except Chief Officer level and above) and takes into account relevant employment legislation, ACAS guidance and best practice. This policy does not form part of employees' terms and conditions of employment.
- 1.4 The policy will not apply where an employee's services are terminated in the following situations:
- At the end of a pre-determined limited or fixed term contract where the employee has less than two years continuous employment.
 - Retirement.
 - Contravention of an enactment (e.g. where an employee who requires a work permit does not have one).

2.0 Principles

- 2.1 The following principles underpin how organisational change will be implemented. The Council will:
- 2.1.1 Strive to avoid redundancies where possible and will always consider alternative options to achieve its objectives.
- 2.1.2 Seek to retain employees in accordance with the Redeployment Policy.

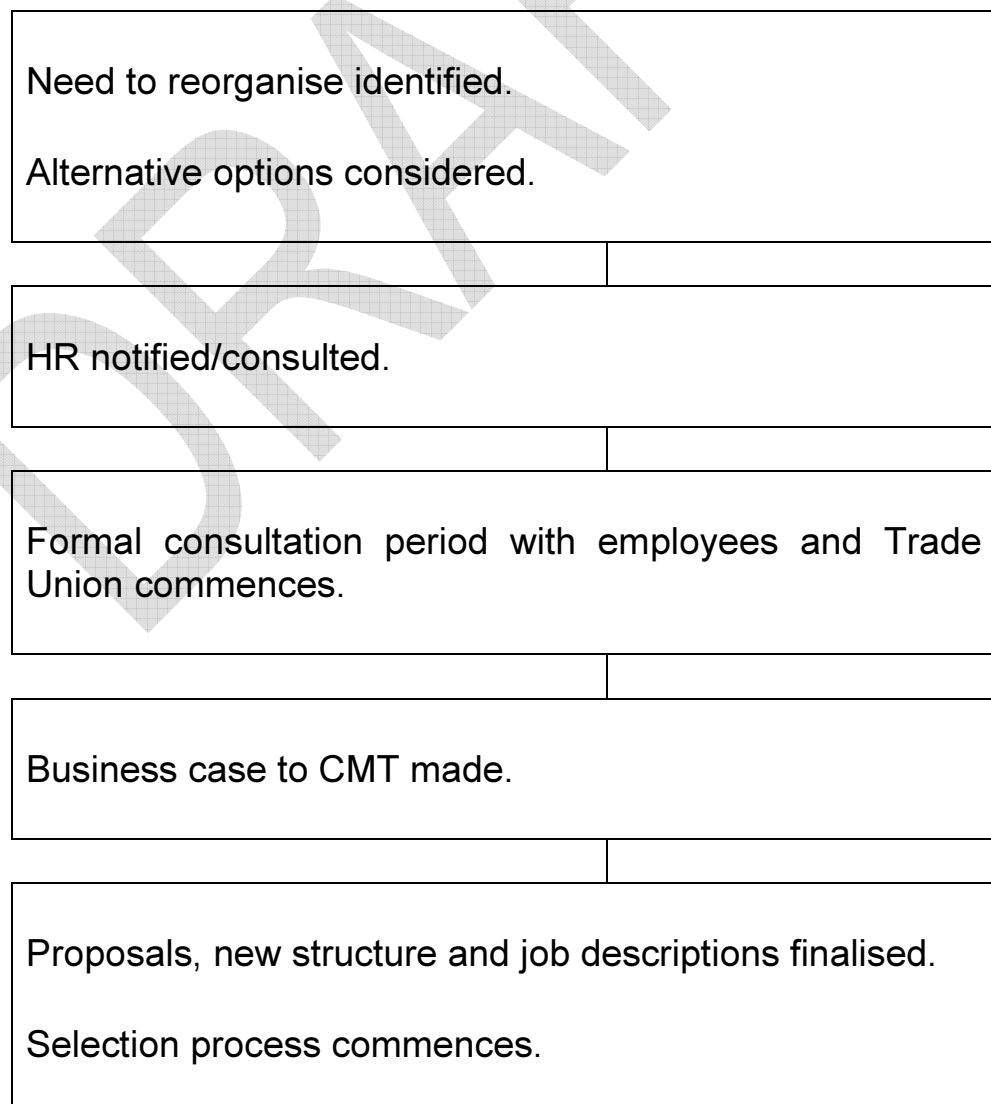
2.1.3 Seek to develop our employees to the maximum of their potential and to retain their skills within the Council wherever possible.

2.1.4 Provide a framework for the process of organisational change within which the Council's changing requirements of the workforce can be managed fairly and equitably.

2.1.5 Communicate and consult with employees and Trade Unions, keeping them informed about the changes and the implications of the changes for the Council and its employees.

3.0 **An Overview**

3.1 The following flowchart shows the key stages of the redundancy process:



Appointments made / redundancy confirmed.

Right of Appeal.

New structure implemented / Go Live date.

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

4.0 Measures to reduce compulsory redundancies

4.1 A range of measures will be looked at to minimise the potential number of redundancies where there is the possibility of a reduction in the number of posts. Consideration will be given to the following alternative options:

- Redeployment or retraining of affected employees (in accordance with the Redeployment Policy)
- Restricting the use of outside agencies and the employment of contractors and temporary employees (where this does not adversely affect the efficient operation of Council services).
- Reduction/elimination of overtime working within the section.
- Review of working patterns, rotas and shifts.
- Exploring other options such as early retirement, voluntary redundancy (in accordance with the Council's policies).
- Restrictions on recruitment to certain posts.
- The use of temporary employees on short term contracts where the future of a service or role is uncertain.

5.0 Exploring Options

- 5.1 Having established that a business/service need has changed or a restructure is required, managers 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 measures to reduce compulsory redundancies.
- 5.2 Managers are asked to arrange a meeting with HR to discuss the proposed business case, new structure and new job descriptions (where applicable). The manager should bring draft documents to this meeting.
- 5.3 HR will advise and support managers throughout the process.
- 5.4 If new job descriptions are required, these will need to be drafted by managers, with support and advice from HR. The new job descriptions will be evaluated in accordance with the Job Evaluation Policy and an indicative grade given.

6.0 Communication and Consultation

- 6.1 The Council is committed to on-going communication with employees and the Trade Union about organisational change and its processes.
- 6.2 The outcomes of change will also require communication on an individual basis. This will be facilitated by the line manager or Head of Service.
- 6.3 Communication will commence as soon as is reasonably practical and updated on a regular basis.
- 6.4 Formal consultation will commence with employees and the Trade Union on the business proposals as soon as is practical and will include the 30 days statutory consultation period required by law.

- 6.5 Consultation will provide an opportunity for employees and the Trade Union representatives to express their views and have these taken into account when alternatives are being considered as part of the decision making process.
- 6.6 The statutory consultation period where between 20 – 99 employees 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 employees or more the consultation period must be at least 90 days).
- 6.7 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 employees are to be made redundant, there is a statutory requirement on employers to act reasonably if fewer than 20 employees 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.
- 6.8 Formal consultation starts with the Trade Union being invited to a meeting with the Head of Service and a HR representative and being given the following information in writing:
- The reason for the proposed redundancies.
 - The number of posts affected and the likely number of redundancies.
 - The total number of similar posts within the Authority.
 - The selection criteria for redundancy.
 - 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.

Formal consultation with the Trade Union must cover:

- Avoiding the dismissals
 - Reducing the numbers of employees to be dismissed
 - Mitigating the consequences of the dismissals
 - Selection criteria and method (this will include any “ring-fence” arrangements).
- 6.9 Formal consultation with employees will start with employees being invited to a team meeting and/or followed

with individual 121 meetings by the Head of Service and/or line manager. A representative from HR will also be present. The business proposals, reasons for change, proposed changes including new structure, draft job descriptions, process for selection and appointment will be discussed (if applicable).

- 6.10 Employees will have the right to be accompanied by a workplace colleague or a trade union representative during any of the 121 meetings throughout the consultation process.
- 6.11 Employees will be written to setting out the proposals and consultation process. The letter will confirm that they are at potential risk of redundancy and will detail the timescale of the process.
- 6.12 Payroll will be able to provide estimates of likely severance benefits for employees who have been told that they are at risk of redundancy.
- 6.13 Employees who are at risk of redundancy will be able to join the redeployment register early and take advantage of support available on a voluntary basis. If employees wish to explore these options they should contact HR.
- 6.14 As part of the consultation process employees will be able to request voluntary redundancy in accordance with this Policy (see 8.0).
- 6.15 Employees who wish to explore alternative working options such as early or flexible retirement; flexible working such as reduced hours should discuss this with their line manager and/or Head of Service as part of the consultation process (in accordance with the Council's policies).
- 6.16 Further consultation meetings with employees and Trade Union representatives will be held as necessary.

7.0 Obtaining Formal Approval for Proposals

- 7.1 Following the end of the consultation process, a report should be submitted for approval in principle by the Corporate Management Team (CMT).

- 7.2 A copy of the report will be given to employees and the Trade Union at least 5 working days before the submission deadline for the report, so that they may comment on its proposals.
- 7.3 The report will include the comments and feedback received by employees and the Trade Union during the consultation process (if applicable).
- 7.4 Should the Trade Union wish to submit a written summary as an appendix to the report, this must be sent to the Head of Service and a copy to HR before the submission report deadline.

8.0 Voluntary Redundancy

- 8.1 Part of the consultation process will include deciding if it is appropriate to ask employees if they want to volunteer for redundancy. When making this decision the points to consider are:-
- Is the manager seeking a reduction in the number of employees;
 - Retention of skills to deliver services;
 - Organisational priorities (and the skills that are needed to deliver these)
 - Cost of redundancy versus redeployment.
- 8.2 Applications for Voluntary Redundancy can be made at the Formal consultation stage and/or formally when employees will be asked to respond to the provisional letter sent after the formal consultation ends.
- 8.3 Voluntary redundancy may be available:
- If the employee is part of a ring fence in an area where there is significant pressure for available posts such that individuals within that ring fence may ultimately be declared 'at risk' of redundancy; and
 - If the employee's release presents no specific problems for continuity of services;
 - If the employee's release presents no specific problems in relation to the need to retain an

appropriate balance of skills and experience in the new structure;

- In the context of all of the above, the employee's release is affordable for the Service and the Council.

8.4 Employees that are interested in exploring voluntary redundancy will be provided with an estimate of the redundancy payment that will be payable on receipt of a written request. Employees aged 55 or over, will also receive an estimate for any retirement benefits if they are a member of the local government pension scheme.

8.5 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.

8.6 Employees whose voluntary redundancy has been accepted will be given notice as detailed in section 13.1.

8.5 Employees may submit a request for an early release date to their Director of service. If a leaving date is agreed before the end of the contractual notice period, no payment of lieu of notice will be made.

9.0 Appointing Employees to the New Structure and Selection for Redundancy

9.1 Guidelines on the appointment and selection process should be followed by Managers in conjunction with this Policy (Appendix B: Appointment & Selection Process).

9.2 In cases where selection is required a management selection process may be used (Appendix C: Management Selection Matrix).

10.0 Redundancy Payment Calculation

10.1 Employees must have 2 years continuous service with East Herts Council to qualify for a redundancy payment.

10.2 In calculating entitlement to, and the amount of, redundancy payment the Council must count all continuous

local government service (and with other specified bodies) up to a maximum of 20 years.

- 10.3 For employees that have two jobs with the Council. Where they are made redundant from both jobs simultaneously their redundancy entitlement will be based on local government service (as stated in 10.2). If they are made redundant from one job their redundancy entitlement will also be based on their local government service (as stated in 10.2). If they are subsequently made redundant from their second job their redundancy entitlement will be calculated on their local government service provided the hours in that role have not increased. If they have increased their hours since last being made redundant or taken on another role within the authority the redundancy entitlement for the extra hours/new role will be calculated on their length of service in that role, not on their local government service.
- 10.4 The Council uses the Government's Department for Business Innovation and Skills (BIS) statutory redundancy pay calculation but increases the statutory multipliers of 0.5, 1 and 1.5 weeks by 2.6.
- 10.5 BIS use the following figures in their Statutory Redundancy Reckoner table:-
- 0.5 week's pay for each full year of service where age during year is less than 22
 - 1 week's pay for each full year of service where age during year is 22 or above, but less than 41
 - 1.5 weeks' pay for each full year of service where age during year is 41+.
 - The maximum number of years service with one employer that can be used to calculate redundancy is 20.
 - The Government sets out a statutory entitlement for weekly pay. The limit changes annually in line with the retail prices index (up or down) as appropriate.
 - The Council uses actual weekly pay for the purposes of redundancy payment calculations.
- 10.6 A copy of the statutory redundancy reckoner table can be found on the [Direct Gov website](#)

- 10.7 Estimates of possible severance payments should be requested from HR.
- 10.8 Employees over age 55 can apply for immediate payment of accrued pension on dismissal for grounds of redundancy.

11.0 Appeals

- 11.1 Employees will have the right to appeal in accordance with the Council's Appeal Policy on the following grounds:
- Their post is not redundant
 - They believe they should have been slotted in/ring fenced for a post
 - That the selection criteria during interview / management selection were unfairly applied
 - The post is not a suitable alternative
- 11.2 Employees will not be confirmed in post and notices of dismissal will not be sent until all appeals on slotted in/ring fenced or selection criteria have been heard as they may impact other employees.
- 11.3 Appeals against redundancy will be heard during an employee's notice period.

12.0 Suitable Alternative

- 12.1 The term "suitable alternative" derives from redundancy law, which dictates that if an employee is made redundant from a job, but an employer offers suitable alternative employment, the employee is bound to accept it, or leave and forgo any redundancy payment.
- 12.2 In considering whether employment is suitable, account will be taken of the employee's old job, earnings in the old and proposed posts, status of the post and the employee's training, qualifications and skills. It should be noted that some difference between the two posts would not necessarily make the proposed post unsuitable. However, the extent of the change is what is relevant, and that can only be judged in the particular circumstances.

13.0 Notice Periods

13.1 Employees 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 employees has a contractual entitlement to more than 12 weeks notice they will receive their contractual entitlement.)

13.2 Employees whose voluntary redundancy has been accepted will be given the same notice period as set out in 13.1.

14.0 Redeployment

14.1 Full details of the application of the Redeployment Procedure to employees under notice of redundancy are set out in the Redeployment Policy.

15.0 Counter Notice

15.1 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 the Council written notice to terminate the contract early; this is known as "Counter Notice".

15.2 The 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.

16.0 Trial Period

16.1 Employees 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.

16.2 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 can only be extended once it has been started by mutual consent.

16.3 Where the trial period is successful, the employee will not be entitled to receive a statutory redundancy payment, as there will have been no termination of employment and hence no redundancy. If, during or at the end of the initial agreed trial period, either the employer or the employee concludes that the job is not suitable for the employee, the position reverts back to that of redundancy and the employee's employment will terminate (assuming no other suitable alternative job is available). The employee will need to demonstrate why they cannot with suitable training, undertake the role. The date of the redundancy for the purposes of calculating statutory redundancy pay in these circumstances is the date on which the employee's original job ended, and not the date of termination of employment after the trial period.

16.4 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.

17.0 Time Off to Look for New Work or for Training

17.1 Managers must allow their employees 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 employees during what is a very difficult period. HR will advise.

17.2 The sort of activities for which requests for time off will receive favourable consideration will include:

- Completing an application form
- Attending career counselling

- Registering with employment agencies
- Conducting internet searches at work
- Attending interviews.

This is not an exhaustive list.

17.3 Employees that find new employment with Local Government (or an organisation on the modification order) within 4 weeks of their termination date will be required to return their redundancy pay.

18.0 Policy Review and Amendment

18.1 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.

Key Steps in Redundancy

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"> • Define business case for changes • Identify objectives of new structure. • Identify savings and impact on employees. • Discuss proposals with HR. 	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 consultation process. • Identify any potential problems with consultation (e.g. employees 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 employees and trade union during Formal consultation, it is important for management to be clear about their preferences and the reasons for those preferences early in the process. • If management selection is the preferred option confirm the availability and quality of management information on which to base decisions using the Management Selection Criteria template. 	2 weeks to 1 month
Commence Formal consultation with employees and TU.	<p>Commence formal consultation</p> <ul style="list-style-type: none"> • Set a date for the first meeting – tie in with 1-2-1 meetings with affected employees and general employees meeting immediately following TU meeting • Send “at risk” letters to employees potentially facing redundancy. 	30 days minimum

Key Action	Associated Actions	Likely Timescale
	<ul style="list-style-type: none"> • Send s188 letter to TUs. • Invite TU reps to further consultative meetings – number of meetings will vary depending on the nature and effects of the restructuring. • Work out likely timetable for the selection process and, if redundancies seem likely, any appeals. • Consider Voluntary redundancy requests. • Ensure that all suggestions from employees and TU are responded to with explanations. 	
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 and employees 5 working days before the submission report deadline • CMT consider and approve. • New job descriptions evaluated in accordance with Policy. 	3 weeks
Finalise selection criteria and method	<ul style="list-style-type: none"> • Write to employees and trade Union on the conclusion of the consultation process. Conforming new structure, job descriptions, grades and selection process. • Consider Voluntary redundancy requests. • Follow appointment and selection process • Ensure that all employees 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 employees in writing • Hold meetings with employees 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 employees • Determine what action is necessary to ensure that all employees 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

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MANAGEMENT SELECTION CRITERIA

The Council's Redundancy Policy states that where jobs in a 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. Selection may be done through a recruitment process (such as interviews), through management selection (based on an assessment of past performance), or a combination of both.

The following guidelines and selection grid should be used for the management selection process, in conjunction with the Council's Redundancy Policy (section 7.0 onwards).

Selection criteria must be discussed in advance with HR and UNISON to ensure it is objective, fair and consistent. Criteria must also be declared openly with employees during formal consultation. NB. Even though the criteria may satisfy the test of objectivity, the selection will still be unfair if they are carelessly or mistakenly applied.

Guidelines for assessment

To aid the objectivity of assessing each employee against the selection criteria a points matrix system which weights the factors considered to be important to the current and future needs of the Service and Council will be drawn up. The aim being to maintain the skills needed to support service delivery and organisational priorities and ensure a competent and balanced workforce. The selection matrix can be used in conjunction with a recruitment process as referred to in section 8.7 of the Redundancy Policy.

The assessment process will, where possible, be carried out independently by two managers who know all employees in the selection pool. The marks from the two assessors should then be added together to give a total score for each employee. The assessment will be in writing and, where possible, should be supported with documented and verifiable evidence and not depend solely upon the opinion of the assessors. i.e. Performance Development Review, attendance record, disciplinary record etc. Detailed notes must be kept at all stages of the assessment process.

The assessments will be referred to a Head of Service/Director and HR Officer who will review/audit them in relation to the Service, Directorate and Council as a whole. This will provide a means of ensuring accuracy and consistency of the assessments and non-discriminatory selection procedure. The managers involved will need to be able to justify their decisions and scores.

The assessment will normally be made under all, or a combination of, the factors listed below. A points matrix system which weights the factors according to their importance to the Council's business interests should be drawn up. For example, for a post which primarily involves customer contact, the "client/customer focus" criteria may be weighted x2 or x3 (i.e. twice/three times as importance as the other criteria).

Each individual employee should be rated within the range of scores for each factor according to;

Below acceptable	(0 Points)
Minimum acceptable	(3 Points)
Fully meets required standards	(7 Points)
Exceeds required standards	(10 Points)

The scores for each factor will be totaled and the employee(s) with the highest score(s) will be appointed to the post(s). Those with the lowest score(s) or those who do not meet the minimum criteria will be given notice of redundancy.

