



ADUR & WORTHING
COUNCILS

16 July 2018

Joint Staff Committee

Date: 24 July 2018

Time: 6:30pm

Venue: Committee Room 2, Town Hall, Chapel Road, Worthing

Adur Executive: Councillors Brian Boggis, Brian Coomber & Lavinia O'Connor

Worthing Executive: Councillors Keith Bickers (Chairman), Noel Atkins, Antony Baker

Agenda

Part A

1. Substitute Members

Any substitute members should declare their substitution.

2. Minutes

To approve the minutes of the Joint Staff Committee meeting held on 29 November 2017, copies of which have been previously circulated.

3. Declarations of Interest

Members and officers must declare any disclosable pecuniary interests in relation to any business on the agenda. Declarations should also be made at any stage such an interest becomes apparent during the meeting.

If in doubt contact the Legal or Democratic Services representative for this meeting.

4. Public Question Time

To receive any questions from members of the public.

5. Items Raised Under Urgency Provisions

To consider any items the Chairman of the meeting considers to be urgent.

6. Flexible Working Policy

To consider a report from the Director for Digital & Resources, a copy is attached as item 6.

7. Managing People Change Policy

To consider a report from the Director for Digital & Resources, a copy is attached as item 7.

Part B - Not for Publication – Exempt Information Reports

No items.

Recording of this meeting

The Council will be voice recording the meeting, including public question time. The recording will be available on the Council's website as soon as practicable after the meeting. The Council will not be recording any discussions in Part B of the agenda (where the press and public have been excluded).

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The agenda and reports are available on the Councils website, please visit www.adur-worthing.gov.uk



Flexible Working Policy

Report by the Director for Digital & Resources

1.0 Summary

- 1.1 This report seeks approval of the four changes to the Adur & Worthing Councils Flexible Working Policy.
- 1.2 The revised Adur and Worthing Councils Flexible Working Policy is attached as Appendix 1, with four proposed changes, which are detailed in Appendix 2.

2.0 Background

- 2.1 The organisation is reviewing all HR policies in a three-phased approach. The new Flexible Working Policy was last agreed in November (2017) as one of the policies reviewed in the first phase of the policy review project.
- 2.2 After publishing the new policy feedback was received regarding some of the points in it and in response to that some changes are being proposed.
- 2.3 The policy applies to all employees of both Adur and Worthing Councils and details arrangements for accruing hours and for submitting a formal flexible working request to alter an individual's pattern of work.

3.0 Proposals

- 3.1 The aim of the policy review is to simplify the policies, to make them more user friendly and to back them up with a management toolkit, which will include guidelines, process flowcharts and templates for the managers.
- 3.2 This policy sets out the options for flexible working arrangements to benefit the Councils, their employees and customers.
- 3.3 The changes to the policy and the rationale for those changes are detailed in Appendix 2.

4.0 Legal

- 4.1 The Flexible Working Policy would not be classed as a contractual policy and therefore would not form part of the terms and conditions of employment.
- 4.2 Section 112 Local Government Act 1972 provides the Council with the power to appoint staff on the terms and conditions that they consider fit.

5.0 Financial implications

- 5.1 There are no direct financial implications arising from the policy. Any proposed changes to working hours which will result in additional cost will have to be funded from within existing budgets.

6.0 Recommendation

- 6.1 The Joint Staff Committee is recommended to approve the Flexible Working Policy changes with an implementation date of 1 August 2018.
- 6.2 The Joint Staff Committee is asked to delegate authority to the Head Of Human Resources (in consultation with the Chief Financial Officer and Head of Legal Services, where relevant) in order to make minor and non-consequential amendments to the Policy at any time.

Local Government Act 1972

Background Papers:

29 November 2017 - Report to Joint Staff Committee 'Flexible Working Policy'

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Schedule of Other Matters

1.0 Council Priority

- 1.1 Ensuring that the Councils offer flexible working arrangements which benefit the Councils, their employees and their customers

2.0 Specific Action Plans

- 2.1 Matter considered and no issues identified.

3.0 Sustainability Issues

- 3.1 Matter considered and no issues identified.

4.0 Equality Issues

- 4.1 The Equality Impact Assessment for the policy is attached as Appendix 3.

5.0 Community Safety Issues (Section 17)

- 5.1 Matter considered and no issues identified.

6.0 Human Rights Issues

- 6.1 Matter considered and no issues identified.

7.0 Reputation

- 7.1 Failure to have an agreed approach to flexible working could result in negative reputational damage to the Councils.

8.0 Consultations

- 8.1 Unison have been consulted with and have agreed the suggested changes to the policy.

9.0 Risk Assessment

- 9.1 Matter considered and no issues identified.

10.0 Health & Safety Issues

- 10.1 Matter considered and no issues identified.

11.0 Procurement Strategy

- 11.1 Matter considered and no issues identified.

12.0 Partnership Working

- 12.1 Matter considered and no issues identified.