The actual selection criteria, weightings and score ranges will be subjected to consultation with UNISON and decided in advance on each occasion.

Factors / criteria for selection (not an exhaustive list)

Knowledge/Skills/Qualifications/Competencies

- These will differ for each service but will always include communication and customer relations
- Other factors might include whether or not the employee:
 - Has specialist knowledge or requirements for the role.
 - Demonstrates commitment to continued professional development.
 - Has professional and/or occupational qualifications (provided they are relevant to the type of work or the future needs of the business).
 - Delivers key competencies for the role i.e. team working, problem solving, staff management, communication, IT literacy.

Work Experience/Training

- Relevant training to the role.
- Breadth and depth of relevant experience.

Work Performance

- Has the experience, skill and ability to achieve and maintain high standards of performance in the job and achieve agreed objectives and targets.
- Is productive and is able to achieve good quality and accurate work.
- Aptitude for work, i.e. has a positive attitude about the service and continually strives to improve it, has effective relationships with colleagues, recognises the need for flexibility and is willing to adapt to change and

versatility (in terms of ability/willingness to perform different functions/duties).

Attendance Record

- Has a good record of attendance over the past 2 years, has good time keeping and is generally reliable.
- Has no unauthorised absences.
- Disability and pregnancy related absences should always be discounted.
- Before selecting on the basis of attendance it is important to know the reasons for and the extent of any absences.

Disciplinary Record

- Has no active disciplinary record.

MANAGEMENT SELECTION GRID – INDIVIDUAL ANALYSIS RECORD

The selection criteria that are being assessed should be inserted into the relevant criteria box once it has been agreed. All evidence to support rationale statements should be attached to this form.

Name: _____	Below acceptable	(0)
Post Title: _____	Minimum acceptable	(3)
Team: _____	Fully meets required standards	(7)
Assessed by: _____	Exceeds required standards	(10)

CRITERIA	POINTS	WEIGHT	SCORE	RATIONALE
<u>Knowledge/Skills/Qualifications/Competencies</u> •		X X X X X X		
• <u>Work Experience/Training</u>		X X X X X X		



CRITERIA	POINTS	WEIGHT	SCORE	RATIONALE
				<p>made in accordance with policy = 0</p> <p>Absence for maternity, disability, operations or rare occurrences (eg broken bones) will not be taken into consideration.</p>
<p><u>Disciplinary Record</u></p> <ul style="list-style-type: none"> Has no active disciplinary record. 		X1		<p>No record = 7</p> <p>Written Warning, Final Written Warning = 0</p>
TOTAL SCORE				
<p>Signed: _____ Date: _____</p>				



MANAGEMENT SELECTION GRID – SUMMARY SHEET

The following grid should be used to record results from individual analysis record sheets when assessing several employees for the same position (use one summary sheet per position).

Name	Job Title	Knowledge and Skills	Work Experience & Training	Work Performance	Attendance Record	Disciplinary Record	Total

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[SERVICE RESTRUCTURE] PROJECT

APPOINTMENT AND SELECTION PROCESS [MONTH & YEAR]

1. INTRODUCTION

- 1.1 The Protocol is agreed between the East Herts and UNISON, in line with the Council's agreed consultation process, and will apply for the whole of the transitional period until [date].
- 1.2 This protocol seeks to ensure that a fair and transparent process is followed in the appointment and assimilation of staff from the roles they currently hold to the (proposed) [name of service] structure.
- 1.3 The underlying principle is that by working together and through a combination of 'slotting in', 'ring fencing', 'open competition' processes, individual needs and preferences wherever possible and appropriate, all existing employees will be appointed to posts in the proposed structure.
- 1.4 In all cases the Council will follow the principle that the employees appointed to the new structure will be those that have the most appropriate combination of knowledge, skills and experience to make an effective contribution.
- 1.5 If it is necessary to redeploy an employee into a lower graded job, the employee's basic pay will be protected as set out in the Council's redeployment policy. If employees are offered lower graded jobs in the new structure or elsewhere in the organisation it will be for the employee to decide whether or not to accept the post. However, if an employee chooses to apply for a lower graded post and is offered it, this protection will not apply.
- 1.6 Voluntary redundancy may be available:
 - If you are part of a ring fence in an area where there is significant pressure for available posts such that individuals within that ring fence may ultimately be declared 'at risk' of redundancy; and
 - If your release presents no specific problems for continuity of services;
 - If your release presents no specific problems in relation to the need to retain an appropriate balance of skills and experience in

the new structure;

- In the context of all of the above, your release is affordable for the Service and the Council.

If you are interested you will be provided with an estimate of the redundancy payment that will be payable on receipt of a written request. If you are:

- Aged 55 or over, you will also receive an estimate for any retirement benefits as appropriate

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.

- 1.7 The intention is to avoid making employees compulsorily redundant. Where existing employees do not find suitable posts within the (proposed) [name of service] structure through the processes referred to in this document, all parties will continue to work together to seek alternative work, firstly within the [name of service] and subsequently across the authority in accordance with East Herts Redundancy and Redeployment policies.

2. THE APPOINTMENT PROCESS

- 2.1 Posts in the new (proposed) [name of service] structure will be matched to the most appropriate level and filled, either by slotting in, ring fenced interviews or open competition by the Appointment Group as detailed in paragraphs 4, 5 and 6 below.
- 2.2 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 be a selection process. This will be by ring fenced interviews or open competition.
- 2.3 The role of the Appointment Group will be to decide the nominated levels of posts and whether the process will be slotting in, ring fenced or open competition. The Appointment Group will comprise:
- The Director/Head of Service**

- The [Senior Managers (if applicable)]
- HR Representative, acting in an advisory capacity to ensure consistency

**The exception to the above will be in the appointment of the [insert exception], where the [insert job title] will allocate the posts, with an HR Representative advising.

- 2.3 The selection and appointment of employees will usually be conducted in 'top down' order of the new [name of service] organisational structure where this is practicable.
- 2.4 Provisionally the '**nominated levels**' in rank order are
- Level 1 – [Generic Title i.e. Manager]
 - Level 2 – [Generic Title i.e. Assistant Manager]
 - Level 3 – [Generic Title i.e. Senior Officer]
 - Level 4 – [Generic Title i.e. Officer]
 - Level 5 – [Generic Title i.e. Assistant]
- 2.5 If appropriate a review of each ranked level will be undertaken to identify the number of positions in the new organisations structure compared with the number of existing employees that have been allocated to it (see paragraph 3 below).
- 2.6 A decision will be made as to whether the appointment processes to be followed will be slotting in, ring fenced interviews or open competition (see paragraphs 4, 5 and 6 below).
- 2.7 Appropriate advice and support will be provided throughout the process by the HR Team to both employees and management as needed.

3 ALLOCATION OF POSTS TO LEVELS

- 3.1 The allocation of posts process is optional and may only be of relevant to large restructures with a number of similar posts at each level.
- 3.2 The allocation of existing posts to a level within the new organisational structure will be undertaken by the Appointment Group.

- 3.2 There will be a direct correlation between the level that a post has been allocated too and the subsequent level that the incumbent post holder/s are allocated too.
- 3.3 UNISON will be advised on the allocation of existing posts.
- 3.4 All affected employees will be informed of the level to which they have been allocated and the posts in the new organisational structure that have been deemed to fall within that same level. Employees will be asked to confirm in writing which post(s) they wish to be considered for in their allocated level and what hours of work they would prefer (this is to ensure management take into consideration any requests in change of hours as part of the restructure). Voluntary redundancy requests may also be made at this stage.
- 3.5 Employees will have the right to discuss the level they have been allocated with the Appointment Group.

4. SLOTTING IN PROCESS

- 4.1 Slotting in will occur where either:

- The number of posts in terms of current role and relative salary within a nominated level are either the same or more than the number of existing postholders that have been allocated to that level.

Or

- The similar post contains significant elements of the old post
- The similar post does not involve a substantial change in grade
- There is no other employee who could reasonably claim to be slotted into the same post

- 4.2 Where there are more eligible post holders than similar posts slotting cannot apply. In these circumstances the available posts will be ring fenced and there will be a competitive selection process. Only eligible existing post holders will be able to apply. See section 5 for more details.

- 4.3 The Appointment Group will compare the existing job descriptions with the new job descriptions when considering whether slotting in is possible. Both the job description and person specification will be referred to in this process. Where current job descriptions and person specifications are 'out of date' then the knowledge of the job role and scope that is the reality of the post holder will be used. Management or employee knowledge of the role may be requested.
- 4.4 Consideration will be given to employees stated preferences by the Appointment Group when slotting employees into individual posts. Consideration will also be given to any preference in working hours employees may have submitted as part of the allocation of levels to post process or as part of the consultation process.
- 4.5 The employee and trade union representative will be advised of the employee's nominated post in the new organisational structure. The employee will receive confirmation in writing and be required to declare their intention to either accept or decline the post within 10 working days.
- 4.6 In the first instance, employees will only be considered for their nominated post.
- 4.7 Those accepting their nominated post will receive confirmation in writing following the hearing of any appeals.
- 4.8 For employees not accepting slotting in to a nominated post, consideration will be given to the next steps and advice will be given to the employee on the implications (see paragraph 7 for more details).
- 4.9 Once the outcome of action in paragraph 4.5 is known, the Appointment Group will reconvene if necessary to identify any vacancies that have not been filled by slotting in and therefore can be opened up to staff via a competitive selection process (ring fenced interviews or open competition).
- 4.10 Employees will have the right to appeal in accordance with the Appeal Policy if they believe they should have been slotted in/ring fenced for a post.

5. RING FENCED PROCESS

- 5.1 The ring fenced process will be apply where there are more eligible post holders than similar posts or where the Appointment Group have defined the role to be ring fenced. Eligible post holders are defined as their current role includes elements of the new role and is similar in grade and level.
- 5.2 Ring fenced interviews will usually be carried out in a top down order, where this is practicable.
- 5.3 A competitive selection process can include an interview or an interview and management selection process and will be carried out by the Appointment Group. See appendix C of the Redundancy Policy for the template Management Selection Matrix. Trade Unions will be consulted about the process and their views taken into consideration
- 5.4 Management selection criteria will be completed by two members of the Appointment Group separately and scores will be added up and divided by two.
- 5.5 The Appointment Group will use agreed management selection criteria based on the person specification of the new roles. The PDRs for the previous two years full reviews will be used to support this process as well as the interview, absence record and disciplinary record. The following criteria will be considered:
 - Knowledge/Skills/Qualifications/Competencies
 - Work Experience/Training
 - Work performance
 - Attendance record
 - Disciplinary recordIndividuals will be informed of their own individual analysis record (management selection criteria) on request.
- 5.6 The employee will receive confirmation of the selection process in writing. Those being offered a role will be required to declare their intention to either accept or decline the post within 10 working days.

- 5.7 Employees will have the right to appeal in accordance with the Appeal Policy if they believe they should have been slotted in/ring fenced for a post.
- 5.8 If any posts then remain unfilled at this stage then the post will be filled through open competition.

6.0 OPEN COMPETITION PROCESS

- 6.1 This process will be used where posts have not been filled through slotting in and ring fenced interviews. This process will also be used for new posts that do not currently exist in the structure.
- 6.2 These posts will be open to all staff at risk and on the redeployment list.
- 6.3 Employees will be asked to complete an application form to confirm their skills and experience and expressions of interest in any of the post/s, for which they wish to be considered.
- 6.4 The Appointment Group will follow the competitive selection process as outlined in paragraphs 5.5 to 5.9.
- 6.5 Employees will be informed of the outcome of the process in writing. Successful employees will be required to declare their intention to either accept or decline the post within 10 working days.
- 6.6 If an employee's decision is not to accept the offer of post, advice will be given on the implications for the individual (see section 7).
- 6.7 If still no appointment is made, the post will be advertised internally (including within the partner councils) and externally if appropriate.

7.0 DECLINING OFFERS OF EMPLOYMENT

- 7.1 If an employee decides not to accept an offer at either the slotting in, ring-fenced, open competition stages, no alternative post is available or a suitable alternative post has been declined then this will be confirmed in writing and a meeting will be convened between the

Redundancy Policy (6.3) – Appendix B
employee, **Director/Head of Service/[Job Title] and HR Representative. The employee may be accompanied by a Trade Union Representative or work colleague if they wish. The purpose of the meeting will be to discuss the redeployment opportunities available and to inform the employee that dismissal on the grounds of redundancy will be issued and to give the employee the right of appeal.

- 7.2 HR will write separately to employees under notice of redundancy setting out redundancy entitlements including time off to seek alternative employment, career advice and redundancy payments.
- 7.3 All employees that are not appointed into a new role will automatically be put on the Council's redeployment list in accordance with the Redeployment policy.
- 7.4 Any refusal of a suitable alternative post will remove any right to a redundancy payment.
- 8.0 These guidelines should be used in conjunction with the Council's Redundancy and Redeployment Policies.**



East Herts Council

Appeals Policy

Policy Statement

**Policy Statement No 5 (Issue No 2)
July 2012**

Contents

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APPEALS POLICY

1.0 Aims of the Policy

- 1.1 The purpose of this policy is to provide a standardised appeals procedure that applies to East Herts Council policies that include a right of appeal. This policy takes precedence over any appeals processes detailed in existing policies.

2.0 Policy Statement

- 2.1 This policy applies to all employees, except for Chief Officer level and above, where procedures set out in the Constitution are used.

- 2.2 The Appeals Procedure refers to the following policies:

- Disciplinary Policy
- Grievance Policy
- Managing Performance Policy
- Absence Management Policy
- Redundancy Policy (excluding voluntary redundancy)
- Flexible Working Scheme
- Ending of Fixed Term Employment Policy and Procedure
- Harassment and Bullying Policy

(Or any subsequent replacement/revision of such policy)

and,

- Process for dismissal for Some Other Substantial Reason (SOSR)

- 2.3 Any formal appeal that is not directly covered by any of the policies listed above and is not subject to a specific appeals process will also be dealt with following the procedure detailed in Section 5.

- 2.4 These procedures have been drawn up based on legislation, the ACAS code of practice and have been agreed by UNISON.

3.0 Who to Appeal To and Time Limits

- 3.1 An employee has a right to appeal against formal action taken in accordance with the stated policies.
- 3.2 The appeal must be submitted within 10 working days of the date of the written notification of the decision. The appeal should be submitted to the Head of Human Resources using the Appeal Submission form (Appendix A). An appeal submitted late will not be allowed to proceed.
- 3.3 Unless there are exceptional circumstances, the appeal meeting should take place within 10 working days of receipt of the Appeal Submission form by the Head of HR.

4.0 Grounds for Appeal

4.1 Appeals against Disciplinary Action

- 4.1.1 An employee can appeal against a disciplinary sanction on the following grounds:
- There was a significant breach of the procedure.
 - A reasonable person could not have reached the decision to find against the employee on the basis of the evidence submitted.
 - The Penalty was too harsh, taking into account the seriousness of the offence and any mitigating circumstances.
 - Significant new evidence has become available, and that evidence could not have been available at the time of the original hearing.

4.2 Appeals against Managing Performance Procedure

- 4.2.1 An employee can appeal against any formal sanction made under the Managing Performance Policy on the following grounds:
- There was a significant breach of the procedure.
 - The employee was given insufficient time in which to demonstrate that they could achieve the required standard.
 - The employee was not offered appropriate support and training.

- The employee was not offered suitable and available redeployment.
- That management have not acted reasonably.

4.3 Appeals against Absence Management Procedure

4.3.1 An employee can appeal against any formal sanction made under the Absence Management Policy on the following grounds:

- There was a significant breach of the procedure.
- The employee was given insufficient time in which to demonstrate that they could achieve the required standard.
- The employee was not offered suitable and available redeployment.
- That management have not acted reasonably.

4.4 Appeals against Grievance

4.4.1 An employee has the right to appeal against the outcome of the Grievance Procedure.

4.5 Appeal against Redundancy Decisions

4.5.1 Under the Redundancy Policy, employees can appeal against decisions on the following grounds:

4.5.2 **That their post is not redundant**

The employee needs to identify why they believe their role is not redundant and where their duties have transferred to.

4.5.3 **That they should have been slotted in to/ring fenced for a new post**

The employee needs to identify which post/s it would have been appropriate to slot them in to / ring fence them for and why, setting out the similarity of tasks carried out (this may be different to the employee's job specification) and any transferable skills not already identified.

4.5.4 **That the selection criteria during interview / management selection unfairly applied**

The appeal hearing will have available anonymised information on the assessment of the other candidates, which will be taken into consideration when reaching a decision. This information will be made available to both sides before the appeal hearing

and both sides will be invited to comment on how the appeal might impact on other staff. If the appeal is successful, the member of staff who is selected for redundancy in their place will also have a right of appeal.

4.5.5 **That the post offered is not suitable alternative employment**
The employee needs to identify why they believe the role that has been offered to them is not suitable alternative employment.

4.5.6 Where notice of redundancy has already been served, any appeals will run concurrently with the employee's notice period.

4.6 **Appeal against Harassment and Bullying Decisions**

4.6.1 If the manager decides that it is likely that there is some substance to the complaint and the matter should be resolved through informal means rather than formal means or finds that there is no case to answer, the complainant may appeal against the decision.

4.6.2 An appeal must be based on at least one of the following reasons:

- The investigator's investigation or report was inadequate.
- A reasonable person could not have reached the decision on the basis of the evidence provided.
- The manager's decision was inappropriate in the light of the conclusions of the investigator's report.
- Further evidence has come to light during the investigation period.

4.6.3 If the manager decides that there is a disciplinary case to answer neither party will have a right of appeal against this decision. There is a separate right of appeal regarding a sanction against an employee following a disciplinary hearing (see 4.1 Appeal against Disciplinary Action).

4.7 **Appeal against Ending Fixed Term Employment**

4.7.1 A member of staff who is not satisfied with the decision to terminate their fixed term employment should present their reasons using the Appeal Submission form.

4.8 Appeal against a Dismissal for Some Other Substantial Reason (SOSR)

4.8.1 A member of staff who is not satisfied with the decision to dismiss them for SOSR should present their reasons using the Appeal Submission form.

4.9 Appeal against Decisions in Relation to Flexible Working Applications

4.9.1 A member of staff who is not satisfied with a decision in relation to a proposal they have made to work more flexibly should present their reasons using the Appeal Submission form.

5.0 Appeal Meeting Procedure

5.1 Appeals will usually be heard by senior management who will be a Head of Service or Director who has not previously been involved in the case. The only exception to this will be in the case of appeals against dismissal, which will be heard by the Chief Executive in accordance with the Constitution.

5.2 For grievances concerning a Chief Executive or Chief Officer, appeals will be heard in accordance with the Constitution.

5.3 Step 1- Written Notification

5.3.1 Human Resources will send written notification to the employee of the appeal meeting date, time and location, giving them at least 7 working days notice and informing them of their right to be accompanied by a trade union representative or work colleague. A copy of the Appeals Policy will be included with the letter. The meeting should normally take place within 10 working days of receipt of the Appeal Submission form to the Head of HR.

5.3.2 No later than 5 working days prior to the meeting the employee must submit any new evidence or inform the Head of HR of any new witnesses they intend to call at the meeting.

5.3.3 The Manager/ Head of Service will be required to submit a response to the appeal. This should present the circumstances of the case and the action taken to date, and should include a full set of the key documents to be presented at the hearing, including witness statements, a full summary of the circumstances of the case, copies of all correspondence relating

to the case and the outcome found at previous stages of the procedure.

- 5.3.4 Copies of all relevant documents will be circulated by Human Resources to all those attending the appeal no later than 3 working days before the date of the meeting.

5.4 Step 2- Appeal Meeting

- 5.4.1 Appeal hearings will not rehear the whole case, but will focus on the grounds of appeal. Further evidence may be introduced by either side if it is relevant to the grounds for the appeal.

5.5 The Role of Human Resources

- 5.5.1 The Head of Service/ Director will be accompanied by an HR Officer. It is their role to advise on procedure, to advise on ensuring consistency and equity of treatment. They may also ask questions of clarification of either side. The HR Officer may also take notes at the hearing unless the Head of Service/ Director decides that an additional note-taker should be present. The HR Officer that attends the appeal hearing will not have previously been involved in the case.

5.6 Witnesses

- 5.6.1 It is not necessary to recall original witnesses to the appeal meeting. The employee can only recall witnesses or ask new witnesses to attend the appeal meeting if their contribution relates to new evidence that is relevant to the grounds of appeal. The employee must notify the Head of HR no later than three working days before the meeting if they intend to call a witness. Witnesses will only be present at the meeting when giving evidence.

5.7 Process

- 5.7.1 The Head of Service/ Director will ensure that all the parties have the relevant documents and ensure that both sides understand the grounds of appeal that are to be considered.
- 5.7.2 The employee or their representative will set out the grounds of the appeal, calling any witnesses and referring to the documents that have already been submitted.

- 5.7.3 At the conclusion of the case for the appeal, the Manager/ Head of Service, the Director and the HR Officer may question the employee or their representative.
- 5.7.4 The Manager/ Head of Service will then respond to the case for appeal in a similar fashion.
- 5.7.5 At the conclusion of their response they may be questioned by the employee or their representative, the Head of Service/ Director and the HR Officer.
- 5.7.6 The appellant must always have the right to sum up their case following the manager's responses.
- 5.7.7 The Head of Service/ Director will then close the meeting to consider the matter, advised by the HR Officer.

5.8 Step 3- Written Notification of Outcome

- 5.8.1 The decision will be confirmed to the employee in writing within 3 working days of the appeal meeting. If the decision can be made on the day the employee will also be notified verbally. The decision made at the appeal will be final and there is no further right of appeal within East Herts Council.
- 5.8.2 The employee cannot use the Grievance Procedure by way of further challenge to the decision.
- 5.8.3 No increased penalty will result from an appeal being raised.
- 5.8.4 When an appeal is against a decision to dismiss, the dismissal will have taken effect in accordance with the original decision, either summarily or by notice. Should the appeal be successful the member of staff will be reinstated with full back pay or, if it is considered that disciplinary action less than dismissal is appropriate this will be implemented.

5.9 Policy Review and Amendment

- 5.9.1 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.

Appendix A

Appeal Submission Form

Date.....

I am writing to appeal against the recent decision that was made to:

Please give details of which policy was used, what decision was made and who made the decision.

My grounds of appeal are:

Please outline your reasons for invoking the appeals process.

Resolution sought:

Please outline the outcome you are looking for.

(Name)

Please send the completed Appeals Submission form to the Head of Human Resources within 10 working days of the date of the written notification of the decision.

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EAST HERTS COUNCIL

COPORATE MANAGEMENT TEAM 29 MAY 2012

LOCAL JOINT PANEL 13 JUNE 2012

HUMAN RESOURCES COMMITTEE 11JULY 2012

REPORT BY SECRETARY TO THE EMPLOYER'S SIDE

BULLYING & HARASSMENT POLICY REVIEW

WARD(S) AFFECTED: NONE

Purpose/Summary of Report

- To approve the revised Bullying & Harassment Policy and Dignity at Work Statement

<u>RECOMMENDATIONS FOR CORPORATE MANAGEMENT TEAM: That:</u>	
(A)	The revised Bullying & Harassment Policy is approved
(B)	The Dignity at Work Statement is approved
<u>RECOMMENDATIONS FOR LOCAL JOINT PANEL: That:</u>	
(A)	The revised Bullying & Harassment Policy is recommended for approval.
(B)	The Dignity at Work Statement is recommended for approval
<u>RECOMMENDATIONS FOR HUMAN RESOURCES COMMITTEE: That:</u>	
(A)	The revised Bullying & Harassment Policy is approved
(B)	The Dignity at Work Statement is approved

1.0 Background

- 1.1 The Council's Harassment & Bullying Policy was last reviewed in 2006. The Council's programme of policy review is after two years or sooner in line with legislation and best practice.

- 1.2 The Equality Act came into force in October 2010 which includes new provisions. A review of the policy was required to ensure it encompassed legislative and best practice changes.
- 2.0 Report
- 2.1 **Key changes**
- 2.2 The policy has been revised to focus on behaviour and a new Dignity at Work statement has been devised to support and encourage this.
- 2.4 The Confidential Advisor role has been removed, as support and guidance is now provided by line managers, Human Resources, union reps and the Council's confidential Employee Assistance Programme. In practice this role was not utilised in the past.
- 2.5 The Confidential Monitoring form has been updated to give greater emphasis to the informal stage of the procedure to encourage staff, where possible, to resolve any issues at this point.
- 2.6 The revised policy can be found at **Essential Reference Paper 'B'** and the new Dignity at Work Statement within the policy (Appendix A).
- 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

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ESSENTIAL REFERENCE PAPER 'A'

IMPLICATIONS/CONSULTATIONS

Contribution to the Council's Corporate Priorities/ Objectives <i>(delete as appropriate):</i>	People This priority focuses on enhancing the quality of life, health and wellbeing of individuals, families and communities, particularly those who are vulnerable.
Consultation:	The policies have been shared with UNISON and Heads of Service
Legal:	As detailed in the report
Financial:	None
Human Resource:	As detailed in the report
Risk Management:	None

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East Herts Council

Bullying & Harassment Policy

Policy Statement

**Policy Statement No 17 (Issue No 2)
July 2012**

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1.0 **Background**

- 1.1 East Herts Council strives to provide a good working environment for all staff in its employment and, indeed, the people it serves. This includes ensuring that everyone is treated equally and with respect. As an employer East Herts Council has both a legal and moral duty to protect their employees against harassment and bullying.
- 1.2 All employees should be given the opportunity to perform to their best abilities and therefore harassment or bullying at work will not be tolerated. Any such behaviour will be dealt with under the Disciplinary Procedure as a disciplinary offence that could lead to dismissal.
- 1.3 The Council has a Dignity at Work statement championed by the Chief Executive and managers of the Council (see Appendix A).
- 1.4 Despite cases of harassment or bullying being rare at East Herts Council, any such occurrence will be treated with due gravity. Incidents of discrimination, bullying and/or harassment need to be brought to the attention of East Herts Council to ensure that unacceptable behaviour is eliminated, and that a good environment can be maintained for the benefit of everyone. If such incidents are not reported they cannot be dealt with, and the alleged perpetrator may continue to subject others to similar treatment.
- 1.5 Employees are asked to treat this issue seriously, to read the Dignity at Work statement and this policy carefully and consider whether their actions and behaviour are always appropriate in the workplace.
- 1.6 All managers at East Herts Council have a duty to create a working environment where harassment and bullying are not acceptable and to take action to address harassment and bullying if it arises.

- 1.7 Throughout this policy the term harassment is taken to mean an all encompassing term, which includes harassment and bullying.
- 1.8 Where the Procedure refers to one perpetrator and one complainant, it should be interpreted to cover all other combinations.
- 1.9 This Policy applies to all Council employees including Chief Officers and above.

2.0 Harassment & Bullying – Definitions

2.1 Harassment

- 2.1.1 The current definition of harassment as set out in the Equality Act 2010 is ‘unwanted conduct related to a relevant protected characteristic, which has the purpose or effect of violating an individual’s dignity or creating and intimidating, hostile, degrading, humiliating or offensive environment for that individual.’
- 2.1.2 The protected characteristics are; age, disability, gender reassignment, race, and sex. Whilst there is no specific harassment protection for pregnancy and maternity and religion and belief within the act direct discrimination protection prohibits treatment such as bullying and harassment which results in a person being treated less favourably.
- 2.1.3 The scope has been extended to include harassment based on association or perception and by a third party.
- 2.1.4 The essential characteristic of harassment is that the action(s) is unwanted by the recipient.
- 2.1.5 Forms of harassment include many kinds of unacceptable behaviour. For example:
- Uninvited, unreciprocated and unwelcome behaviour of a sexual nature, which is offensive to the person involved and causes that person to feel threatened, humiliated, or embarrassed.

- Action, behaviour, comment or physical contact which is found objectionable or which causes offence, including: offensive jokes, verbal abuse, language, graffiti or
- literature of a racist or sectarian nature, or offensive remarks about a person's skin colour, physical characteristics, age, sexual orientation, or any other personal characteristic.

2.2 Bullying

2.2.1 Bullying is not specifically defined in law, however ACAS gives the following definition:

'Bullying may be characterised as offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means intended to undermine, humiliate, denigrate or injure the recipient'.

2.2.2 Bullying is often inextricably linked to the areas of harassment described above.

2.2.3 Examples of bullying include:

- Unjustified criticism of an individual's personal or professional performance,
- shouting at an individual, criticising an individual in front of others.
- Spreading malicious rumours or making malicious allegations
- Ignoring or excluding an individual from the team / group.

3.0 Harassment / bullying by contractors, agency staff, service users or other groups

3.1 The Council has a responsibility under equality legislation to protect our staff from harassment by third parties (stakeholders and other external contacts). The Council will take all reasonable actions to ensure people are aware of the Dignity at Work statement, and take action in response to incidents of unacceptable behaviour towards employees.

Management undertakes to investigate reported incidents and take appropriate action.

- 3.2 Employees have a duty to report incidents of harassment by people who are not East Herts Council employees. This should be done by advising their line manager of what happened and by completing an Incident Report Form on the intranet and returning it to the Health & Safety Officer. HR will also be informed of the incident to ensure any support the employee needs is provided.

4.0 Harassment / Bullying by elected members

- 4.1 Any dealing between Members and Officers should be conducted with mutual trust, respect and courtesy. Further guidance is available in the Council's Constitution and the Member/Officer Relations Protocol.

- 4.2 If an employee wishes to raise concerns about a member's behaviour towards them they should raise the complaint with the Head of Legal and Democratic Services or the Council's Monitoring Officer (Director of Neighbourhood Services) in accordance with the Constitution.

5.0 Harassment / bullying by East Herts staff

- 5.1 Employees that feel they are being harassed or bullied have a right to:
- Discuss any problems with their line manager where appropriate
 - Access to confidential HR advice in relation to support and the process
 - Contact PPC (the Council's Employee Assistance Programme) for confidential advice and support

- Access to Union/other advisor
- Access to an informal process to resolve issues
- Make a formal complaint about harassment or bullying at work
- Expect that every complaint will be fully investigated and dealt with appropriately.

5.2 Employees that are being harassed or bullied should keep a diary and written record of all incidents. This should include dates, time, details of what happened and how the person felt, and the names of witnesses, if any. A hard copy should be kept of any offensive e-mails or other communications. This is helpful to the investigators in looking into the complaint.

6.0 Informal action

6.1 Informal and formal cases of harassment and bullying are rare within East Herts Council, and it is hoped that if a case exists that it can be resolved satisfactorily at an early stage.

6.2 Employees that feel they are a target of bullying or harassment or an employee who witnesses an instance of bullying or harassment, is urged to seek advice as stated in 5.1 and try to resolve the matter on an informal basis before activating the formal procedure.

6.3 Some people are unaware that their behaviour in some circumstances could be viewed as harassing or bullying. If it is clearly pointed out to them that their behaviour is unacceptable, the problem can sometimes be resolved.

6.4 Employees that feel comfortable doing so should raise the matter informally with the alleged perpetrator, stating which aspect of their behaviour is offensive and unacceptable, the effect it is having on you and making it clear that it should cease. This can be done either verbally or by means of a written communication, a copy of which you should keep. You may seek the support of a colleague, trade union representative or HR to accompany you at this discussion.

- 6.5 Employees should find a quiet place to discuss the issue confidentially and without interruption. The aim of this meeting, or action, is to ascertain whether the alleged harasser agrees that the behaviour occurred, irrespective of intention, and to obtain an agreement to cease the behaviour. The confidentiality of all parties must be maintained at all times.
- 6.6 Employees that do not feel able to approach the alleged harasser directly, or the alleged harasser does not respond to their concerns, should speak to their line manager. If it is the line manager who is accused of harassment, you should speak to their manager.
- 6.7 The line manager must take action to investigate as set out in 6.8 and respond to you within 10 working days (This time limit may be extended with your agreement).
- 6.8 The line manager will investigate and, if they feel that there is substance to the complaint, take action to address it, which may include:
- Talking to the alleged perpetrator about the issues
 - Discussing behaviour and requirements in a team meeting (without breaching confidentiality)
 - Coaching interviews with the alleged perpetrator to inform them of the effect of their behaviour and setting out expectations for the future. It may be appropriate to set targets with appropriate mechanisms to monitor progress and identify training needs.
 - Skills training
 - Interpersonal skills training (communication skills, assertiveness)
 - Mediation
 - Conciliation
 - Arbitration
 - Mentoring for the complainant or the alleged perpetrator
- 6.9 The parties should attempt to resolve their issues within one month. Where problems are long-standing and mediation is in progress, the issues may take longer to

resolve. It is important that the parties feel that progress towards resolution is positive. However, where the parties have not been able to resolve their issues within two months, any of the parties can refer the matter to the formal procedure.

- 6.10 It should also be noted that disciplinary action and sanction may be taken against perpetrators of harassment and bullying. Disciplinary action may be taken only after a formal investigation has been conducted. Please see the disciplinary procedure for further information.
- 6.11 A record of the complaint should be recorded on the Confidential Monitoring form (see Appendix B). The line manager should record the informal action taken and return a copy to HR for monitoring purposes.

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7.0 Formal action

- 7.1 The formal procedure will apply where:
- The informal procedure has proved ineffective and the complainant wishes to make a formal complaint.
 - The parties have not been able to resolve their issues under the informal part of this procedure within two months
 - An allegation has been made by a “third party”, who witnessed an incident
 - The nature of the allegation is serious enough to warrant formal action from the outset.
- 7.2 Throughout the formal part of this procedure, both parties have the right to be represented or accompanied by a Trade Union representative, or work colleague.
- 7.3 Employees who wish to raise a complaint under the formal procedure must complete the Confidential Monitoring Form (see Appendix B). This should be handed to your line manager and a copy sent to Human Resources. If the allegation is against your line manager the form can be handed to your Head of Service or Director (if the Head of Service is your line manager). In cases where a Director is the alleged perpetrator, the appropriate Executive Director should be notified.
- 7.4 The Confidential Monitoring Form will include the following:
- Details of the alleged harassment or bullying, including as much specific information as possible.
 - The name(s) of the alleged perpetrator(s)
 - What form of resolution you are seeking.
- 7.5 In cases where the employee has attempted to resolve the matter informally with their manager, Head of Service or Director, or has good reason to believe their concerns have not been taken seriously, they should send the completed Confidential Monitoring form to Human Resources. HR will ensure that the investigator’s terms of reference include assessing the suitability of the manager, Head of Service or Director to have any further involvement in the case. Alternatively, the Investigator may develop their own concerns about the suitability of the manager, Head of Service or Director to deal with the matter. In either circumstance the

Head of Service, with advice from Human Resources, will determine whether there is substance to the concerns and, if appropriate, will appoint an alternative manager to deal with the matter. In cases concerning a Head of Service the Director will make this decision with advice from the Head of Human Resources. Should the case involve a Director the Chief Executive will make the decision with advice from the Head of Human Resources

- 7.6 The manager on receipt of the Confidential Monitoring form should notify Human Resources immediately. If the matter has not previously been raised under the informal part of the policy. Human Resources will discuss with the employee and line manager whether it would be more appropriate to try and resolve the matter informally first. The decision to move to formal action under the policy will be in accordance with the reasons set out under 7.1.
- 7.7 Human Resources will appoint an Investigator once it has been decided the formal process should be invoked. Consideration will be given to the nature of the case and it may be appropriate for a case to be investigated by someone of the same sex, race or ethnicity etc. as the complainant.
- 7.8 Human Resources may appoint a note-taker to support the investigator. The investigator and note-taker will be from outside the department where the complainant and alleged perpetrator regularly work.
- 7.9 In exceptional circumstances, it may be more appropriate for an external investigation team to be commissioned. This would normally be for the following reasons:
- If the allegations are against a Chief Officer;
 - If the nature of the case is potentially a criminal act of harassment;
 - If at any stage of a case the matter becomes larger or more complex than foreseen;
 - In the case of internal resource shortages.

8.0 Investigation

8.1 Principles

8.1.1 An investigation is conducted in order to:

- Establish the truth of the situation.
- Uncover evidence and determine whether there is a case to answer.
- Determine whether there is a prima facie case for disciplinary action.
- Explore the acceptability and practicality of options for resolving the complaint, including an assessment of the commitment of the parties to achieving a practical resolution to the complaint.

8.1.2 Strict confidentiality must be maintained by, and for, everyone involved in the investigation and all parties will be treated with respect and fairness at all times.

8.1.3 Whilst every effort will be made to allow both parties to continue at work, it may be necessary to review working arrangements so that the complainant and the alleged harasser are separated. In such circumstances, the presumption will be that the complainant should not be moved from their normal work location. However, the line manager will also need to consider any impact on services and will consult with both parties on the options available. Whether the complainant, the alleged harasser, or both parties are moved to an alternative work location will be decided by the line manager, taking all of the circumstances into account. This decision will in no way be influenced by any perceptions of the validity of the case or the culpability of the alleged harasser.

8.1.4 In exceptional circumstances consideration may be given to granting either or both parties extended leave. Or depending on the circumstances of the case, and where the disciplinary procedure has had to be invoked, suspending the alleged perpetrator in accordance with the provisions of that procedure, while the case is in progress. Such circumstances may include:

- Cases where the allegations are so serious that gross misconduct is indicated.
- There are concerns that one or both of the parties may tamper with evidence.
- There are concerns that one or both of the parties may seek to bring improper influence upon potential witnesses.
- Where there are concerns that the complainant is finding the situation too stressful or difficult, paid time off from work should be considered for the duration or remainder of the investigation.

8.1.5 Investigative interviews will be conducted promptly, and investigations should normally be completed within 28 days of the receipt of the Confidential Monitoring form. If this is not possible, the reason should be recorded and both parties informed, in order to be transparent about the process. Formal records should be kept at all stages of the proceedings by the investigators.

8.2 Investigation preparation

8.2.1 Terms of reference specific to the case should be drawn up and agreed with the Head of HR. If, during the course of the investigation, the Investigator forms the view that the terms of reference need to be changed they must agree the revised terms of reference with the Head of HR.

8.2.3 The meaning of confidential needs to be defined in the context of the investigation within the terms of reference and communicated to all those involved in the investigation.

8.2.4 The Investigator will consider the complaint and decide how much information will be passed to the alleged harasser, consistent with protecting the complainant from personal detriment whilst providing the alleged harasser with sufficient information to begin preparing their response to the complaint. The investigator may add to the information given to the alleged harasser after they have spoken to the complainant.

8.2.5 The Investigator will write to the complainant and alleged perpetrator notifying them that they have been appointed and explaining the process, terms of reference and need for confidentiality. They will also be advised their right to be

accompanied throughout the process and asked if they wish to nominate any witnesses. Counselling for both parties will be offered at this stage and can be taken up at any point during the investigation.