ADUR & WORTHING
COUNCILS

Flexible Working Policy

1.0 Overview

- 1.1 This policy applies to all employees of Adur and Worthing Councils. It details arrangements for accruing hours and for submitting a formal flexible working request to alter an individual's pattern of work.
- 1.2 This differs from informal ad-hoc arrangements where employees and managers can agree changes to the working week (i.e. switching working days)
- 1.3 The Councils recognises that flexible working can increase staff motivation, promote work-life balance, reduce employee stress and improve performance and productivity. This policy sets out the options for flexible working arrangements to benefit the Councils, their employees and customers.
- 1.4 The Councils encourage employees to work their hours flexibly where their role and the needs of the service can accommodate it. Managers should support this wherever possible.
- 1.5 All employees have the responsibility for adhering to this policy. Individual areas of responsibility are:
- **Corporate Leadership Team** – overall responsibility for publishing and promoting the adoption of this policy across the Councils and ensuring that flexible working arrangements are managed appropriately in accordance with agreed policies
 - **HR team** - reviewing this policy to ensure it is effective and advising managers on the interpretation and consistent application of the policy and on best practice
 - **Managers** – the day-to-day management of working arrangements, responding to flexible working requests and ensuring compliance with this policy
 - **Employees** - familiarising themselves with this policy
- 1.6 This policy should be interpreted in accordance with the Equalities Act 2010 and shall be applied fairly and consistently to all employees.

2.0 Accrued Hours

- 2.1 The standard full-time working week for all employees is 37 hours.

- 2.2 Accrued hours apply to all employees, up to and including Heads of Service, and should be discussed regularly in 1:1s.
- 2.3 Individuals can accrue and take off accrued hours where:
- (a) Accruing hours is appropriate with an individual's pattern of work and the needs of the service
 - (b) Where higher workloads require an individual to work over their contracted hours on occasion (in line with Working Time Regulations)
 - (c) Accrued hours have been agreed with their line manager
- 2.4 Accrued hours are different to pre-agreed paid overtime and, as such, accrued hours will not ever be compensated financially.
- 2.5 Accrued hours are also different to how an individual (at any pay grade) organises their working time. For example, an individual who has to work a long day due to diary commitments may organise their schedule accordingly, by working a shorter day on another day that calendar month.
- 2.6 Only a maximum of 10 hours may be accrued, taken or carried forward into the next calendar month (apart from where the exception detailed in 2.7 applies). Any hours worked by an individual over and above this will be, for all intents and purposes, lost.
- 2.7 There may be exceptional cases where an individual will accrue over 10 hours (i.e. to deliver a time-sensitive project). This must be agreed with the line manager in advance.
- 2.8 If an individual needs to work over their set hours on a regular basis the manager will need to look at service structure, workloads and performance of the individual employee.
- 2.9 Any member of staff who accrues hours must use the time recording sheet available on the flexible working intranet page and must make it available to their manager. Any employee without access to the intranet can make agreements with their individual line manager.
- 2.10 Any member of staff who is required to attend committee/Council meetings after 6.30pm may either claim time off in lieu at time and a half or (with the permission of their Head of Service) the equivalent overtime payment (calculated on basic rates).
- 2.11 Meetings of unions and their official bodies (i.e. AGMs) of which staff may be members will be recognised as official duty only up to 17:30. Any attendance at these meetings after this time will be considered to be in the person's own time and cannot be accrued/taken off later.

3.0 Right to Request Flexible Working

- 3.1 A flexible working request is a request submitted by a member of staff for one or more of the following:
- A change to the hours they are required to work
 - A change to the times when they are required to work
 - A change to where they are required to work
- 3.2 In line with regulations, to qualify to make a flexible working request, an individual must:
- Be an employee
 - Have been continuously employed by the Councils for at least 26 weeks at the time he or she makes the application; and
 - Not have submitted an application within the previous 12 months.
- 3.3 An employee is entitled to additional requests if they relate to a statutory entitlement e.g. the Equality Act 2010 right to request reasonable adjustments). If the employee is making the request in relation to the Equality Act, e.g. as a reasonable adjustment relating to a disability, this should be made clear in the application.
- 3.4 Any request to alter the hours or times of work will be a permanent change to the employee's terms and conditions of employment, unless a trial or temporary period is agreed.
- 3.5 If an application does not contain all of the required information the line manager will explain to the employee what additional or amended information they need to provide and ask the employee to resubmit the request.
- 3.6 Flexible working patterns could include:
- Part-time working
 - Job sharing
 - Term-time working
 - Reducing or increasing hours worked
 - Compressed hours
 - Staggered hours
 - Annualised hours
 - Flexible retirement (please see flexible retirement policy)
 - Different work location
- 3.7 Further details of flexible working patterns are available on the intranet or in the place of work.
- 3.8 Any flexible working request must be submitted via the form available on the intranet or if the individual does not have access to the intranet it should be submitted in writing and must:
- state that it is an application to change the employee's terms and conditions of employment in order to work flexibly

- specify the change applied for and the date on which the individual would like the change to become effective
- explain what effect (if any) the change might have on the team and wider Councils and how, in the employee's opinion, any such effect might be dealt with
- state whether a previous application for flexible working has been made by the employee and, if so, when
- be dated
- state if the employee is making the request in relation to the Equality Act, e.g. as a reasonable adjustment relating to a disability