8.2.6 The alleged perpetrator will also be given details of the allegation as determined above. They will not be told the names of any witnesses nominated by the complainant at this stage. They will also be informed of implications of any acts that may be construed as victimisation.

8.3 Investigation interviews

8.3.1 The investigator will interview and take statements from the complainant and the person against whom the complaint has been made. Any witnesses will also be interviewed.

8.3.2 Interviews should be conducted in a confidential context. The precise meaning of “confidential” should be explained at the beginning of each interview and be consistent.

8.3.3 Interviews to be conducted in a neutral/comfortable environment, with trade union reps/colleagues present for support/representation as requested.

8.3.4 Interviews should commence with a clear introduction of the purpose of the investigation and the terms of reference. It should also be explained that minutes will be taken but that these will not be verbatim.

8.3.5 After the interview the minutes will be sent to the interviewee. They will be asked to sign, confirming them as a fair and true record of the interview. If relevant, this statement may form part of the Management Case presented at a subsequent disciplinary hearing. If the interviewee disagrees with the minutes they may propose amendments. The minutes will either be amended accordingly or the proposed amendments will be placed on file.

8.3.6 It may be necessary to interview an individual more than once, in order to ensure that a complete understanding of the circumstances has been achieved. The questions asked during these interviews should be designed to ascertain all relevant facts, and should be consistent and fair to all parties.

8.4 Written Statements & Evidence

- 8.4.1 In addition to formal questions, as part of the investigation it may be appropriate to ask an individual to complete a written statement in his/her own words presenting the situation from their perspective.
- 8.4.2 Relevant documentary evidence, policies and procedures, internal documentation, training records, to be gathered and collated and perused by the investigator.

8.5 Investigation Outcome

- 8.5.1 The investigator will consider options on any action to rebuild effective working relationships and form a view on the commitment of both parties to resolving the complaint.
- 8.5.2 The investigator will produce a written report detailing the investigation, complaint, defence and evidence. The report must be confined to the agreed terms of reference. This will be made available to both parties (without supporting documentation e.g. witness statements etc).
- 8.5.3 The report should include:
- The Investigator's assessment of whether the alleged harassment took place, referring to evidence to support their findings.
 - Identify options for resolving the complaint, including an assessment of their practicality and acceptability to both parties.
 - Express an opinion on whether there is a case for disciplinary action.
- 8.5.4 The investigator may submit an additional report to management on issues outside the agreed terms of reference and/or not directly relating to the substance of the complaint, which may include recommendations on management action to reduce the possibility of similar complaints in the future.
- 8.5.5 The Investigator will advise the line manager that the investigation has been concluded and request a meeting.

8.5.6 The line manager will meet with the investigator and a representative from HR to consider the investigator's report. A disclosure of evidence gathered will be made at this meeting. Unless there are exceptional circumstances a decision will be taken on the appropriate action, which will be either:

- There is a case to answer and disciplinary action is appropriate invoking the Disciplinary Policy, or
- It is likely that there is some substance to the complaint and the matter should be resolved through informal means, or
- There is no case to answer.

8.5.7 Both parties to the complaint will be advised of the manager's decision in writing and given a copy of the investigator's report (without supporting documentation e.g. witness statements etc), no later than 3 working days after the meeting.

8.5.8 If the manager decides there is a disciplinary case to answer, prompt action will be taken to stop the harassment or bullying immediately and prevent its recurrence. The matter will then be dealt with under the Council's Disciplinary Policy.

8.5.9 The line manager will present the case at any disciplinary hearing in accordance with the Council's Disciplinary Policy, using the investigator's report as their primary evidence. The supporting documentation (e.g. witness statements etc) from the original investigation will be used to support the case. The Investigator will normally be called as a witness at the Disciplinary Hearing. The Hearing Officer must be impartial and as far as possible have had no previous role in the investigation.

8.5.10 The complainant will be advised of the outcome of the disciplinary hearing and will be advised that the information is being given in the strictest confidence. Failure to keep the matter confidential will result in disciplinary action being taken against the complainant.

8.5.11 If the manager decides that there is some substance to the complaint, but that the issue is not serious enough to warrant

disciplinary action, the manager will decide on an appropriate course of action designed to:

- Remind the harasser of the standards of behaviour and conduct required by East Herts Council and advise them on how they should behave in the future to avoid further complaints.
- Rebuild the working relationship between both parties to the complaint.

8.5.12 The action plan will be initiated as soon as possible and, in any event within 10 working days of the meeting.

8.5.13 If the manager decides that there is no case to answer they will also form a view on whether the allegation was malicious. In any event the manager will take action to ensure that both parties resume normal working and facilitate rebuilding the working relationship, which may include mediation or personal development training. All parties will be expected to co-operate with this process.

9.0 Victimisation

9.1 Intimidation and/or victimisation of employees who have filed a complaint or been party to an investigation are itself regarded as a disciplinary offence and management will take necessary action to prevent this and protect staff. In the absence of corroborative evidence, conclusions may be drawn on the balance of probability i.e. something is more likely to be true than not true.

10.0 Monitoring following a formal Harassment/Bullying Complaint

10.1 The line manager of the complainant will monitor the working situation to ensure that no victimisation or recurrence takes place. The Line Manager will be expected to report back to Human Resources on the situation on a regularly basis.

11.0 Malicious Complaints

11.1 Malicious complaints are exceptionally rare. However, if it is felt that this policy is being abused with a malicious complaint, this will be treated as a disciplinary offence and pursued via the Disciplinary Policy.

12.0 Confidentiality

12.1 In order to protect all parties involved in any investigation and/or disciplinary process, it is essential that everyone concerned adheres strictly to the rules of total confidentiality; breaches of confidentiality will normally be treated as misconduct under the Disciplinary Policy.

13.0 Mediation and Conciliation

13.1 Mediation refers to neutral and objective facilitation by a third party to help the parties communicate with each other and come to an agreement. Conciliation refers to the process once a decision has been made, whether formally or informally, to facilitate the restoration of positive working relationships.

13.2 Any of the parties have the right to request the assistance of a mediator to assist in the resolution of issues arising from bullying and harassment.

13.3 Both parties must agree to mediation. If any of the parties does not agree to mediation, mediation cannot be used to resolve the issues.

- 13.4 Human Resources will ensure that mediators used are trained to deal with the issues between the parties.
- 13.5 If the parties are able to resolve the matter through mediation, no further action will be taken.
- 13.6 Conciliation may be appropriate to help restore working relationships where they have become strained as a result of attempts to resolve the issues.
- 13.7 The Mediator/Conciliator will provide the parties with a written statement outlining the issues to be addressed and agreed action to be taken by the parties to resolve the issue.
- 13.8 The parties are advised to keep their own notes of the actions taken following the mediation.

14.0 Support

- 14.1 The Council recognises that an employee who has been the target or has been accused of harassment or bullying may require counselling to enable her/him to deal with what has happened to them/assist in coping with being accused.
- 14.2 PPC, the Council's confidential Employee Assistance Programme is available to employees who feel they need such counselling support. Managers can refer employees if appropriate but it can also be accessed through self referral and without approval from managers, Occupational Health or HR.
- 14.3 Any counselling provided will be strictly confidential between the counsellor and employee; no details or records will be disclosed without the express written permission of the employee. In the event that an employee pursues counselling support independently of the Council's service, paid time off work will be facilitated, where possible, to ensure the employee can attend counselling appointments.

15.0 Appeals

- 15.1 If the manager decides that there is a disciplinary case to answer neither party will have a right of appeal against this

decision. There is a separate right of appeal regarding a sanction against an employee following a disciplinary hearing. Please see Appeals Policy for further details.

- 15.2 If the manager decides that it is likely that there is some substance to the complaint and the matter should be resolved through informal means or finds that there is no case to answer, the complainant may appeal against the decision. Please see Appeals Policy for further details.

16.0 Review

- 16.1 This procedure will be reviewed every 2 years, or sooner if there are any changes in legislation or best practice require amendments to be made.

DRAFT

Dignity at Work Statement

Message from the Chief Executive/Director of Customer & Community Services

The Council is committed to creating a work environment of mutual respect and where everyone is treated with dignity.

Employees are required to treat any possible incidence seriously, to read the Harassment and Bullying Policy and this document carefully and consider whether their actions and behaviour are always appropriate in the workplace.

I would like to take this opportunity to reiterate the Council's commitment to supporting a culture where all staff are able to develop and feel valued.

George A Robertson
Chief Executive/Director of Customer & Community Services

Underlying principles

This statement is for everyone within East Herts Council, and applies to all members of staff including contractors, agency staff and anyone engaged to carry out work on the Council's behalf. It sets out the behaviours expected when dealing with each other and members of the public.

We need to listen to, value and respect each other as individuals with a contribution to make to ensure that East Herts Council achieves its aims.

Everyone is different and has something unique to offer. East Herts wants to respect and understand these differences and to make the most of everyone's talents.

The Council's Corporate Management Team and managers at all levels will demonstrate their commitment to promoting equality and diversity.

All staff have a personal responsibility to treat everyone with respect, consideration and without prejudice and to promote the same levels of behaviour in colleagues.

Discrimination, harassment, bullying and victimisation

The Council will not tolerate any form of unfair, discriminatory behaviour, nor harassment, bullying or victimisation by anyone. These are serious matters and the consequences of such behaviour adversely affect performance and morale. They may lead to disciplinary proceedings for the member of staff responsible. The

Council's [Bullying & Harassment Policy](#) explains how such issues should be dealt with.

The Council's responsibility

The Council has a responsibility under equality legislation to protect our staff from harassment by third parties (stakeholders and other external contacts). The Council will take all reasonable actions to ensure people are aware of this Dignity at Work statement, and take action in response to incidents of unacceptable behaviour towards employees.

Your responsibility as a Manager

Managers at every level are responsible for ensuring that they and their staff understand their responsibilities, that the equality and diversity policies are upheld in their area, and for ensuring fairness and impartiality in all aspects of managing staff and the work of the Council.

Managers are expected to:

- challenge unacceptable behaviours and create a climate where complaints can be raised without the fear of reprisal
- take firm action where unfairness or inconsistency exists
- encourage and support diversity within their teams
- demonstrate and promote considerate and fair behaviour
- treat staff with dignity and respect and recognise and value individual skills and contributions

Your responsibility as a member of staff

It is important for everyone to recognise and accept individual responsibility for equality and diversity within the Council. This includes our dealings with others outside of the Council, to ensure that our actions and words demonstrate and deliver dignity and respect for all.

Communication

The Council will ensure that this statement and supporting policies are accessible and understood by everyone.

Supporting Policies

[Bullying & Harassment Policy](#)
[Equality & Diversity Policy](#)



Confidential Monitoring Form
Bullying & Harassment

This form should be completed when a formal complaint is made or by a Manager raising formal action without a complainant.

Name: _____	Tel: _____
Line Manager: _____	Department: _____

Name(s) of alleged harasser(s): _____
Date or Period of incident(s) : _____

Please give an outline of the incident(s) (continue on a separate sheet if necessary)

Name(s) any witnesses to the behaviour complained of: _____

Have you discussed this matter with anyone (line manager, union rep, alleged harasser) _____
--



Please outline any informal action taken

Please state how you would like the issue resolved

Signed: _____ Date: _____

Person receiving form: _____

Signed: _____ Date: _____

Please hand this completed form to your line manager and ensure a copy is sent promptly to the HR Service.

EAST HERTS COUNCIL

LOCAL JOINT PANEL – 13 JUNE 2012

REPORT BY SECRETARY TO THE EMPLOYER'S SIDE

RESTRUCTURE UPDATE

WARD(S) AFFECTED: NONE

Purpose/Summary of Report

- To report the staff outcomes of recent restructures

<u>RECOMMENDATIONS FOR LOCAL JOINT PANEL:</u>	
(A)	To note the report

1.0 Background

1.1 The Local Joint Panel meeting on 6 December 2011 requested that the Employer's Side report back to the next meeting providing details of the outcomes of all recent restructures including the total number of voluntary and compulsory redundancies, early retirements/resignations resulting from the restructures during the civic year 2010/11.

2.0 Report

2.1 The Council during 2010/11 and 2011/12 have restructured services in accordance with service plans and savings identified under the MTFP.

2.2 To date the Council over the financial years 2010/11 and 2011/12 has had 5 compulsory redundancies, 5 voluntary redundancies, 7 early retirements, 13 flexible retirements, 2 employees protected pay (salary grade is protected for 3 years if the employee is slotted into a lower grade post).

2.3 The turnover rate for 2010/11 was 8.24%, against a target of 12% this equates to 30 leavers. Of the 30 leavers, 21 staff left voluntarily and 9 left involuntarily (due to redundancy 1, retirement 5, end of contract 2, other 1). The voluntary leaver's rate is 5.77%, against a target of 8%. The main reason employees left in 2010/11 was for a promotion or pay increase (8 people).

2.4 The Turnover report 2011/12 will not be completed until July 2012. To-date during 2011/12 the Council has had 37 leavers. This is below our target of 10%.

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

Turnover report 2010/11

Contact Officer: Emma Freeman – Head of People, ICT and Property Services
Contact Tel No: 01992 531635
emma.freeman@eastherts.gov.uk

Report Author: Emma Freeman – Head of People, ICT and Property Services

ESSENTIAL REFERENCE PAPER 'A'

Contribution to the Council's Corporate Priorities/ Objectives:	<u>People</u> This priority focuses on enhancing the quality of life, health and wellbeing of individuals, families and communities, particularly those who are vulnerable.
Consultation:	Consultation has taken place with UNISON and staff as part of the Council's Redundancy Policy
Legal:	None.
Financial:	As detailed in the report
Human Resource:	As detailed in the report
Risk Management:	None.

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EAST HERTS COUNCIL

LOCAL JOINT PANEL – 13 JUNE 2012

HUMAN RESOURCES COMMITTEE – 11 JULY 2012

REPORT BY SECRETARY TO THE EMPLOYER'S SIDE

RECRUITMENT POLICY UPDATE

WARD(S) AFFECTED: NONE

Purpose/Summary of Report

To recommend approval of the revised Recruitment Policy

<u>RECOMMENDATIONS FOR LOCAL JOINT PANEL: That:</u>	
(A)	The panel recommends approval of the revised Recruitment Policy;
<u>RECOMMENDATIONS FOR HUMAN RESOURCES COMMITTEE: That:</u>	
(A)	The committee approve the revised Recruitment Policy

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 Recruitment Policy

2.0 Report

2.2.1 Recruitment Policy

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

2.2.3 Drivers for change

2.2.4 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.

2.2.5 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.

2.2.6 Key changes

2.2.7 The revised policy outlines the recruitment and advertising processes with Manpower.

2.2.8 The Council's commitments to internal staff and those on the redeployment register are reinforced with detail around internal vacancies.

2.2.9 The Council's process of vacancy management is clearly detailed for managers (see section 5 of the policy).

2.2.10 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 Member: Cllr Colin Woodward – Human Resources
Colin.woodward@eastherts.gov.uk

Contact Officer: Emma Freeman - Head of People, ICT and Property Services, Ext 1635
Emma.Freeman@eastherts.gov.uk

Report Author: Jaleh Nahvi – HR Officer
Jaleh.Nahvi@eastherts.gov.uk

ESSENTIAL REFERENCE PAPER 'A'

IMPLICATIONS/CONSULTATIONS

Contribution to the Council's Corporate Priorities/ Objectives <i>(delete as appropriate):</i>	<i>Prosperity</i> This priority focuses on safeguarding and enhancing our unique mix of rural and urban communities, promoting sustainable, economic and social opportunities.
Consultation:	Consultation has taken place with UNISON and Heads of Service.
Legal:	None
Financial:	None
Human Resource:	As detailed in the report
Risk Management:	None

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East Herts Council

Recruitment Policy

Policy Statement

**Policy Statement No 35 (Issue No 2)
[Month Year]**

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1.0 Introduction

1.1 The objective of recruitment and selection at East Herts Council is to fairly and consistently appoint the best person for the post.

1.2 Our recruitment processes are therefore:

- Based on employment law and best practice
- Flexible to ensure they can be updated
- Designed to ensure that the Authority builds on relevant equal opportunities/diversity best practice

2.0 Scope

2.1 East Herts recruitment procedures apply to all posts within the Council, excluding Chief Officers. The selection process will vary depending upon the post.

3.0 Principles

3.1 The recruitment process will not be discriminatory with regard to race, disability, gender, sexual orientation, age, gender reassignment, religion or belief.

3.2 Most positions will be advertised internally first to encourage internal staff development. Any employees on the redeployment register will be notified of vacancies prior to the general advert and be given priority as set out in the Redeployment Policy. If it is identified that the necessary skills required for the role are unlikely to be met internally, the internal and external recruitment may run concurrently.

3.3 Non permanent vacancies, (for example maternity leave cover or back-filling of vacant hours) should be advertised internally first to give existing employees the opportunity to apply. These vacancies can be filled with fixed term contracts or secondments as applicable. For very short periods or where specific skills are needed it may be more appropriate to use temporary agency staff. See section 11 for more information.

- 3.4 Vacant posts will be advertised with a job description & person specification which have been evaluated in accordance with the Council's job evaluation policy.
- 3.5 Applicants will complete application forms rather than submit CVs. Any CVs that are received will not be considered as part of the recruitment process.
- 3.6 The Council has a contract with Manpower to provide recruitment services. These include recruitment administration, advertising and temporary recruitment. See Appendix 1 further details of the services provided.

4.0 Job Descriptions & Person Specifications

- 4.1 The line manager should consult with Human Resources when reviewing the job description and person specification to ensure consistency.
- 4.2 Before requesting authority to recruit, the line manager of the vacancy should review the current job description and person specification to ensure it is fit for purpose. A copy of the job description and person specification should be sent to Human Resources. Human Resources should be notified if any substantial changes have been made to the Job Description. The job description may be subject to evaluation should any substantial changes be made. If this is the case the Job Evaluation must take place prior to submitting a recruitment request.
- 4.2 Each post must have an up-to-date job description and person specification, which will be used during the selection process.
- 4.3 Selection will be measured and scored against the criteria for the person specification, it is therefore important to ensure this is suitable and up to date.
- 4.4 Line managers should assign 'F(orm), I(nterview) or T(est)' next to each criteria on the person specification, this will inform applicants how they will be assessed for each point. Managers need to split criteria into 'essential' and 'desirable' as this will support short listing.

5.0 Authorisation process

- 5.1 All recruitment is subject to approval by the Corporate Management Team (CMT). This includes permanent, temps, consultants, casual and secondment appointments.
- 5.2 After reviewing the job description and person specification, the recruiting manager (usually the line manager to the vacant position, or another senior manager) must complete a recruitment request form. This form details the business case to fill the vacancy, and outlines any advertising costs. Recruitment request forms must be submitted to CMT adhering to the usual timescales for CMT reports.
- 5.3 Following approval, the recruiting manager should send the approved recruitment request to Human Resources with the job description and person specification and vacancy details (Contractual hours & working arrangements, whether it is permanent, fixed term or a secondment and recruiting manager's contact details and closing date).

6.0 Recruitment & advertising process

6.1 Internal recruitment

- 6.1.1 Internal positions will be advertised on the staff intranet and via a weekly vacancy bulletin that is emailed by Human Resources.
- 6.1.2 The weekly vacancy bulletin is sent to Redeployees on Wednesday and all staff on a Thursday. Recruiting managers must send all the paperwork to HR by Tuesday to ensure inclusion in the bulletin.
- 6.1.3 Positions are generally advertised internally for 2 weeks. In cases where internal recruitment is unlikely and the role needs to be filled quickly this may be reduced to one week.
- 6.1.4 Applicants will be required to complete an internal application form against the person specification and submit it to HR before the deadline. The internal application form is available on the HR pages of the intranet. Prospective applicants for secondments should ensure they have their line manager's approval prior to submitting an application as per the Secondment Policy.

6.1.5 After the deadline, HR will email the recruiting manager with the application forms, short listing grid, interview assessment sheets and statement of employee particulars. The recruiting manager should then proceed to the selection stages as detailed below.

6.1.6 Redeployees will be given priority and will be considered ahead of other internal candidates in accordance with the Redeployment Policy.

6.2 External recruitment

6.2.1 Should internal recruitment be unsuccessful the recruiting manager may proceed to external recruitment provided permission to do so was given by CMT at authorisation stage. In some cases CMT will agree to internal and external recruitment commencing simultaneously. Recruiting managers should contact Manpower (contact details can be obtained via HR) for external recruitment. The service will cover the cost of recruitment.

6.2.2 Recruiting managers must send the recruitment request form, job description and person specification and advert to Manpower. They should then liaise directly with Manpower to determine how best to advertise the position and suitable deadlines for external recruitment. Special consideration to deadlines should be given when advertising during holiday periods. Manpower will also advise on advert placement for specialist roles.

6.2.3 Adverts must clearly state the following information;

- The grade and salary range + local weighting
- Service, team and location of the job
- Job title and reference number (usually the job number)
- Basic outline of the job role and key requirements
- Contractual hours and working arrangements
- Whether the position is permanent, fixed term, secondment etc.
- East Herts District Councils Logo/IIP Logo/ Disability two ticks symbol (all jobs)
- Contact details including email address
- Closing date

TMP (Manpower's advertising agency) can assist with advert design. Alternatively a basic advert template can be obtained from Human Resources.

6.2.4 Manpower has a database of applicants who are suitable for positions such as administration. For these types of vacancies, it is not necessary to advertise the position, recruiting managers can ask for a selection of candidates from Manpower's 'talent pool'.

6.2.5 Manpower will work with the recruiting manager to finalise the advert which can be placed in various media. External adverts will also be placed on the Council's website.

6.2.6 Manpower is responsible for sending information packs to applicants if requested. Packs will include;

- Job Description/Person Specification
- Application Form and Guidance Notes on completing the form
- Key terms and conditions for the post
- Equal Opportunities and related policy

6.2.7 After the deadline, Manpower will send the recruiting manager the application forms, shortlisting grid, interview assessment sheets and statement of employee particulars. Recruiting managers can ask Manpower to do a 'first sift' of applications to rule out any that do not meet the person specification, or can receive all of the applications.

6.2.8 The recruiting manager should now proceed to the selection stages detailed below.

7.0 Short listing & Interviews

7.1 Recruiting managers should follow the selection procedure detailed below for both internal and external recruitment.

7.2 Recruitment panels will consist of at least two members, one male, one female, and in the case of management recruitment panels should be at least three members. At least one member of the panel must be trained by the Council in recruitment and selection. The same panel that shortlists should be used to interview. The line manager for the vacant position should be part of the recruitment panel.

7.3 All stages of the selection process must be written and recorded, panel members should keep notes throughout. When the successful candidate is appointed, the panel should send their records to HR.

7.4 Equalities and Diversity

7.5 Under the Equality Act 2010 the Council has a duty to make reasonable changes for disabled applicants. These are known as 'reasonable adjustments'. Adjustments should be made to avoid putting a candidate at a disadvantage compared to a non-disabled person. A candidate will either specify the reasonable adjustments they require, for example they may ask for a British Sign Language interpreter to be present at the interview. Or they may alert the Council to their condition and request suitable reasonable adjustments. For example a candidate may have dyslexia and managers will need to consider increasing the time given to complete tests. Human Resources can assist and advise managers with these requests.

7.6 East Herts Council is part of the Job Centre's Disability Two Ticks Scheme. Manpower will inform recruiting managers if any applicants have indicated they wish to be considered under this scheme.

7.6.1 The Two Ticks Scheme applies to applicants that have a disability and have indicated on their monitoring form that they wish to be considered under the scheme. It guarantees that applicants will be invited to interview provided that they meet the essential criteria of the person specification.

7.7 Short listing

7.8 The recruitment panel will shortlist the applicants against the criteria detailed in the person specification. Manpower also offer a short listing service, managers may choose to use this, particularly when there has been a large volume of applicants. These will be the only criteria used in the selection process. The panel should use the short listing grid to record the scores of the applicants.

7.9 The panel should score applications 0-3 for each criteria of the person specification (Qualifications, Job Specific Skills, Team Working, Contacts, Service Delivery and Communication).

7.10 The scores equate to the following rating;

3	=	Exceeds requirements of the person specification
2	=	Meets requirements of the person specification
1	=	Below requirements of the person specification
0	=	No evidence of requirements of the person specification

7.11 A total score of 12 or above will indicate that from the information available on the form, the applicant meets the requirements of the person specification and should probably be invited to interview. The score of 12 needs to have come from a wide range of criteria meeting the requirements. Not all criteria will be of equal weight so judgement is required. Those scoring under 12 should normally be rejected.

7.12 After short listing, the panel should use the scores to select for interview. For internal applicants, recruiting managers should invite applicants (a standard template letter can be obtained from HR). For external recruitment, recruiting managers should inform Manpower who will invite applicants to interview on their behalf.

7.13 When inviting to interview, applicants should be informed of the following details;

- Date, time, location and duration of the interview
- Who will be on the panel
- Arrangements for arrival at Council offices, i.e. who to ask for
- The assessment methods, i.e. interview, tests
- To bring proof of their right to work in the UK and relevant qualifications
- Whether they require any reasonable adjustments to be made.

7.14 The candidate must bring proof of their right to work in the UK and relevant qualifications (as stated on their application); copies should be taken before the interview takes place and securely retained by the recruiting manager until appointment is made.

7.15 The panel should meet before the interview to discuss and finalise the questions that will be asked at interview. Questions should be

designed to assess whether the candidate meets the requirements of the person specification. The panel should pay particular attention to whether the person specification identifies how criteria will be assessed using 'F(orm), I(nterview), T(est)'.

7.16 The panel may wish to agree and write 'model answers' to their questions prior to interview, to help them to score and assess candidates.

7.17 If the panel are using tests to assess the candidates, it is good practice to do a 'mock' before the interview, ensure that the answers are written prior to marking and to decide the weighting the test will place on the overall decision to appoint.

7.18 HR can help panels to devise tests and assessments that are fit for purpose and will help to recruit the best candidate to the post.

7.19 Panels should ensure interviews and assessments run on time, and that candidates are given sufficient time to prepare, time to complete and breaks. Interviews should last between 40 minutes to an hour. It is advised that the maximum amount of interviews scheduled for one day is 6.

7.20 Every member of the panel should take notes during the interview and individually score the candidates to the following ratings;

- 5 = Exceeds specification
- 4 = Fully matches specification
- 3 = Matches specification well, with only slight discrepancies
- 2 = Matches specification fairly well, but with weaknesses in some aspects.
- 1 = Matches specification in some respects, but with important omissions.
- 0 = Does not match specification

7.21 An offer of appointment will be made to the candidate who scores the highest in interview and any tests if applicable. If none of the candidates meet the requirements of the role the panel is not obliged to offer the job. In this situation the recruiting manager should speak to HR to discuss the next steps for recruitment.

7.22 If the successful applicant declines the offer of appointment, the recruiting manager should consider offering the position to the person with the next highest score at interview stage. If there are no other suitable applicants the recruiting manager should seek advice from HR.

8.0 Selection & appointment process

8.1 When the panel has decided who to appoint to the post, the recruiting manager should contact the successful applicant and offer the appointment. They should inform the applicant that at this stage the offer is conditional on satisfactory reference, medical clearance and CRB (if applicable), and that they should not hand in their notice to their current employer until HR have sent an unconditional offer of employment in writing. The recruiting manager should also discuss and agree the starting SCP and salary with the applicant.

8.2 Recruiting managers must then complete a statement of employee particulars (available on the intranet) detailing contractual entitlements and send to HR. Recruiting managers should check any details they are unsure of with HR, as this document will be used to write the appointee's terms and conditions. Recruiting managers must attach the successful candidate's application form, interview assessment sheets, copies of their right to work in the UK and qualifications to the statement of employee particulars.

8.3 For internal positions, the recruiting managers should inform the unsuccessful candidates (a standard letter can be obtained from HR). For external recruitment, Manpower will contact the unsuccessful candidates. It is advised that unsuccessful candidates should only be informed after the successful candidate has verbally accepted the offer of appointment. This will allow recruiting managers to offer the position to the next candidate should the first choice decline or withdraw their application.

8.4 The recruiting manager should retain their interview notes in order to provide feedback to any successful candidates for a few weeks. All selection paperwork must be sent to HR, including checks of the candidates' right to work in the UK and qualifications. HR will retain the paperwork for 1 year after the closing date and then destroy it as confidential waste.

9.0 Pre employment checks

- 9.1 Offers of appointment are conditional upon receipt of two satisfactory references (one from the current employer), medical clearance and CRB clearance (if applicable). Successful candidates must be informed by the recruiting manager and HR not to give notice to their current employer until they receive an unconditional offer of employment in writing.
- 9.2 Should the recruiting manager or HR deem the pre-employment checks unsatisfactory, the manager should liaise with HR for advice on how to proceed. It may be appropriate to seek a third reference or arrange a medical consultation with the Council's occupational health provider. Conditional offers of appointment may only be withdrawn in agreement with HR, in which circumstances an offer will be made to the next highest scoring candidate.

10.0 Transition from non-permanent to permanent

- 10.1 In some cases a non-permanent vacancy may develop into a permanent post. For example an employee may be appointed to cover maternity and then the substantive post-holder may choose not to return to work. In these situations managers must seek approval from CMT prior to making the post permanent. In requesting this, the manager must demonstrate that they are complying with the principles detailed in section 3 of this document.
- 10.2 The post will also be advertised internally unless the incumbent employee went through a selection procedure as outlined in this policy (or the Secondment Policy) then they may be made permanent without advertising the post again. The Council must ensure there are two references and medical clearance for the individual.

10.3 Casuals

- 10.4 Casual employees are those on a 'zero hours' contract who are asked to work as and when the service needs. There is no obligation on behalf of the Council to provide work and no obligation on behalf of the individual to accept work offered.

- 10.5 Casual employees will be subject to the same recruitment process and pre-employment checks as described above.
- 10.6 If casual employees wish to become a permanent member of staff they must apply for vacant positions following the recruitment processes detailed above. Casual staff may apply for vacancies at the internal vacancy stage.

11.0 Temps

- 11.1 A 'Temp' is defined as an agency worker supplied by an agency to fill a temporary vacancy. The individual is not an employee of East Herts Council and the agency will invoice the service for any hours worked. This is different to those individuals employed by East Herts Council on Fixed-Term or 'Temporary' Contracts.
- 11.2 If a recruiting manager has a short term vacancy to fill (i.e. to cover long term sick leave) it may be appropriate to use a Temp to fill the role. Managers must obtain CMT approval to fill a vacancy as described in section 5.
- 11.3 To hire a temp to fill a vacancy, the recruiting manager should contact and liaise with Manpower directly. See the HR pages of the intranet for the temporary recruitment process.
- 11.4 Temps should be used to fill short-term vacancies and in general should not be in place for longer than 12 weeks. Temporary workers who work beyond 12 weeks are entitled to the same terms and conditions as other employees, in accordance with the Agency Workers Regulations (2010). Managers considering keeping a temp on beyond 12 weeks should contact Human Resources for advice.
- 11.5 If temps wish to become permanent members of staff they must apply for vacant positions following the internal or external recruitment as detailed above.
- 11.6 Temp positions that become permanent through EHC recruitment processes are subject to an agency placement fee.

12.0 Consultants and 'Sole Trader' Contractors

- 12.1 If a recruiting manager has a short term project which requires specialist skills, it may be appropriate to use a Consultant to fill the role. Managers must obtain CMT approval to engage a consultant. This is not a recruitment request but rather a report to CMT outlining the business case for hiring a consultant. Advice should be sought from Human Resources and Procurement to ensure the role is suitable for a consultant. Depending on the nature of the appointment it may be necessary to follow procurement regulations rather than follow the process outlined below. These can be found on the intranet under Procurement.
- 12.2 Manpower can assist with the hiring of consultants. This would be subject to a placement fee which should be negotiated in advance. Managers may also use other agencies for consultants.
- 12.3 To become a permanent, salaried employee, Contractors and Consultants must apply for a vacant position via internal or external recruitment.
- 12.4 Sole traders or small businesses where an individual is working as a contractor or consultant for all or most of their employment may be entitled to employment rights in the same way as temporary staff. It is the responsibility of the commissioning manager to make adequate checks. Human Resources should be consulted where this is likely to be the case.

13.0 External secondments

- 13.1 External secondments will be subject to the appointment procedure as described in the Secondment Policy.
- 13.2 If the external secondment becomes a permanent vacancy (e.g. the employee does not return from maternity leave), the post may be offered to the external secondee without advertising internally or externally provided that the secondee has already gone through a recruitment procedure and the principles detailed in section 3 are complied with.

14.0 Volunteers

14.1 If a recruiting manager would like to use volunteers in their service, they must contact HR for advice and read the Council's Volunteer Policy for further information

15.0 Work experience & Work placements

15.1 Work experience placements are dependant on the services capacity to support them. If the service would like to provide a work experience placement, they should contact HR to complete the necessary paperwork.

15.2 The Council can only support unpaid work placements where the student is undertaking work experience as part of a UK further or higher education course. Managers interested in pursuing this should contact HR for further information.

16.0 Administration

16.1 All recruitment and selection paperwork will be retained by HR for one year after the deadline for applications, it will then be destroyed as confidential waste.

16.2 The new starter process is outlined in Appendix 2, HR will contact the line manager directly to ensure this is followed.

17.0 Policy Review

17.1 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.

Manpower Services

Scope

Manpower provide recruitment services for all staff except Senior Management (defined as Heads of Service, Directors and Chief Executive).

Recruitment services – an integrated approach

The Recruitment Service provided by Manpower on behalf of East Herts integrates all the Council's people resourcing requirements, both temporary and permanent, into one Outsourced contract. The service is the single point of contact for applicants, temps and hiring managers.

Permanent recruitment

Manpower will provide administrative support, advertising advice (via their contractor), advertising placement. They can also provide short listing services if required.

In addition to permanent appointments, this also includes temporary appointments of more than 3 months, fixed term contracts and secondments, where the person appointed will be on the Council's payroll.

Talent Pool

Manpower have a talent pool of candidates which can be used to recruit candidates for more generic roles. This search is included in the administration fee and can save on unnecessary advertising costs.

See the recruitment pages on the intranet for the Permanent Recruitment Process

Temporary recruitment

The Manpower contract includes a Master Vendor arrangement for the provision of all temporary, casual agency staff, Interims and Locums.

The business can be broken down into three key areas:

- Admin/General temps
- Customer service temps
- Specialists, locums and interims

The temps from the first two areas will be usually be supplied from Manpower's Recruitment Centre database. Where Manpower cannot source temps from their own databases other agencies will be used through a master vendor agreement.

For further information please see the recruitment pages on the intranet for the Temporary Recruitment Process

Consultants

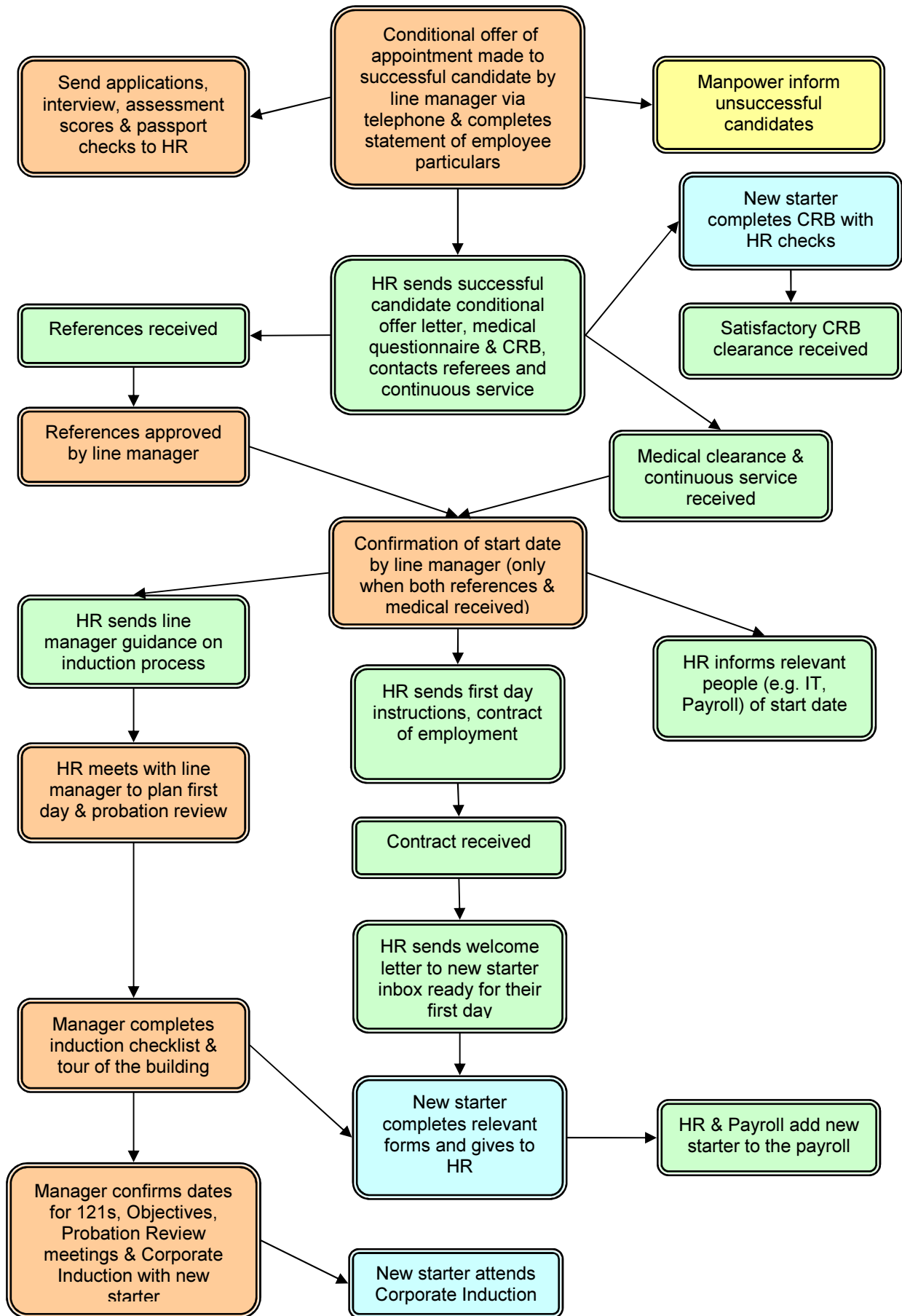
Manpower are able to assist with the recruitment of consultants. Managers who wish to appoint consultants should seek advice from HR to ascertain whether this is the correct route. Consultants recruited through Manpower will be subject to a finders fee from Manpower. This should be negotiated at the start of the campaign. In all cases when procuring external service, Managers must be mindful of the Council Financial and Procurement Regulations. These are part of the Council's Constitution and can be found on the intranet under 'Procurement' at <http://www.eastherts.gov.uk/intranet/index.jsp?articleid=7383>

Redeployment

Manpower offer assistance with redeployment, including access to Hertford County Council's redeployment register.