3.9 Flexible working requests will only be rejected for one of the following business reasons as set out in legislation:

- the burden of additional costs
- an inability to reorganise work amongst existing staff
- an inability to recruit additional staff to fill the remaining hours if an individual wishes to reduce their hours
- a detrimental impact on quality
- a detrimental impact on performance
- detrimental effect on ability to meet customer demand
- insufficient work for the periods the employee proposes to work
- a planned structural change to the business

3.10 There may be some occasions, when a manager receives more than one request to work flexibly from different employees. Where this happens it may not be possible to grant all of the requests received, although each will be considered. Requests will be considered in the order they are received. The organisation may propose a modified version of the request, the request may be granted on a temporary basis, or the employee may be asked to try the flexible working arrangement for a trial period

3.11 For any flexible working request, the manager will meet with the individual within 28 days and discuss their request (at the meeting the employee may, if they wish, be accompanied by a workplace colleague or a trade union representative and if this is the case, the manager may be accompanied by a member of the HR team.)

3.12 All employees with flexible working arrangements have the right not to be treated less favourably than full-time workers. This extends to matters relating to overtime payments, holiday pay, bank holidays, sickness benefits, selection for redundancy and access to pension schemes.

3.13 All terms and conditions (some of which are detailed in 3.8) for those working less than full-time hours will be applied pro rata to the hours worked, unless otherwise specified in the letter of appointment.

4.0 Right to Appeal

4.1 The employee has the right to appeal the decision if their request is refused or is only agreed

in part. If they wish to do this, the employee must lodge an appeal in writing within 7 days of being notified of a decision on their application. The appeal will be heard within 14 calendar days and the employee will be informed of the outcome to their appeal within 14 days of the appeal meeting. These time limits may be extended with the agreement of both the employee and HR department.

- 4.2 Appeals may only be raised on the grounds of:
- a) Procedure – where a failure to follow procedure had a material effect on the decision;
 - b) Decision - the evidence did not support the conclusion reached or is inconsistent with other decisions within the Councils; or
 - c) New evidence - which has come to light.
- 4.3 The outcome of an appeal is final and the individual will then be unable to submit a flexible working request for a further 12 months.
- 4.4 Further details of the appeal can be found in the Flexible Working Procedure documents available on the intranet and in the place of work.

5.0 Support and the right to representation

- 5.1 Employees have a right to be accompanied at an appeal by a trade union representative or by an Adur & Worthing workplace colleague. Accompanying someone is voluntary and an employee's colleagues are under no obligation to do so. If they agree to do so, they will be allowed reasonable time off from duties without loss of pay to act as a companion.
- 5.2 It is the responsibility of each employee to arrange their own trade union representative or an Adur & Worthing workplace colleague, pass on all details (such as paperwork, meeting information) and to inform the manager at least 3 days in advance of the meeting who will be accompanying them.
- 5.3 There is no right to legal representation at any stage of this procedure. Legal representatives, including lawyers employed by the Councils, whether or not acting in any official capacity have no right to accompany an individual.
- 5.4 If the employee is unable to attend the meeting for whatever reason (i.e. ill health), the employee (or in exceptional circumstances, the trade union representative/Adur & Worthing workplace colleague) must inform his or her line manager immediately and the meeting will be rearranged within 5 working days of the original meeting date where reasonably practicable. The meeting will only be rearranged once.
- 5.5 If an individual's trade union representative or Adur & Worthing workplace colleague is unable to attend the meeting date or time, the individual should first see if another representative/Adur & Worthing workplace colleague can attend to support in their place. If this is not possible, the employee must inform his or her line manager immediately and the meeting will be rearranged within 5 working days of the original meeting date where reasonably practicable. The meeting will only be rearranged once.

5.6 If the individual fails to attend both the first and rearranged meeting, the request will be considered to be withdrawn and the individual will be informed of this. They will not be able to submit an application for flexible working for a further 12 months.

5.7 Managers have a right to be accompanied at all formal meetings or appeals by a Human Resources representative. The role of the Human Resources representative is to advise the manager on policy/procedure. The manager is the decision maker.

6.0 Monitoring and Review

6.1 This policy will be monitored and reviewed on a regular basis by the Human Resources team with a thorough review taking place in three years if required.