Additional services may be procured from Manpower to assist employees at risk of redundancy. These include

- job hunting/self marketing training and coaching
- training in completion of application forms and CV's and interview practice/ techniques
- mentoring



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EAST HERTS COUNCIL

COPORATE MANAGEMENT TEAM - 29 MAY 2012

LOCAL JOINT PANEL - 13 JUNE 2012

HUMAN RESOURCES COMMITTEE - 11JULY 2012

REPORT BY SECRETARY TO THE EMPLOYER'S SIDE

REVISED FLEXIBLE WORKING POLICY

WARD(S) AFFECTED: NONE

Purpose/Summary of Report

- To approve the revised Flexible Working Policy

<u>RECOMMENDATIONS FOR CORPORATE MANAGEMENT TEAM: That:</u>	
(A)	The revised Flexible Working Policy is approved
<u>RECOMMENDATIONS FOR LOCAL JOINT PANEL: That:</u>	
(A)	The revised Flexible Working Policy be recommended for approval.
<u>RECOMMENDATIONS FOR HUMAN RESOURCES COMMITTEE: That:</u>	
(A)	The revised Flexible Working Policy is approved

1.0 Background

- 1.1 The Council's Flexible Working Policy was last reviewed in 2009. The Council's programme of policy review is after two years or sooner in line with legislation and best practice.
- 1.2 Since the Flexible Working Policy was first written, the Council has been through the C3W project and embraced home and flexible working. In addition, formal policies covering home working, job share and flexible retirement have been created which were previously incorporated in the Flexible Working Policy.

1.3 The new policy has also been updated to reflect recent changes in legislation. The full scheme can be found at **Essential Reference Paper 'B'**.

2.0 Report

Key changes

2.1 The new scheme is more concise and details of job sharing are now referenced to the Job Sharing Policy. Career breaks have been added to the policy (they were previously covered in the General Leave Policy) as it is felt it is more appropriate to include them in the Flexible Working Policy. Career breaks will be removed from the General Leave Policy at the next review.

2.2 Flexible working requests will now be considered within 10 days rather than 28 days. This brings the policy in line with other Council policies where meetings are convened within 10 days.

2.3 Changes in terms of legislation have been incorporated; such as the right to request time off to train and extending the right to request to work flexibly to those with caring responsibilities for an adult aged 18 or over.

2.4 Employees can now appeal if a flexible working request is declined, rather than submit a grievance. This is incorporated in the Appeals Policy.

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

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ESSENTIAL REFERENCE PAPER 'A'

IMPLICATIONS/CONSULTATIONS

Contribution to the Council's Corporate Priorities/ Objectives <i>(delete as appropriate):</i>	People This priority focuses on enhancing the quality of life, health and wellbeing of individuals, families and communities, particularly those who are vulnerable.
Consultation:	The policies have been shared with UNISON and Heads of Service
Legal:	As detailed in the report
Financial:	None
Human Resource:	As detailed in the report
Risk Management:	None

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East Herts Council

Flexible Working

Policy Statement

**Policy Statement No 8 (Issue No 3) July
2012**

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1.0 Introduction

- 1.1 The Council recognises the importance of helping its employees balance their work and home life by offering flexible working arrangements that enable them to balance their working life with other priorities, including parental and other caring responsibilities, life-long learning, charity work, leisure activities and other interests. In turn it recognises that staffing levels must at all times remain in line with the demands of the business.
- 1.2 This policy statement aims to set out the ways in which flexible working can increase staff motivation, reduce absence, attract new talent, promote work-life balance and reduce employee stress, and in doing so improve the Council's efficiency and productivity. It provides a description of the issues involved, taking into account the possible benefits of each kind of flexible working to both employees and the Council, but also raising possible drawbacks and areas of potential concern.
- 1.3 The policy considers the following options, but the Council recognises that there may be alternatives, and that the working pattern that may suit any particular individual could be a unique one involving a combination of options:
- part time working;
 - flexi time;
 - compressed hours;
 - voluntary-reduced working time;
 - term-time working;
 - career break;
 - job share (refer to Job Share Policy);
 - home/remote working (refer to Home Working Policy);
 - flexible/early retirement (refer to Retirement Policy).

2.0 Scope

2.1 This scheme applies to all employees and the options contained within it apply to all Council full time and part-time employees.

3.0 Eligibility

3.1 Although it is recognised that not all of the flexible working patterns considered will be suitable for all employees of the Council, there should be no arbitrary barriers.

3.2 Employees in all areas and levels of the company will be considered for flexible working regardless of their age, sex, sexual orientation, race, or religion or belief, or whether they have a disability, their level of seniority, their current working pattern, or whether they are employed on a permanent or fixed-term basis.

3.3 However, there is no automatic right for employees to change to any of the flexible working patterns - each application will be considered on the basis of the particular work involved and any detrimental effect the change could have on individual, team or business performance.

4.0 Right to Request Flexible Working

4.1 The Employment Act 2002 gives the right for employees with 26 weeks' continuous service, a child under the age of 17 (18 where the child is disabled) and parental responsibility for the child to request a change to the number of hours that they work, the times that they work or their place of work.

4.2 The right to request flexible working is also available to employees who have a minimum of 26 weeks' continuous service and who have caring responsibilities for an adult aged 18 or over who is their spouse, partner or civil partner; a relative; or someone who lives at the same address.

4.3 While it is the Council's policy to be flexible on working patterns for all its employees, in order to ensure that it is

complying with its legal obligations concerning the right to request flexible working, there may be situations where precedence has to be given to those who are eligible for this right.

- 4.4 The Employment Rights Act 1996 gives the right for employee to request unpaid time off for training. Employees must have been continuously employed for 26 weeks and must show that the time off to train will increase their effectiveness in their job or is relevant to their employer's business.

5.0 The Business Need

- 5.1 Although the Council is committed to providing the widest possible range of working patterns for its workforce, both management and employees need to be realistic and to recognise that the full range of flexible working options will not be appropriate for all jobs across all service areas.

- 5.2 Where an instance of flexible working is proposed the Council will need to take into account a number of criteria including (but not limited to) the following:

- the cost of the proposed arrangement;
- the effect of the proposed arrangement on other staff, customers, service, Council;
- the level of supervision that the post-holder requires;
- the structure of the service and staff resources;
- other issues specific to the individual's service;
- an analysis of the tasks specific to the role, including their frequency and duration;
- an analysis of the workload of the role.

6.0 Flexible Working Options

6.1 Part-time working

- 6.1.1 Part time working is a system whereby the employee is contracted to work fewer than the standard number of contractual hours per year for the type of work in question.

6.1.2 Benefits to employee

- Employee can fit paid work around childcare and other commitments.
- Can allow the employee to become more accustomed to increased leisure time in the run-up to retirement, or to supplement a pension from another employer.
- Can permit an employee to continue with the security of regular employment while at the same time working on a self-employed basis.

6.1.3 Benefits to employer

- Periods of peak demand in production or service can be targeted.
- Can be used to retain the skills of female employees after maternity leave.

6.1.4 Points to watch

- Reduced pay may not make it feasible for all employees.
- There must be no less favourable treatment of part-time workers in relation to pay and other benefits such as pension, sick pay, holiday and training, unless such detrimental treatment can be objectively justified.

6.1.5 Variations

- There is enormous variation in part-time working patterns. Examples are afternoons or mornings only, and fewer working days in the week.
- The decision can be taken to either 'fix' the working time, e.g. set hours or days of working, or allow the arrangement to be flexible to meet the fluctuations of operational needs, e.g. the employee remains on a

'flexi-time' with an adjusted standard working day and/or the working days.

6.1.6 Notes

- A reduction in the number of hours worked may be a reasonable adjustment permitting a disabled individual to do or continue in a job.
- The rate of pay will be the salary for the post, pro-rata to the hours worked.
- Annual leave entitlement will be calculated in hours and any annual leave booked must equate to the number of hours usually worked that day.
- Bank Holidays are calculated as 1/5th of the working week for part-timers. If a Bank Holiday falls on a working day staff are entitled to take 1/5th of the working week as time off on that day. If a Bank Holiday falls on a non-working day they are entitled to take 1/5th of the working week back at another time, with agreement from their line manager.
- Overtime rates will be payable only when the employee has worked beyond the normal full-time contractual hours for the position, unless the employee is required to work at the weekend in which case time and a half will be paid for Saturday working and double time for Sunday working.

6.2 Flexi-time

6.2.1 Flexi-time is a system that permits flexibility of working hours at the beginning and end of a day.

6.2.3 The Council's flexi-time scheme operates between 08:00 to 18:30 Monday to Friday. There are no formal 'core' hours. However there must be adequate resources to cover the normal business hours of the Council from 09:00 to 17:00 Monday to Friday and all services must ensure that they are staffed so as not to cause any detriment to service provision.

6.2.4 In specific situations it may be necessary to place a limitation on flexibility because the nature of employees' work restricts them to working regular hours.

6.2.5 Employees may elect not to participate in the flexi-time scheme, in which case they will work their 37 hours or their contracted hours with regard to the Council's normal office opening hours of 09:00 to 17:00.

6.2.6 Benefits to employee

- Increased scope to manage work and personal commitments.
- Employees can take up to one full day or two half days off in each four week period.
- Travel to and from work may be easier and cheaper outside peak hours.
- Tasks requiring concentration can be undertaken during the quiet extended parts of the working day.

6.2.7 Benefits to employer

- Flexitime can act as a recruitment and retention aid.
- Staff cover can be extended beyond the normal hours of work.
- Individual control over the start and end of the working day can be particularly helpful for those with caring responsibilities.

6.2.8 Points to watch

- An accurate system of recording the hours worked is required. All employees are required to read and follow the flexi time rules.

- Depending on service needs, it may be necessary to stipulate that adequate cover is provided during the flexi period. Where normal operation of this scheme is suspended by senior management due to exceptional circumstances, e.g. severe weather conditions causing offices to close early, time recording guidance must be sought from HR.
- Flexi-time can be applied successfully within many service areas, although inevitably some jobs will not operate practically under this system.
- Working long hours can cause fatigue and affect performance. Staff are required to take a lunch break of no less than 20 minutes. Staff must not work more than six hours continuously without a 20 minute break. (Separate rules apply to young workers, advice should be sought from HR on this).
- Unless the scheme is handled with care, additional burdens may be placed on some team members or customer service may suffer at particular times.
- Any employee found abusing the scheme will be subject to disciplinary action, in line with the Council's procedures.
- The flexi-time scheme is not contractual and therefore the Council reserves the right to withdraw the scheme at anytime due to service needs in consultation with appropriate staff representatives.

6.3 Compressed Hours

6.3.1 Compressed hours is a system that permits employees to work their total number of contractual hours over fewer working days. Usually a five-day week is compressed into four days or four and a half days, a 10-day fortnight into nine days or 18 day month (based on a four week month).

6.3.2 Benefits to employee

- An extra day per week/fortnight is freed up for the employee to pursue a hobby or further education, or spend time with dependants.
- No reduction in pay.

6.3.3 Benefits to employer

- Compressed hours can be a means of introducing some flexibility into jobs which do not meet the requirements for flexi-time. Similarly, compressed hours enable extended service availability beyond the standard day or provide quiet time for work at the beginning and/or end of the day.

6.3.4 Points to watch

- Working long hours can cause fatigue and affect performance, cancelling out the advantages of the scheme.

6.3.5 Notes

- Where service cover has been extended by longer hours, consideration needs to be given to what will happen if the employee no longer wants to continue with the arrangement.
- Where more than one employee within a team wishes to work compressed hours, a rota may be necessary to ensure fairness, as some days (usually Monday and Friday) will be more popular choices for time off.
- Annual leave entitlement will be calculated in hours and any annual leave booked must equate to the number of hours usually worked that day.
- Bank Holidays are calculated as 1/5th of the working week for employees working compressed hours. If a Bank Holiday falls on a working day staff are entitled to take 1/5th of the working week as time off on that day. If a Bank Holiday falls on a non-working day they are

entitled to take 1/5th of the working week back at another time, with agreement from their line manager.

6.4 Temporary voluntary reduced working time

6.4.1 Temporary voluntary reduced working time is a system whereby it is agreed that the employee will work reduced hours for a certain period of time, with a return to full-time hours at the end of this period.

6.4.4 Benefits to employee

- A temporary reduction in hours allows an employee to accommodate a specific event in his/her life, e.g. a course of study or a relative's illness, but to return to the security of a full-time position.

6.4.5 Benefits to employer

- The employee's skills are retained on a reduced basis at a point when they might otherwise have been lost completely, and regained on a full-time basis when the agreed period comes to an end.
- The system could also act as a means of permitting an employee recovering from an illness or adjusting to an impairment to return to work on a phased basis.

6.4.6 Variations

- Although the variation in hours is usually temporary it could become permanent.
- The reduced hours may involve working fewer hours per day or working fewer days per week.
- The decision can be taken to either 'fix' the working time, e.g. set hours or days of working, or allow the arrangement to be flexible to meet the fluctuations of operational needs, e.g. the employee remains on a 'flexi-time' with an adjusted standard working day and/or the working days.

- Employees could also volunteer to increase their hours.

6.4.7 Notes

- The rate of pay will be the salary for the post, pro-rata to the hours worked.
- Annual leave entitlement for the period will be pro-rata and calculated in hours. Any annual leave booked during that time must equate to the number of hours usually worked that day.
- Bank Holidays are calculated as 1/5th of the working week for employees working reduced hours. If a Bank Holiday falls on a working day staff are entitled to take 1/5th of the working week as time off on that day. If a Bank Holiday falls on a non-working day they are entitled to take 1/5th of the working week back at another time, with agreement from their line manager.
- Overtime rates will be payable only when the employee has worked beyond the normal full-time contractual hours for the position, unless the employee is required to work at the weekend in which case time and a half will be paid for Saturday working and double time for Sunday working.

6.5 Term Time Working

6.5.1 Term time working is a system of flexible working where the employee's working weeks mirror schools' term weeks. All requests for term time working will be considered subject to operational needs.

6.5.2 Term time working may not be suitable for all roles or services and managers are required to ensure there is no detriment to service provision and the required level of service is provided at all times.

6.5.3 Benefits to employee

- The problem of finding childcare during school holidays is removed, and the employee can spend more time with his/her children during this time.
- Offers regular salary level throughout the year.

6.5.4 Benefits to employer

- The recruitment and retention of individuals whose childcare responsibilities might otherwise keep them out of the employment market is made possible.

6.5.5 Points to watch

- Other employees may be put under pressure not to take their annual holiday during the school holidays.
- Averaged pay will affect the calculation of maternity and other benefits.
- Where a long break from employment would be disruptive to the job or service provided, or where the employee has unique knowledge or skills that are needed on a consistent basis throughout the year, this system may be unsuitable.

6.5.6 Notes

- Where a managerial role is being considered for term-time working, account must be taken of whether the team involved can work extended periods without direct supervision.
- A term time working contract means the employee works all the weeks of school terms but employment is regarded as continuous throughout the year. An employee can work full-time or part-time hours. Salary will be based on the total annual hours worked, paid in equal monthly instalments.
- Term time working employees should take the majority of their annual holiday entitlement during the school

holidays, i.e. it is added to the number of annual hours paid and therefore increases monthly pay. If the employee wishes, up to 3 days annual leave can be kept back to take during term time, subject to agreement with their line manager.

- A term time working employee will be expected to make themselves available for key training initiatives or service meetings even if they fall during school holidays. Adequate notice will be given to make alternative arrangements for those days and compensatory time off should be offered. In exceptional circumstances where alternative time off is not an option, other alternatives may be considered.

6.5.7 Variations

- Longer hours could be worked during term time and shorter hours during the school holidays to make up full-time hours.

6.6 **Career Break**

6.6.1 A career break enables an employee with two years continuous service with the Council to take an unpaid break from work for personal reasons and maintain continuity of service with the Council.

6.6.2 It is recognised that during an employee's working life there will be times when personal commitments may take priority over work e.g. bringing up children, longer term care for sick or elderly relatives, or pursuing a course of further education. The Council can accommodate such personal commitments, where operationally practicable, through career breaks.

6.6.3 The purpose of a career break could be:

- To extend the maternity/adoption leave period
- To care for dependent relatives
- To enter full time education

- Extended foreign travel
 - To convalesce after a period of illness or major life crisis such as bereavement
- 6.6.4 These reasons are not all inclusive and others may be considered, with the major exception of taking up other paid employment.
- 6.6.5 The minimum career break is 3 months and the maximum break is one year. There is no limit to the number of career breaks an employee can take providing that they return to work for the Council for a minimum of 2 years between each career break.
- 6.6.6 The employee is required to give a minimum of 3 months notice to commence a career break. With the exception of continuity of service all other terms of the employment contract with the Council will be suspended.
- 6.6.7 If the employee wishes to extend the career break, they must do so in writing giving a minimum of three months notice. The manager will give consideration to the extension along the same lines as the original request and may grant up to one year in total.
- 6.6.8 There will be no automatic right to cut short a career break but managers will consider such requests from an employee as they can accommodate, without impacting on service level.
- 6.6.9 At the end of a career break the employee will have the right to return to an equivalent position within their service where this is available. However, where this is not available the Council will offer an alternative which can include work elsewhere in the Council at a different level and pay. The new job would need to be a suitable alternative, as defined in the Council's Redundancy Policy.
- 6.6.10 Benefits to employee

- The employee has an extended period of time away from the workplace to study, spend time with dependants, carry out voluntary work or perhaps travel abroad.
- A career break can be used as an opportunity for personal development.

6.6.11 Benefits to employer

- The employee's skills are retained in the long term.
- New ideas and extra skills, motivation and enthusiasm may result from the employee's period of time away from the workplace.
- While the possibility of a career break to look after young children may be particularly attractive to female employees, career breaks can also be used to attract, motivate and retain other sectors of the workforce, for example those who missed out on a 'gap year' of travel between school and university.
- The opportunity to take a career break can be used to reward long service.

6.6.12 Points to watch

- Lack of pay over the career break period is likely to limit the number of employees for whom this will be an option.
- A replacement will have to be found for the employee in his/her absence, or the workload divided between the remaining members of the workforce.
- Thought needs to be given to how any business reorganisation or restructuring might impact on the employee's right to return.
- Time away from the workplace can lead to a loss of skills or confidence.

6.6.13 Contractual issues and other practical arrangements

- The employee will be required to sign an agreement suspending all terms of their contract of employment, with the exception of continuity of service with the Council. The contract of employment will remain suspended for the duration of the career break. This will not constitute a break in service and general conditions of service will apply as at the start of the career break when the employee returns to work.
- At the end of the career break the employee will return to the same incremental point they were on at the start of the career break which may result in salary protection if the post has been downgraded in a restructure.
- Employees considering career breaks should contact Serco pensions for more information.
- Any live disciplinary warnings will be suspended for the duration of the career break and will be carried forward upon the employee's return to work.

6.6.14 Notes

- A period of induction and/or retraining may be necessary on the employees return.
- Employees should be kept informed on a regular basis of any key organisational or service developments.
- The employee is required to maintain regular contact with the Council throughout their absence.

7.0 Impact on Employment

7.1 Legal Issues

- 7.1.1 Managers should consider the Working Time Regulations 1998 when considering flexible working requests.

7.2 Sickness Absence

- 7.2.1 National Conditions of Service for Sickness Payments will apply, and sick leave shall be based on length of service calculated on an individual basis. For the purpose of Statutory Sick Pay (SSP), all seven days of the week are classed as qualifying days and, therefore, need to be covered whether or not an employee is due at work. Entitlement to Occupational Sick Pay will be pro-rated according to the number of days actually worked.

7.3 Maternity Leave/Pay & Paternity Leave

- 7.3.1 Employees will be entitled to the benefits of the maternity scheme. However, payment will be reduced on a pro-rata basis. Employees will be entitled to paternity leave on a pro-rata basis. Details can be found in the 'Maternity, Paternity and Adoption Leave' Policy & Procedure.

7.4 Training

- 7.4.1 Employees will have access to training opportunities on the same basis as full-time employees but managers may need to adapt ongoing on-the-job training programmes to accommodate different working patterns.

7.5 Approved Overtime

- 7.5.1 Where hours are worked in excess of the contract, payment at plain time will be made up to 37 hours, i.e. normal full-time hours, before the appropriate enhanced rate is applicable. If part-timers work weekends and these are not normal working days, they will be paid at the weekend enhanced rate. Please see the Overtime Rules for more information.

7.6 Car Allowances

- 7.6.1 Eligibility for the Essential Car Allowance will be based on pro-rated business miles travelled and the Essential User lump sum allowance is pro-rated based on the number of

annual hours worked. Please see the Expenses Policy for more information.

7.7 Pensions

7.7.1 Employees considering changing their working hours should contact LPFA to discuss the impact this may have on their pension entitlement.

8.0 Process

8.2 Considering the Initial Request

8.2.1 The employee will make a request for flexible working in writing to their line manager (this should be copied to HR), using the form found at Appendix 1. The information provided by the employee will form the basis for a meeting with the manager where the request can be more fully explored. The employee should give an indication of a possible start date and the period during which flexible working is required.

8.2.2 The manager must meet with the employee within 10 days of receipt of the request.

8.2.3 When considering the request the manager should view it as objectively and fully as possible, taking into account the business needs (see 5.0) and the employees current role:

- Workload (of the person making the request, and the team)
- Options for re-scheduling / re-prioritising work
- Alternative options for flexible working
- Implications for conditions of service
- Financial Implications

8.2.4 There may also be other issues that are unique to the situation and these should be considered.

8.2.5 Within their written proposal the employee will be expected also to have given consideration to any impact of their request upon their own work, other team members and

service delivery, and will be expected to offer constructive suggestions about how these can be managed.

8.3 Making the Decision

- 8.3.1 The manager should ensure that they speak with the Head of Service before making any decision and consult HR for advice. Once the decision has been made, the manager must notify HR of the decision so that a letter can be sent to the employee within 3 days of the meeting being held.

8.4 Multiple Requests

- 8.4.1 Where a manager receives a number of flexible working proposals, or a joint proposal from a group of employees, the requests will have to be considered collectively.

8.5 Agreeing the Request

- 8.5.1 The agreed changes must be subject to the successful completion of a trial period after which a review must be undertaken to assess the viability of the change. Clear criteria need to be agreed at the beginning of the trial period to ensure that the effectiveness of such an arrangement can be measured.
- 8.5.2 A review meeting should be arranged for a suitable period after commencement agreed between the employee and manager. This is usually three months.
- 8.5.3 HR will issue the employee with a formal letter of notification about the trial period including an explanation of the impact on the individual's conditions of service and the agreed flexible working arrangements.

8.6 Refusing the Request

- 8.6.1 If it is considered that a post is unsuitable for the specific flexible working option proposed by the employee or group of employees, the reasons for this decision must be communicated to the employee(s), ideally by discussion and followed up in writing. Requests for flexible working

should only be refused on one of the following 9 business grounds:

1. Burden of additional costs
2. Detrimental effect on the ability to meet customer demand
3. Inability to reorganise work among staff
4. Inability to recruit additional staff
5. Detrimental impact on quality
6. Detrimental impact on performance
7. Insufficiency of work during the period the employee proposes to work
8. Planned structural changes
9. Other relevant business grounds

8.6.2 Managers should contact their HR Officer for advice if refusing a flexible working request.

8.7 Reviewing the Arrangement

8.7.1 A review meeting should be arranged at the end of the trial period (although it is important to discuss any difficulties or problems before this time). A successful trial period should be confirmed in writing stating that the arrangement is now permanent (please contact HR who will send a letter to the employee). If the trial period is unsuccessful, this must be explained to the employee and also confirmed in writing (please contact HR who will send a letter to the employee) It is the manager's responsibility to ensure this review takes place.

8.7.2 Individuals will have the right to revert back to their original pattern of working within the trial period subject to their giving appropriate notice.

8.7.3 If it is considered that the trial period has been unsuccessful, the reasons for this decision must be communicated to the employee(s), ideally by discussion and followed up in writing. Managers should use the reasons outlined in point 6.6.1 when explaining their decision.

8.8 Monitoring

8.8.1 Beyond the trial period, all flexible working arrangements are subject to a proviso that the individual may be required to revert back to their original pattern of working if there are identifiable and significant operational problems identified at any time. Such action will not be taken unreasonably and will always be subject to full discussion with the individual(s) concerned and the giving of appropriate notice.

8.8.2 Once the trial period has concluded and the arrangement has been confirmed, individuals will have the right to request to further vary their pattern of working and managers should treat this as a new request for flexible working.

9.0 Appeal

9.1 Where an employee is dissatisfied with a decision in relation to a proposal they have made to work more flexibly, they can appeal the decision in accordance with the Council's Appeals Policy.

10.0 Policy Review and Amendment

10.1 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.

APPLICATION TO VARY AN EXISTING WORKING ARRANGEMENT

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 forward it to your Line Manager and send a copy to HR.

1. Personal Details:

Name:

Job Title:

Service:

Line Manager:

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

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

2c. I would like my new working pattern 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... ..

EAST HERTS COUNCIL

LOCAL JOINT PANEL – 13 JUNE 2012

REPORT BY SECRETARY TO STAFF SIDE

SENIOR MANAGEMENT APPOINTMENTS, GRADING AND TERMINATION

WARD(S) AFFECTED:

ALL

Purpose/Summary of Report

- To advise local joint panel of the issues that UNISON considers relevant to the efficient operation of the organisation that arose when the decision to end the employment of the Chief executive was made at the beginning of 2012 and consideration of how Unison might support the selection process in the appointment of senior managers.

<u>RECOMMENDATIONS FOR LOCAL JOINT PANEL: That:</u>	
(A)	The report be noted;
(B)	UNISON in future be given the opportunity to meet with chief officer candidates prior to their being interviewed by an appointments panel; and
(C)	The Hay Job Evaluation Scheme is used to evaluate all chief officer and head of service posts in line with posts in the rest of the organisation

1.0 Background

- 1.1 Although the Chief Executive had been absent from work since August 2011 her employment was terminated within a few days of rumours appearing in the press. No information was given about the reasons for her departure as the statement simply said the process was by mutual agreement. In this report the staff side

wish to raise some concerns about the event and what may follow to secure the long term leadership of the Council's 340 officers.

2.0 Report

2.1 **Issues arising from the end of Employment of Chief Executive**

2.2 The Termination: UNISON noted that no formal communication on the Chief Executive's absence and interim arrangements appeared until December last year. Rumour of her departure first appeared in the Mercury web edition on 13/12/11 – well before a memo released to staff.

2.3 Employees at no time were explicitly told that their Chief Executive was ill and no mention of an illness was in the official statement. We know that there had been some considerable media interest in the Chief Executives absence well before December and the lack of internal communication lead to noticeable speculation and confusion among staff.

2.4 UNISON are concerned that significant termination payments such as the Council has made in the past can lead to job losses particularly in the current financial climate.

2.5 The staff side consider that the circumstances of the termination are potentially unsettling for staff for the following reasons:-

1) It is a concern that someone appears to have accepted their employment being ended abruptly when they are ill;

2) Even where there is "mutual agreement" a sick employee may not be in a position to make a considered judgement particularly where the proposal is initiated by the employer;

3) The absence of a clear and early statement both on the reason for the Chief Executive's absence and the covering arrangements caused confusion and unnecessary speculation among the staff and media. While it goes without saying that details of a person's illness is confidential there is no obvious reason why staff could not be told there was a sickness and the rearranged management duties;

4) The Council went to great lengths to ensure the future employment of the Chief Executive by agreeing a flexible retirement. It is therefore of concern that the Council's HR policies in support of staff who are ill were inadequate to allow a return to work and does this suggest a review of those policies is needed?

5) The staff side believes that early publication of details of any termination payments in respect of senior staff which the Council must publish in its annual accounts can add to public confidence in the Council's management of its finances. Delaying publication leads to speculation of there being something the Council wish to hide.

6) Unison expressed its misgivings about the flexible retirement agreed with the Chief Executive at the time of that agreement. It is not clear that any costs of that agreement will be recoverable and in the current financial climate any abortive expenditure can impact on jobs

3.0 Future Senior Management of East Herts:

3.1 UNISON favours the full time single accountability model of the C.E. post although it is appropriate for this post to have a range of responsibilities relating to policy and strategy. The Council's experience suggests a model with the Chief Executive having significant service responsibilities does not work.

3.2 The staff side currently plays no part in the appointment of senior managers but we believe it would be of mutual benefit if candidates for such posts had an opportunity to meet with UNISON prior to the interview stage. Unison might then feed back in confidence to the appointments panel any comments it wished the panel to take into account in deciding on the appointment. This practice is successfully used in other organisations and enables candidates to broaden their experience of the organisation.

3.3 A culture of openness and honesty promotes understanding and prevents confusion when difficult situations arise. Being seen to do the right thing is as important as doing the right thing.

4.0 Job Evaluation of Senior Management at East Herts

- 4.1 UNISON feels strongly that the Hay Job Evaluation Scheme should be used for all chief officer posts and head of service posts at East Herts. If a different JE scheme is used, not only would this send the wrong message to staff, that of Senior Management being given special treatment, in order to secure a pay rise, but also there would be no consistency of approach and a possible skewing of the pay structure and pay differentials.
- 4.2 A JE scheme is all about pay relativities and the award of points to a post for the level of responsibility and job knowledge and accountability. If a different scheme is used, it is impossible to ensure fairness in relation to the next tier down, which of course impacts on the point score and pay all the way down the line. UNISON has in the past always stated its preference for the use of the NJC scheme but given that we do not want to embark on a full scale JE exercise across the whole organisation again, use of the Hay scheme across the board is the next best option.

5.0 Implications/Consultations

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

Contact Officer: Paul Farley Secretary to Staff side
01245 608934

Report Author: Paul Farley Secretary to Staff side

ESSENTIAL REFERENCE PAPER 'A'

IMPLICATIONS/CONSULTATIONS

Contribution to the Council's Corporate Priorities/ Objectives	<p>People This priority focuses on enhancing the quality of life, health and wellbeing of individuals, families and communities, particularly those who are vulnerable.</p> <p>Prosperity This priority focuses on safeguarding and enhancing our unique mix of rural and urban communities, promoting sustainable, economic and social opportunities.</p>
Consultation:	<i>UNISON discussed the matter at length with the branch membership at the March 2012 Annual General Meeting and earlier in the year at the UNISON Executive meeting in January</i>
Legal:	<i>none ?</i>
Financial:	<ul style="list-style-type: none">• <i>None?</i>
Human Resource:	<i>?</i>
Risk Management:	<i>?</i>

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EAST HERTS COUNCIL

LOCAL JOINT PANEL – 13 JUNE 2012

HUMAN RESOURCES COMMITTEE – 11 JULY 2012

REPORT BY PROGRAMME HEAD

STAFF AND MEMBER CAR PARKING ARRANGEMENTS

WARD(S) AFFECTED:

Purpose/Summary of Report

To invite the Local Joint Panel to determine a policy for staff parking from the options presented and based on the findings detailed in this report.

<u>RECOMMENDATION FOR LOCAL JOINT PANEL:</u>	
(A)	That the Council adopt a policy for staff and member parking that:
<u>RECOMMENDATION FOR HUMAN RESOURCES COMMITTEE:</u>	
(B)	Agree the policy determined by the Local Joint Panel as the Council's on-going policy for staff and member car parking.

1.0 Background

- 1.1 Council staff moves to the Wallfields site in Hertford ended in August 2011. The car parking facilities on site are insufficient to cater for everyone's needs.
- 1.2 The Grange Paddocks car park in Bishops' Stortford, currently free to use, will become a charging long stay car park in the summer of 2012 in line with the Council's approved Medium Term Financial Plan and Fees and Charges Policy. Any policy on car parking provision must include staff working and visiting Bishops' Stortford.

- 1.3 A report to the Local Joint Panel (LJP) and Human Resources Committee (HRC) on 13 July outlined options for staff and member car parking at the Wallfields site, and those unable to be accommodated on site. LJP and HRC agreed that no change to the provision of car parking (at no cost to staff) should be made in the current financial year, allowing staff and members to park at no charge when unable to be accommodated at the Wallfields site. This was subject to a review of occupancy and use in December 2011 to be presented to LJP and HRC in February and March respectively to determine the policy on member and staff parking provision.
- 1.4 All employees have received revised terms and conditions which includes a reduction in the local award from 5% to 2% linked to national pay awards.
- 1.5 Given inflation and the current pay freeze in local government, wages are reducing in real terms.
- 1.6 The provision of free parking, whilst not contractual, may be considered as an implied term in the contracts of employment of those who have had the benefit for many years through custom and practice. Any change to this provision may therefore constitute a breach of existing contracts and be subject to challenge requiring consultation and agreement in the change to work conditions or termination of contracts and re-engagement.

2.0 Report

Current Position - Hertford

- 2.1 All staff have the benefit of free car parking consisting of rostered access to the Wallfields' car park and permitted overflow use of the Hertford long stay and mixed use car parks, Gascoyne Way being the most used.
- 2.2 Members are permitted to park free of charge in the visitor car park at Wallfields on display of a permit.

Current Position – Stortford

- 2.3 All staff have the benefit of parking in Grange Paddocks, a non-charging car park.

- 2.4 Visitors for meetings and members have access to seven spaces located at the Charringtons House office. These are for short stay and disabled customer use.

Vehicle Numbers

- 2.5 Currently there are 348 staff. Approximately 30 work at Charringtons House in Bishops' Stortford and 31 are 'home workers'. 75% of workers choose to drive to get to work (Source: Staff Survey December 2011) leaving an absolute maximum number of 215 staff that may drive to work at the Wallfields site. This includes full, part-time, remote and occasional home workers.
- 2.6 The Wallfields staff car park has 127 spaces so the maximum number of vehicles unable to park at the Wallfields site would be 88. It was estimated that the number of cars to be accommodated within the Hertford long stay car parks would be closer to 65 taking account of different working patterns, home and mobile working.
- 2.7 A survey of car park use by staff was undertaken on three separate occasions in December 2011. These counted 16, 8 and 6 vehicles with Council passes in the long and mixed use car parks in Hertford. This implies that many staff have opted to use uncontrolled on-street parking and increased the amount of ad-hoc home working (less than 3 days per week) when they have no rostered access to the Wallfields staff car park.
- 2.8 The review of the car parking provision in Hertford and occupancy levels presented to LJP and HRC in July 2011 determined that on a typical day the long stay and mixed use car parks have up to 239 empty car parking spaces, far in excess of the actual use of between 16 to 6 vehicles.

Bishops' Stortford

- 2.9 At present staff working in Bishops' Stortford can park in the free Grange Paddocks' car park. This will become a charging long-stay car park in the summer of 2012.
- 2.10 Charringtons House, has 7 associated parking bays, an insufficient number for use by rota. These bays are reserved for those with mobility difficulties, other special needs, a disability and those visiting for short meetings. The bays are managed by the landlord.

2.11 A maximum of 30 staff work in Charringtons House. As not all drive to work, an estimated maximum number of 20 vehicles would need to be accommodated in the Council's long stay and mixed use car parks in Bishops' Stortford. Bishops' Stortford has 820 long stay car parking spaces.

Car Sharing

2.12 The Council is joining a regional car sharing scheme which includes business and local authorities which will give staff greater flexibility in identifying car sharing opportunities. Currently 13% of staff travel to work within a car sharing arrangement. This could be increased to 28%, an additional 27 staff, subject to support measures including guaranteed transport home in an emergency and preferential parking (Source: Staff Survey 2011).

2.13 As the Council implements more shared service working, extends mobile working and continues to restructure its services to reflect the strategic priorities identified by the Council, the number of employees and hence vehicles unable to park at the Wallfields site will continue to decrease.

Options

2.14 The main options for staff car parking with their potential impact on and associated risks were presented to LJP and HRC in July 2011. These are enclosed again as Essential Reference Paper B. These remain the key policy choices:

- 1) Ongoing provision of a free car parking benefit to all staff that ensures short-term parking is not disadvantaged consisting of:
 - Hertford - Rostered access to Wallfields staff car park, supplemented by long-stay designated parking in car parks.
 - Members – provision of free car parking in the Wallfields visitor car park.
 - Stortford - parking in long-stay designated parking in car parks.
- 2) Grant free car parking only to those parking at Wallfields on a rota basis. Those unable to park at Wallfields would pay to park in the Council's car parks. Under this option the staff working in Bishops' Stortford would also have to pay for their parking.

- 3) Grant parking provision at a reduced charge to all staff based on a work place parking levy, set lower than the full pay and display cost of parking. This would be equally payable whether staff are parked in the Wallfields car park or using one of the Councils pay and display car parks (in Hertford or Stortford). Funds generated by such a levy should be ring fenced to support transportation improvements including environmentally friendly solutions.

The risks and implications of these choices are provided in **Essential Reference Paper 'B'**.

Equality

- 2.15 If the existing provision of free car parking is not maintained for all, additional administrative processes will be required to manage the car parking of employees. This will be required given the financial cost of not gaining a rostered place in the Wallfields car park to ensure individuals are not disadvantaged and to ensure fair, equitable and non-discriminatory access to the finite parking resource. This would include potential impacts on part-time workers, parents, flexible workers, and different grades of staff.
- 2.16 A decision to maintain free car parking only at the Wallfields site may lead to disproportionate impacts on part-time and flexible working arrangements. These are a key element of Council services' efficiency targets and allowing the consolidation of the Council to the Wallfields site, thereby achieving the savings from the closure of the Causeway offices and its extensive refurbishment costs.
- 2.17 A decision to maintain free parking only at the Wallfields staff car park would disproportionately impact staff based at Charringtons House as they would always have to pay for parking in Bishops' Stortford.
- 2.18 Should staff have to pay for parking, appropriate considerations for members would need to be made, particularly if a workplace levy is considered. This applies to Charringtons House as this is a short term visitor only car park for short term use/meetings at the site.

Potential On Street Parking Issues

2.19 The Council has received no correspondence regarding staff parking and associated increases in congestion as a result of staff parking where traffic controls are not in place.

3.0 Recommendation

3.1 The Panel/Committee is invited to determine a policy for staff parking from the options presented in 2.14 and based on the findings detailed in the report.

4.0 Implications/Consultations

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

4.2 The 2011 Staff Survey included questions on car parking provision to assist in the formulation of this report.

4.3 A number of staff comments regarding the provision of car parking facilities have been provided as background information in **Essential Reference Paper C**.