7.0 Legislative framework

7.1 This policy has been written in reference to the following documents:

- The Employment Rights Act 1996
- Working Time Regulations
- The Equalities Act 2010
- The ACAS (Advisory, Conciliation and Arbitration Service) 'handling in a reasonable manner requests to work flexibly' Code of Practice
- Flexible Working Regulations 2014

Date policy agreed with Unison: 8 November 2017

Date agreed by Joint Staff Committee: TBC

Date for review: 3 years from formal adoption of policy

Flexible Working Policy Changes

Policy point that has changed	Old wording	New wording	Reason for the change
1.4 - extra point added in	N/a	The Councils encourage employees to work their hours flexibly where their role and the needs of the service can accommodate it. Managers should support this wherever possible.	To make it clear that the Councils support employees in working flexibly and that managers should support flexible working wherever possible
2.2	Accrued hours apply to all employees apart from service managers (those who report directly into a Head of Service or above) and should be discussed regularly in 1:1s.	Accrued hours apply to all employees up to and including Heads of Service, and should be discussed regularly in 1:1s.	The original wording created a lot of queries as not all job roles that report directly in to a Head of Service are service managers. After further discussion it was decided that it should remain as it originally was.
2.5	Accrued hours are also different to how an individual (at any pay grade) organises their working week. For example, an individual who has to attend an evening committee or meeting may organise their schedule accordingly, starting their working day later on the day of the meeting itself or another day that week.	Accrued hours are also different to how an individual (at any pay grade) organises their working time. For example, an individual who has to work a long day due to diary commitments may organise their schedule accordingly, by working a shorter day on another day that calendar month.	Feedback has been that staff can't always work a shorter day in that same week due to work commitments so we have changed it to them working their hours over the month.
2.10 - extra point added	N/a	Any member of staff who is required to attend committee/Council meetings after 6.30pm may either claim time off in lieu at time and a half or (with the permission of their Head of Service) the equivalent overtime payment (calculated on basic rates).	Was originally omitted from the policy, so the point was reinstated.



Managing People Change Policy

Report by the Director for Digital & Resources

1.0 Summary

- 1.1 This report seeks approval of the proposed change to the Adur & Worthing Councils Managing People Change Policy.
- 1.2 The revised Adur and Worthing Councils Managing People Change is attached as Appendix 1, with the proposed change, which is detailed in Appendix 2.

2.0 Background

- 2.1 The organisation is reviewing all HR policies in a three-phased approach. The new Managing Change Policy was last agreed in November (2017) as one of the policies reviewed in the first phase of the policy review project.
- 2.2 The new policy has now been applied to a service redesign project and a point was raised regarding when staff get redeployment status and in response to that a change to the policy is being proposed.
- 2.3 The policy applies to all employees of both Adur and Worthing Councils.

3.0 Proposals

- 3.1 The overarching aim of this policy is to manage the impact of organisational change, particularly in relation to where the need for redundancy arises, and to provide members of staff with a clear understanding of the principles that will underpin any change in the organisation.
- 3.2 The change to the policy and the rationale for that change is detailed in Appendix 2.

4.0 Legal

- 4.1 The organisation does not class the Managing People Change policy as contractual and therefore, it is not viewed as forming part of the terms and conditions of employment.

4.2 Section 112 Local Government Act 1972 provides the Council with the power to appoint staff on the terms and conditions that they consider fit.

5.0 Financial implications

5.1 The new policy will help reduce the cost of any potential departures.

6.0 Recommendation

6.1 The Joint Staff Committee is recommended to approve the change to the Managing People Change Policy with an implementation date of 1 August 2018.

6.2 The Joint Staff Committee is asked to delegate authority to the Head Of Human Resouces (in consultation with the Chief Financial Officer and Head of Legal Services, where relevant) in order to make minor and non-consequential amendments to the Policy at any time.

Local Government Act 1972

Background Papers:

29 November 2017 - Report to Joint Staff Committee 'Managing People Change Policy'

Contact Officer:

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Schedule of Other Matters

1.0 Council Priority

- 1.1 Ensuring that the impact of organisational change is managed, particularly where there is a need to make redundancies.

2.0 Specific Action Plans

- 2.1 Matter considered and no issues identified.

3.0 Sustainability Issues

- 3.1 Matter considered and no issues identified.

4.0 Equality Issues

- 4.1 The Equality Impact Assessment for the policy is attached as Appendix 3.

5.0 Community Safety Issues (Section 17)

- 5.1 Matter considered and no issues identified.

6.0 Human Rights Issues

- 6.1 Matter considered and no issues identified.

7.0 Reputation

- 7.1 Failure to have an agreed approach to managing organisational change could result in negative reputational damage to the Councils.

8.0 Consultations

- 8.1 Unison have requested the proposed change to the policy.

9.0 Risk Assessment

- 9.1 Matter considered and no issues identified.

10.0 Health & Safety Issues

- 10.1 Matter considered and no issues identified.

11.0 Procurement Strategy

- 11.1 Matter considered and no issues identified.

12.0 Partnership Working

- 12.1 Matter considered and no issues identified.



ADUR & WORTHING
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Managing People Change Policy

1.0 Overview

- 1.1 Every organisation has to go through change, whether it's related to the introduction of new technology, making efficiencies or where the requirements of work of a particular kind or in a particular location reduces or ceases.
- 1.2 The overarching aim of this policy is to manage the impact of organisational change, particularly in relation to where the need for redundancy arises, and to provide members of staff with a clear understanding of the principles that will be underpin any change in the organisation.
- 1.3 As individual circumstances of change will not ever be the same, it's not possible to outline a definitive set of measures that will always be taken by the Councils. However, the principles in this policy will be followed where possible and the Councils will always comply with statutory requirements related to organisational change.
- 1.4 The following areas are covered in this policy:
 - a. Restructure and redundancy (including consultation, selection process and redeployment)
 - b. Work Base Relocation
- 1.5 This policy applies to all employees. It does not apply to casual workers or contractors.

2.0 Areas of responsibility

- 2.1 All employees have the responsibility for the Managing Change Policy. Individual areas of responsibility are:
 - **Corporate Leadership Team** – publicising the policy
 - **HR team** - reviewing this policy to ensure it is effective and advising managers on the interpretation and consistent application of the policy and on best practice and providing managers with appropriate training to manage people change

- **Managers** - responsible for discussing any organisational changes needed with their HR Business Partner at the earliest possible opportunity, implementing any changes in line with this policy and attending training about people change management
- **Employees and those working on behalf of the Councils** – complying with the spirit and wording of this policy and (under work base relocation) ensuring they inform their manager of any changes to their arrangements which will alter their ability to make a financial claim.

3.0 Restructure and Redundancy

- 3.1 The Councils recognise that its trained and experienced workforce is its most valuable asset. Where it becomes necessary to make organisational changes which will have staffing implications (e.g. significant organisational change, redundancies, TUPE, restructures and relocation), the Councils will undertake to consult meaningfully, and at the earliest opportunity, with recognised Trade Unions.
- 3.2 Where possible, the Councils will try to minimise the impact of the organisational change through the following non-exhaustive list:
- a) Restricting recruitment, consultants, contractors and agency staff in the sections affected where this will reduce the need for redundancies
 - b) Appropriate posts to be advertised internally only during the period of potential redundancy/compulsory redundancy
 - c) Reviewing overtime where this will reduce the need for redundancies
 - d) Reviewing and managing temporary and casual contracts
 - e) Exploring redeployment and retraining opportunities
 - f) Offering voluntary redundancy where appropriate as set out in 5.1

4.0 Consultation

- 4.1 Consultation is a commitment to exchange views on a proposal. Under the Trade Union Labour Relations (Consolidation) Act 1992, the Councils have a duty to consult with recognised unions. Additionally, the Councils will also undertake to engage with employees impacted by any proposed changes.
- 4.2 Where a review of services is going to take place which will result in significant change or impact on either numbers of posts and/or job grading, recognised Trade Unions and individuals affected by the change will be consulted.
- 4.3 Whilst the Councils' aim to secure agreement to proposed changes between all parties, it reserves the right to implement changes where agreement has not been reached after proper consultation and when, in its view, all reasonable courses of action have been explored without success.

Before a formal consultation period

- 4.4 The first stage of any organisational change process is for the manager to meet with their HR Business Partner and accountant to discuss initial thoughts regarding the change that is needed and people/financial implications.
- 4.5 As part of our commitment to engagement with staff, managers will ideally informally involve stakeholders (staff, members and customers) via staff workshops, team meetings, feedback from pilot schemes or individual meetings to give insight to any organisation change before formal consultation begins.
- 4.6 Prior to formal consultation, managers and their HR Business Partner will meet informally and confidentially with Trade Union Representatives prior to the start of a formal consultation. This will be to:
- Make the Trade Unions aware of upcoming organisational changes, including:
 - Ensure Trade Union Representatives have adequate time set aside to support their members at any formal consultation meetings
 - Discuss and agree reasonable timescales
- 4.7 When Trade Unions are made aware of upcoming changes, it will be with the understanding that this information is confidential and that they will not speak to their members about the consultation before the start of formal consultation.
- 4.8 The Councils will ensure that any individual members of staff whose role does not appear in any formal restructure proposal will be notified confidentially prior to the launch of any formal consultation process.

Formal consultation

- 4.9 Formal consultation starts with a meeting between union representatives, the manager and the HR Business Partner to go through:
- The reasons for the proposed changes
 - The services to be affected
 - Potential numbers and roles at risk of redundancy
 - The numbers of employees currently working in the affected roles
 - When and how any wider communication to staff will be made
 - The principles of how potential redundancy exercises will be managed
 - Timescales for identifying the pool for selection
 - When any proposed dismissals will take effect
 - Measures to minimise staff feelings of uncertainty
- 4.10 Trade Unions will receive confirmation in writing of the key elements of these discussions and will be given the opportunity to respond to this. Any proposals or counter proposals will be considered and responded to in writing as part of the consultation process. Consultation with the Trade Union will be ongoing during the redundancy process as the plans and proposed approach are further defined.
- 4.11 Individuals affected by the change will be invited to a meeting where they will be provided with an information pack outlining the proposed changes. Those who are unable to attend

(i.e. due to sickness/maternity leave) will be sent relevant information by e-mail on the same day as the meeting or, if they request it, sent by post in hard copy on the day of the meeting.

- 4.12 Individuals on secondments out of their department will be included in the consultation process and consulted with as if they were in their substantive post. Individuals do not have any rights over the post that they have been seconded into. Those in a seconded post within a team where change is taking place will not be included in the consultation process but should be kept up-to-date with what is happening.
- 4.13 The Councils will adhere to legislative minimum timeframes for all formal collective consultation periods as shown in the table below. Managers may choose to extend the period of consultation at their discretion on a case-by-case basis. When this is the case, the extension will be clearly communicated.