4.4 The Union have commented on the current temporary arrangements:

'As we understand it the current car parking arrangements in Wallfields are working well, with no adverse reactions to the free parking from the public or local businesses. Therefore we see no reason why any changes need to be made.

As we now have a similar situation in Bishops Stortford, with Grange Paddocks becoming a pay and display car park in March we believe the council should now be issuing permits to park for free, to staffs who work in Charringtons House. Thus ensuring all employees, receive comparable benefits.'

Background Papers

CMT Paper 29' March 2011 –

Car Parking Procedure

Local Joint Panel/Human Resources Committee 13 July –

Staff Car Parking Arrangements

CMT 11 October –

Update on Staff and Member Parking Arrangements

Contact Member: Councillor Tony Jackson, Leader of the Council
Anthony.jackson@eastherts.gov.uk

Contact Officer: Neil Sloper – Head of Customer
Services/Programme Head – Ext. 1611
neil.sloper@eastherts.gov.uk

Report Author: Neil Sloper – Head of Customer
Services/Programme Head

ESSENTIAL REFERENCE PAPER 'A'

<p>Contribution to the Council's Corporate Priorities/ Objectives:</p>	<p>Prosperity - Improving the economic and social opportunities available to our communities</p> <p>Objective: Continue the streamlining of back office functions in order to ensure an efficient and sustainable Council for the future</p> <p>The consolidation of offices and accommodation of staff to a single site was a key part of reducing the Council's on-going costs, car parking provision is a related requirement.</p>
<p>Consultation:</p>	<p>The C3W Staff User Group meeting on the 21st June included a workshop to review the options, risks and impacts included in this report.</p> <p>A meeting was held with Unison on 22nd June to brief them on the production of the paper and to enable them to draw a paper together for a special Local Joint Panel meeting.</p> <p>Staff views are presented in Essential Reference Paper C.</p> <p>The Union have commented on the operation of the current scheme in 3.4 of the report.</p>
<p>Legal:</p>	<p>Free parking, whilst not contractual, may be considered as an implied term in the contracts of employment of those who have had the benefit for many years through custom and practice. Any change to this provision may therefore constitute a breach of existing contracts and be subject to challenge requiring consultation and agreement in the change to work conditions or termination of contracts and re-engagement.</p>
<p>Financial:</p>	<p>There is no cost to the Council of providing a benefit of free car parking to its staff within the Council's own car parks.</p> <p>The Council will not lose income from displaced motorists as a result of staff parking free of charge within its own car parks as the levels of empty spaces more than accommodate the potential volume of parking. The actual impact being much less than estimated.</p> <p>If a benefit of free parking remains in place there are no taxation implications of this benefit as it is not assigned to an individual.</p> <p>There will be a small administrative cost in order to facilitate staff parking within the Council's car parks in the form of permit issue and control. This can be minimised by utilising electronic monitoring methods removing the need for passes.</p>
<p>Human Resource:</p>	<p>The implications of no longer affording free parking to Council employees will be a departure from current practice. It may be considered that the provision of free parking is custom and practice and therefore be subject to formal challenge should any change be made.</p>

	<p>During a period of uncertainty and change removal of access to free parking will reduce staff motivation and may result in industrial action.</p> <p>Not maintaining access to free parking to staff will be seen as a further reduction in pay following the recent terms and conditions changes.</p>
<p>Risk Management:</p>	<p>The public perception of access to free parking to staff within our car parks is anticipated to be negative, when other workers in the town pay to park. However, actual staff use will be below 20 spaces in Hertford and Stortford on any day.</p> <p>An increase in uncontrolled parking by staff in residential areas may give rise to additional bad press exposure and demands for residents permit zones. As highlighted in Essential Reference Paper B, the experience of other Councils is that staff will seek to park on unrestricted roads following the introduction of any blanket charging. Based on the experience of East Lincolnshire Council the Council could reasonable expect up to 100 staff seeking parking in the town at no charge.</p> <p>The risks of losing car parking income through staff use of car parks is identified as extremely low, as the occupancy figures show capacity in excess of that required to accommodate the minor staff use.</p> <p>Advice has been provided from the Council's Risk Management Team that it can be preferable that the Council should not specify a single location for parking. By ensuring members of staff have choice over location (for example in the event of adverse weather conditions) the staff member can make the best decision for themselves regarding where to park, like any other motorist.</p>

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ESSENTIAL REFERENCE PAPER B

Staff Car Parking Options

Option	Car Parking Impact	Staff Impact	Value	Risks
<p>Staff able to park for free in long-stay car parks (Hertford and Bishops Stortford) and Wallfields car park.</p>	<p>None.</p> <p>Approximately 20 cars will park across the 4 long stay and mixed use car parks in Hertford which have a spare capacity of 239 spaces.</p> <p>Approximately 20 cars will park in the long stay and mixed used car parks in Stortford which have 820 spaces.</p>	<p>Minimal</p> <p>Issues of equality and fair use of car parking will be minimised.</p> <p>No concerns or reaction in respect of loss of a benefit believed to be contractual through custom and practice.</p> <p>Saving in administration and assessment of fair use and allocation of spaces.</p> <p>Inconvenience of walking additional distance to work, adding time to the day is mitigated.</p>	<p>High value to staff and residents, no cost.</p> <p>There is no cost to the authority as spare spaces across 4 car parks will be utilised in Hertford.</p> <p>Car parking numbers are very low in Stortford with an estimated requirement of 10 spaces to meet staff parking needs.</p> <p>Procedure to manage access to Wallfields car park will be much easier to administer, saving staff time and distress.</p>	<p>Low to medium</p> <p>Potential for negative public and press perception of 'free car parking for staff'</p> <p>The risks of losing car parking income through staff use of car parks is identified as extremely low, as the occupancy figures show capacity in excess of that required to accommodate the minor staff use.</p> <p>Advice has been provided from the Council's Risk Management Team that it can be preferable that</p>

				the Council should not specify a single location for parking. By ensuring members of staff have choice over location (for example in the event of adverse weather conditions) the staff member can make the best decision for themselves regarding where to park, like any other motorist.
<p>Introduce a charge for all staff using a car to travel to work, possibly a 'workplace parking levy'.</p> <p>The levy/charge would permit parking in Wallfields and the long stay car parks in Hertford, Grange Paddocks in Bishops' Stortford.</p>	<p>None</p> <p>Approximately 100 staff will park on uncontrolled residential streets.</p>	<p>High</p> <p>Loss of current benefit, perceived as contractual through custom and practice will result in challenge.</p> <p>Additional cost to park perceived as a further pay cut by staff.</p> <p>Conflict in amount payable for essential users if required to have access to a car for work.</p> <p>Equity and fairness issues</p>	<p>Low/limited – low take up expected</p> <p>A levy/charge would generate a fund, ring fenced to transportation improvement. The actual value may be lower due to part-time working, job share and home working.</p>	<p>High for residents/staff and service provision</p> <p>Potential for negative public and press perception of subsidised parking for staff.</p> <p>Potential staff conflict and industrial action.</p> <p>An increase in uncontrolled parking by staff in residential areas may give rise to additional bad press exposure and demands</p>

		<p>about amount of charge between pay grades, full and part-time workers.</p> <p>Equity and fairness issues regarding actual days of use, sickness absence and annual leave.</p> <p>An administration system would be needed to administrate the levy.</p> <p>Contractors would have to incur the levy unless the parking facility already exists within their contract with the Council.</p> <p>Issues regarding Members parking costs and staff.</p> <p>A levy is typically cheaper at £250-350 per year than pay and display tariffs in car parks (roughly £1000 per year long stay in Hertford).</p>		<p>for residents permit zones. The experience of other Councils is that staff will seek to park on unrestricted roads following the introduction of any blanket charging. Based on the experience of East Lincolnshire Council the Council could reasonable expect up to 100 staff seeking parking in the town at no charge.</p>
A mixed solution of free parking in Wallfields for staff on	Low Approximately 100	High and many equality issues	Low If all 40 staff (20 in	High for staff, residents and service provision.

<p>a rota basis. Those not accommodated would be expected to find parking at their own cost.</p>	<p>staff will park on uncontrolled residential streets.</p>	<p>Loss of current benefit, perceived as contractual through custom and practice will result in challenge.</p> <p>Additional cost to park perceived as a further pay cut by staff.</p> <p>Conflict in amount payable for essential users if required to have access to a car for work.</p> <p>Equity and fairness issues about access to free car parking on a rota basis between essential car users, pay grades, full and part-time workers.</p> <p>An administration system would be needed to administrate the free parking access.</p> <p>Issues regarding Members parking costs and staff.</p> <p>Lack of consistency afforded</p>	<p>Hertford and 20 in Stortford) were to pay for long stay car parking the parking pay and display income would be £40,000. In practice many would seek and successfully park on street in uncontrolled locations.</p>	<p>Poor staff morale at a time of change and efficiency measures. High potential for disadvantage amongst staff and competing business needs. Potential staff conflict and industrial action.</p> <p>An increase in uncontrolled parking by staff in residential areas may give rise to additional bad press exposure and demands for residents permit zones. These in turn cost money to establish, administer and patrol.</p> <p>The experience of other Councils is that staff will seek to park on unrestricted roads following the introduction of any blanket charging. Based on the experience of East</p>
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		in Bishops' Stortford as visitors car park too small to accommodate similar rota based free parking for staff based there.		Lincolnshire Council the Council could reasonable expect up to 100 staff seeking parking in the town at no charge.
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ESSENTIAL REFERENCE PAPER C

Staff Comments Staff Car Parking

Essential Use

If charges are introduced should be a discount for those staff who are obliged by either their job description or terms of service to have a car available as part of their role

Placing a levy on parking automatically disadvantages members of staff who are required to bring a vehicle with them to work to carry out their duties. The car user allowances are intended to reimburse staff for the full cost of providing a car to perform their role. If a parking charge is placed upon these staff, it could be strongly argued that the car allowances would need to be increased to compensate for this unavoidable additional motoring cost. At present a parking permit is issued to staff required to use their vehicle for work to avoid them being subjected to parking charges around the district.

Members of staff who do not require a vehicle during the working day for council business have the choice of paying to park, or finding alternatives such as public transport and car sharing. There is additional inconvenience, but the cost is hypothetically avoidable for these staff if they wish to find alternatives.

I am required to use my car as part of my duties and the time that will be incurred in finding/travelling to and from a parking space would not, in my view, appear to be the most appropriate use of my time.

An issue I would like to raise is that, we have to be on 24 hour stand by call for dangerous structures. In normal working hours we have to respond to the police and fire service and be in attendance within 1 hour. It is vital we access our cars immediately.

My comments regarding charging for car parking at Wallfields specifically target those who are required to provide a vehicle for the purposes of executing their role.

In the event the Council decide to charge for parking on site, these members of staff would face an unavoidable charge. As the Council have a car user allowance scheme to reimburse these members of staff for the cost of providing a vehicle for the purposes of executing their role, it would seem only fair that any additional unavoidable car parking charges incurred at Wallfields or Gascoyne Way be reimbursed as part of the essential car user allowance.

I think that it would be unfair to charge staff for parking, especially staff that have no choice and have to use a car for their job.

This intimates that charges for car parking will be implemented at some stage, on top of all the other cuts to pay and conditions. I feel particularly resistant to the idea of having to pay to park, when I am expected to provide a car, to use to carry out work for the Council - especially when that car is The Councils' own (lease) car!

My contract of employment requires me to have a car available for the business of the Council, so I may appear to be a soft target. However I can find no requirement in my contract to park that vehicle within a given distance of Wallfields. Accordingly if a charging system were to be introduced I would have to seriously consider joining the number of colleagues scouring the local streets for parking, despite the annoyance to local residents. This would, of course, mean that my frequent site visits would be less efficient, given the time it would take to travel to and from my car. I don't like to appear so negative but that is, I believe, the reality of the situation.

Equality Impact

A 'no charge' at Hertford car parks option would avoid all the many and varied problems that will otherwise ensue.

Charges could have a disproportionate effect on part-timers where their working arrangements are dictated either by needs of their service or for childcare or other responsibilities so that they work over more than two or three days (e.g. those that work school hours over five days but are only contracted for 18.5 hours a week). When added to the length of time walking from car park they may be having to pay almost as much, or indeed as much, as a full timer to park.

Those working part time will suffer yet again. For example, if you pay per day or even per week to park in Gascoyne Way for example, it works out cheaper than paying by hour. Yet for many the reason they work part time is to accommodate school hours. They will never be able to benefit from the economies of scale of cheaper long stay parking. This also applies for those who may be able to leave the car at home or car-share but on some occasions will need to drive in.

In the event of an annual fee this should take account of annual leave and be pro-rata for part-time staff

Charging could detrimentally effect service flexibility where part timers are prepared to come in for extra meetings etc on days not normally worked but will be disinclined to do so if they have to pay for extra parking.

Charging could have a huge effect on those on a low salary.

If following the review, it is decided to implement charges for staff parking; surely such charges would have to apply to the rostered places in the staff car

park at Wallfields as well as public car parks? Staff who do not have designated spaces should not be placed at a disadvantage to others.

I know the staff who work at Wallfields have parking in the car park there or a pass at Gascoyne Way, but do not have to pay. I know that we can park at Grange Paddocks at the moment it is free but surely for the amount of people who work at Charringtons House (some who are part time like me) why can't we have a pass for one of the long stay car parks? Either Northgate End or Link Road which are both Long Stay car parks and which are never full! It is unfair if staff at Wallfields are getting free car parking and staff at Charringtons will have to pay!!

I also believe that if some staff are to have free parking in the Wallfields car park, then all remaining staff should have a free parking permit if they have to park in one of the Council's Pay & Display car parks. I understand that staff having to park in Gascoyne Way car park are issued with a free pass, and assume that the same kind of pass will be issued to staff at Charringtons House for use in Grange Paddocks once that becomes chargeable from 1st April - perhaps this could be raised at the committee meeting.

Custom and Practice Issues

This is terms and conditions issue, all other changes to terms and conditions have had a manner of compensation or a protection period. A period of consultation at least should occur. Free parking should be provided for staff until the decisions made are equitable and agreed.

Has the equitability of this proposal been considered in the light of all the other pay cuts, costs, freezes and loss of benefits? At the end of the T&C 3 year period I will have lost circa £3,000 worth of benefits. Is this reasonable?

Impact in Time

If staff have to spend 30 minutes at least of their own time travelling to and from external parking spaces, for some staff this may mean having to work an additional day or half day to work their hours within an inflexible time constraint, this is at their own cost.

Impact on Staff

I am strongly opposed to being charged for car parking. It would represent a considerable cut in salary at a time when morale is very low anyway. Also, if we have the number of empty parking spaces suggested, surely it would be cost neutral to allow those of us who do not get granted a place at East Herts, to be given a free parking space in the town. I don't envisage a public outcry over this. There are many instances of other large organisations that have free staff parking.

Whilst I appreciate that the Council does have to make savings and consider opportunities to generate income, the charging of staff to park, especially where Officers vehicles are required for Council duties, is not appropriate in this case, and will significantly impact on the moral of staff.

In response to the possibility of charging staff to park, I consider this to be yet another kick in the teeth for us workers who have already undergone significant changes and cuts with regard to reactions to changes in the economy.

It is my opinion that in these difficult times the Council should be looking for ways to empower their staff and not encourage changes that would drag down morale.

Many feel that this would really be the 'final straw' on top of the other financial cutbacks imposed by the Council i.e. loss of the 5% local award, loss of retention payments etc.

When looking at the impact of the current policy on the parties, emphasis should be placed on the accumulative effect of staff hardships already incurred in recent times - specifically, the real loss of earnings that all members of staff have suffered. I do not think that we should be asked to contribute any more.

Following on from the detrimental effects of the new terms and conditions, the imposition of parking charges for staff and the resultant effective salary cut would cause serious resentment amongst our staff for their employer. Managers like us are left with the task of maintaining service delivery with a demoralised workforce.

At a personal level I believe that free parking is a basic provision and I'd be angry to see it taken away.

Free parking is going to be a particular issue with staff as we are already all struggling financially. This feels just like a way for the council to cut our wages – any money generated from charging staff would be new money – they have never earned any money from our car park and Gascoyne way is never full so for the council coffers this would be extra but for staff this will have a severe impact. This could work out at about £1000 a year and as a lot of staff are probably earning less than £25k a year this is a major cut to their wages.

I note the possibility of free car-parking being scrapped for staff, and feel that this would be a very poor move by the members, as it would demoralise the staff even further. Staff are already on a pay freeze, and so to expect them to then have to find another £85-£90 per month in order to park would make life very difficult for many members of staff.

As I have quite a distance to travel to and from work each day, I do find the additional time to walk across to the car park a little frustrating sometimes. I am often juggling finishing something off at work with trying to get home by a certain time. I regularly work more than my 37 hours, often prioritising work

over evening activities. Again though, at least being able to park in one place means that I know how long to allow to reach my car. The alternative of “walking the streets” to wherever I am able to leave it would be far more difficult.

In relation to withdrawal of a number of benefits recently for me and other staff across the Council, such as essential user allowance withdrawal, time and a half reverting to straight time for the periods work between 6.30pm to 10.30pm on weekdays - it would be helpful to reflect the dedication and hard work of the staff and members by not charging for car parking.

Given the pay freeze staff have endured for the last two years, the loss of parking could be seen as an extra impact on staff wages

Local Impact

If I am asked to pay to park at the Council Officers or other car parks I, amongst other colleagues, will have to consider finding alternative on-street parking in the vicinity of the Office which, I am sure, will have an impact on local roads.

I believe that if these charges were to be introduced, the only outcome will be the workers scouring the streets for free parking spaces, much to the annoyance of local residence.

If charges are imposed, staff will probably park elsewhere – people will always find a way to do this. This would seriously delay our response time and lay the council open to yet more public criticism.

If they are worried about the impact on the local residents they should consider the impact of more staff parking in side roads because staff can not afford to pay for the car park (or wont). There will be lot more congestion locally with staff looking for areas to park. In the 80's there was a major problem with County Hall when they suddenly didn't have enough parking and they started parking in side streets – this led to yellow lines in the local area but then meant staff went further a field looking for free parking, it didn't stop the problem just increased the area affected.

I use the Gascoyne Way car park when necessary and find it extremely useful. Whilst I recognise that many people now have to pay to park if they work in a town centre, I will always try to find a free space somewhere if I can. Human nature and financial pressure require no less! Providing a Council parking facility free of charge avoids the inevitable congestion to the residential areas near our offices where I and others would otherwise park.

My observations are (under the current arrangements) that there are still always plenty of spaces available for the public.

The council office car park is unsuitable to be opened to the public, therefore the impact of this policy is likely to be considered in terms of the use of the

public car parks by those staff not allocated an office car park space on any given day. Car park occupancy in the long stay car parks in Hertford are such that the staff using those car parks are easily accommodated without displacing paying customers (for example, the top floor of Gascoyne Way car park is rarely more than 30% full, with lower floor long stay areas operating at an approximate average of 75 - 80% occupancy)

Councillor Parking

Will the visitor car park (or certain spaces within it) be subject to the parking levy? The reason for asking is that under the new arrangements some of the spaces in the visitor car park will be used by councillors. It would be manifestly unfair, that if the "staff car park" was subject to the levy but councillors didn't have to pay (at least a pay and display charge). Furthermore, will the visitor car park become pay and display to bring it into line with all other council car parks?

If we have to pay everyone should pay (Councillors included).