Number of redundancies	How many days the consultation must start before any dismissals take effect
Under 20 redundancies	No minimum time limit
20-99 redundancies	30 days
100+ redundancies	45 days

- 4.14 The purpose of consultation is for staff to provide feedback in writing about any suggestions they have about alternative ways of achieving the business objective(s) of the change. This feedback can be individually, in teams, in job groups and through the recognised Trade Union.
- 4.15 Where a service is solely or partly funded through external parties, consideration will be given to whether consultation also needs to take place with the parties funding the service affected by the proposal or other stakeholders.
- 4.14 During the period of formal consultation, individuals have the right to request a formal 1:1 meeting with their manager to ask any questions they may have about the proposed changes and discuss individual circumstances.

End of consultation

- 4.15 Following consolidation of the feedback received throughout the consultation period, and as soon as practicably possible, the manager will arrange another meeting with the union and those affected by the change. At this meeting, the manager will share a finalised consultation pack, which will respond to union and staff feedback and outline the final proposal. It will also include an expression of interest form and a recruitment timetable should new roles feature as part of the proposal.

5.0 Selection

5.1 Where individuals roles are likely to be impacted by a proposed restructure, the following scenarios may be outlined in the consultation pack:

Term used	Scenario	Outcome
Slot-in/direct match	Where the proposed organisational change identifies that a role in the final structure is substantially similar to the role the employee held before (i.e. over 70% of the job will be the same) and there are enough jobs for the number of staff doing that role	Members of staff will be slotted directly into the roles available
Ring fencing	Where the proposed organisational change identifies that roles in the final structure are substantially similar to the role the employee held before (i.e. over 70% of the job will be the same) but there are not enough jobs for the number of affected staff	A competitive selection process will be required and voluntary redundancy will be offered where appropriate.
Not a match	Where an individual's role is being deleted and there are no suitable options for ring fencing (because any new roles in the structure entail less than 70% of previous role)	Compulsory redundancy would apply. Individuals will be issued notice of being at risk of redundancy and supported to find alternative employment through redeployment/retraining (see section 6).

Selection criteria and interview

5.2 Where roles are ring-fenced as there are not enough roles for people and a selection exercise is needed, a fair and robust set of selection criteria will be used. The criteria will be established at the start of the process and will depend on the existing circumstances and the particular needs of the organisation at the time.

Criteria

5.3 If compulsory redundancies are necessary the selection criteria used will be fair, objective, consistent and free from unlawful discrimination or bias and may include:

- a) Relevant skills, competencies and experience.
- b) Qualifications (where essential),
- c) Current disciplinary and performance support records.
- d) Attendance and absence (excluding absences that are related to maternity or pregnancy and taking into account any reasonable adjustments for those covered by the Equality Act 2010 under disability)

5.4 In order to ensure objectivity, the selection process will involve recruitment style interviews or another transparent assessment process involving more than one manager and a rating or scoring system. However in other situations such as a total service closure or because there

is less work of a unique type relating to specific post(s) at a specific work location, there will be no need to use the selection process outlined above.

Selection for interview

- 5.5 An expression of interest process will be required for affected staff to indicate which roles they are interested in applying for, how they meet the essential criteria for the role or would be able to reach the standard required within 6 months given adequate support/training.
- 5.6 Completion of an expression of interest form does not guarantee an interview as the manager will need to assess whether the employee has demonstrated that they fulfil the essential criteria requirements or could meet the essential criteria with support and training.
- 5.7 Individuals who are successful in their selection process will be appointed to a role in the new structure. At the end of the selection process, those who have been unsuccessful in securing a role in the new structure will be met with and issued notice of termination of employment due to redundancy. During the notice period, individuals can look for alternative employment through redeployment (see section 6).
- 5.8 Each employee should be informed verbally of the result of the selection process within 3 working days of the selection exercise and this decision should be confirmed in writing within 5 working days. Where the outcome is redundancy, the employee will be sent a termination of employment notice, which will include the following information:
- Details of their redundancy payment and pension benefits where applicable
 - Details of the notice period
 - Proposed date of termination of their contract
 - Pro-rata annual leave entitlement with clarification on how this may be taken
 - Date of dismissal
 - Right to appeal
 - Details of the redeployment process during the notice period

Employees on maternity, shared parental or adoption leave

- 5.9 If the post of an employee on maternity leave, shared parental leave or adoption leave is being deleted as part of a restructure, they are entitled to priority in being offered a suitable alternative employment where an appropriate vacancy exists.
- 5.10 The work must be suitable in relation to the employee and appropriate for her/him to do in the individual circumstances, and the new contract provisions must not be substantially less favourable than those of the previous contract.
- 5.11 However, if no suitable vacancy exists, the individual will be issued notice of being at risk of redundancy and supported to find alternative employment through redeployment/retraining.

6.0 Redeployment and Training

- 6.1 The Councils will attempt to seek suitable alternative employment for staff at risk of being made redundant. This will be through redeploying staff where possible into a different

section, group or service area, including different but suitable work within the capability of the employee given adequate training.

- 6.2 Employees have a shared responsibility with the Councils in actively seeking out redeployment opportunities within the Councils.
- 6.3 Redeployment opportunities will be made available to those employees who have no options in the new structure and therefore are at risk of redundancy (i.e. no identified role, no suitable alternative, are not in a selection pool) at the point that the new structure is confirmed to the affected staff. This would normally be at the second group consultation meeting. Redeployment opportunities will be available to those individuals from that point onwards until the end of their notice period.
- 6.4 Individuals are eligible to apply for redeployment opportunities at the same grade as the post they are being made redundant from or two grades lower. If an individual wishes to apply for a job being advertised that is at a higher grade or more than two grades below, they will need to apply for the role in the normal way outside of the redeployment process.
- 6.5 Those eligible to apply for roles through redeployment will have 48 hours advance access to Adur and Worthing Councils jobs that are due to be advertised. It is the employee's responsibility to look through these roles and notify the HR department if they wish to submit an expression of interest and apply for the role within the allocated timeframe.
- 6.6 Individuals may have to complete a formal selection process depending on the role and the number of people who put forward an expression of interest from within the redeployment pool.
- 6.7 Completion of an expression of interest form does not guarantee an interview as the manager will need to assess whether the employee has demonstrated that they fulfil the essential criteria requirements or has shown that they could meet the essential criteria within a 6 month period with adequate training and support.
- 6.8 If an individual is successful in securing a role through redeployment, they have the statutory right to a four week trial when they start in the new role. This is to ensure the individual feels capable to perform in the role and to give managers time to assess the individual's suitability in the role.
- 6.9 The individual should be given support and feedback regularly throughout the trial period. At the end of a trial period, a review will be held with the manager and the individual to determine whether both parties deem that the post is suitable. Where there is disagreement with the individual's suitability in the role, the manager will have the final decision.
- 6.10 The review can result in the following outcomes:
 - The role is deemed suitable and the individual is formally redeployed into the post

- The role is deemed unsuitable for the individual and they are made redundant with access to their redundancy pay unless further redeployment options are available within their notice period

- 6.11 In exceptional cases the manager and employee may agree to extend the trial period for a length of time beyond the statutory four weeks. If this time period needs to be extended for reasons such as the individual has pre-booked leave during the trial period or specific training is needed, this must be agreed in writing before the trial period starts.
- 6.12 If a substantial extension is needed, for example, if the new job requires retraining and it is not possible to ascertain whether the role is suitable for the individual until this training is received, managers should speak to their HR Business Partner for advice. Any such extension must be outlined in writing, specify the date on which the period of retraining will end and outline the terms and conditions of employment that will apply to the employee after the end of that period.
- 6.13 If the employee works beyond the end of their agreed trial period any redundancy entitlement will be lost because the employee will be deemed to have accepted the new employment unless there are exceptional circumstances.
- 6.14 If, during the trial period, the employee is dismissed due to a reason unconnected with redundancy (i.e. gross misconduct under the disciplinary policy), the employee will lose their entitlement to redundancy.
- 6.15 If an employee is dismissed by reason of redundancy, he/she will retain the right to be interviewed for an alternative job for which he/she had applied for prior to leaving, providing that the offer of alternative employment is made within four weeks of the date of leaving (i.e. the date of the old contract ending). In these circumstances, the Councils will withhold any redundancy payment to which the employee may be entitled until the outcome of the interview or trial period is known.
- 6.16 Employees who are under notice of redundancy are entitled to a request from their manager and take a reasonable amount of time off, with pay, for the purposes of:
- Attending interviews
 - Using advisory and counselling services
 - Attending to domestic matters triggered by redundancy or new job requirements.

7.0 Pay Protection

- 7.1 If an employee secures a job up to two grades lower as a result of redeployment as part of organisational change, their salary will be protected at that of their original job for the first year at 100% for the hours they're working and for the second year at 50% for the hours they're working. After this second year, the salary will decrease to the actual grade of the role.

- 7.2 Protection only applies to the 'normal pay' associated with the role (i.e. basic salary and any enhancements/allowances that were earned as part of the employee's regular work) and does not extend to any other terms and conditions of the role, such as annual leave entitlements.
- 7.3 The salary to be protected is calculated through looking at 'normal pay' immediately before the change. It does not apply to non-contractual overtime.
- 7.4 For employees whose earnings vary from month to month, 'normal pay' will be calculated by assessing their earnings in the 3 months before the date of change.

8.0 Redundancy

Voluntary Redundancy

- 8.1 If there is a ring-fencing scenario and there is the need to reduce the number of employees within a particular role, the Councils have the discretion to seek volunteers for redundancy from employees among the vulnerable groups identified.
- 8.2 If voluntary redundancy has deemed applicable, then any request for voluntary redundancy must be made in writing and will be treated in the strictest confidence.
- 8.3 In determining which employees are to be granted release on voluntary redundancy, the Councils will have regard to the following:
 - The need to maintain effective and efficient services
 - The need to retain a balance of experience and skills within the remaining workforce to meet future needs
 - Cost implications
- 8.4 The Councils reserve the right to refuse individual requests for voluntary redundancy and all decisions about voluntary redundancy (and compulsory redundancy as described below) are subject to member approval.

Compulsory Redundancy

- 8.5 As a last resort, having exhausted the alternative courses of action, it may be necessary for the Councils to issue formal notice of termination on the grounds of redundancy to an employee.
- 8.6 Individuals affected will be notified of their redundancy at the earliest possible opportunity, either following the end of the consultation period if there is no role identified for them in the new structure or after the selection procedure (detailed in section 5.0).
- 8.7 Where an individual is being made redundant following a selection exercise, they will be informed verbally of the result within 3 working days of the selection exercise and this decision should be confirmed in writing within 5 working days.

Redundancy Payments

- 8.8 Employees being made redundant will receive contractual period of notice. However, the notice duration, with agreement, may be longer. This may be, for example, to support the transition arrangements to the new structure.
- 8.9 In some situations, it might be deemed appropriate to offer pay in lieu of notice. This is discretionary and will be explored on a case-by-case basis.
- 8.10 An individual's redundancy pay will be unique to their circumstances and based on their age and length of service. Individuals will be eligible for redundancy pay if they have completed 2 years or more continuous service.
- 8.11 The redundancy payment is calculated by multiplying a week's gross basic pay (this does not include shift allowances etc) by the number of years of completed continuous local government service according to the following:
- half a week's pay for each year of employment up to the age of 21.
 - one week's pay for each year of employment in which the employee was aged between 22 and 40; and
 - one and a half weeks' pay for each year of employment in which the employee was aged 41 or over;
- 8.12 The maximum number of year's continuous service that can be counted for statutory redundancy payments purposes is 20 years counted backwards from the date of continuous service.
- 8.13 The redundancy payment for compulsory redundancy is enhanced by applying a multiplier of 1.3 to the redundancy payment formula above and the redundancy payment voluntary redundancy is enhanced by applying a multiplier of 1.5 to the redundancy payment formula above.
- 8.14 Redundancy Pay is not subject to tax and national insurance deductions up to £30,000.
- 8.15 Where an employee has been issued with notice of termination of their employment, but before their redundancy date they receive an offer of employment from another employer covered by the Modification Order and commence work within four weeks of the redundancy date, the employee will lose their entitlement to a redundancy payment and will be required to repay the amount if already paid to them.
- 8.16 Where the Councils can clearly evidence that an alternative job offered as a suitable alternative for those on maternity leave or to any member of staff via redeployment is a reasonable and a suitable alternative but the affected employee turns it down, they may lose their entitlement to a redundancy payment.

Efficiency of Service

- 8.17 Efficiency of service grants the Councils the ability to pay a one-off lump-sum payment to an employee whose employment is terminated by mutual consent in the interests of the efficient exercise of the Councils' functions.

- 8.18 The calculation of an efficiency of service payment will be determined on the merits of each individual case. It will usually be less than the payment that would be given if their post was being made voluntarily redundant as set out in 8.11-8.13.
- 8.19 Factors to be taken into account in granting efficiency of service include:
- Employee relations considerations
 - Overall reasonableness, including benefits to the Council Tax Payer by the employee leaving the Council.
 - Direct financial savings to be incurred by the employee leaving the Council.
- 8.20 A payment for efficiency of service is not subject to tax and national insurance deductions up to £30,000.

Holiday Pay

- 8.21 If an employee is being made redundant and has not taken all their holiday entitlement at the date of termination, it will be expected for the individual to take their holiday entitlement during their notice period.
- 8.22 If this is not possible for some exceptional reason, the manager has the discretion to agree a payment, which will be made by reference to the number of days outstandings and the pro rata daily rate of pay, calculated in accordance with the Councils' normal rules up to the date of termination of employment.

Repayments outstanding

- 8.23 Repayment of relocation or training expenses will not be required in the event of a person being made redundant. Other loans (i.e. car or bicycle) will have to be repaid, but requests for revising repayment terms will be viewed sympathetically, taking into account individual circumstances.

Early access to pension

- 8.24 Individuals who are 55 years of age or over who are members of the local government pension scheme and who are being made redundant have the right to early access to their pension. Employees aged 55 or over are encouraged to visit the relevant pension scheme website for details of the pension benefits they may be entitled to.
- 8.25 It may be possible for conversion of any lump sum redundancy payment into Additional LGPS Membership at the employee's request. The Councils will not contribute any additional employer contributions if this is requested. For further information, individuals should speak to their HR Business Partner.

9.0 Right to Appeal

- 9.1 In the event that a member of staff is not successful in being appointed to a position in the new structure and is formally given notice of redundancy, they are entitled to appeal against dismissal due to redundancy.

- 9.2 The employee should submit their appeal in writing, clearly stating the grounds for their appeal to the relevant director, copying in HR, within 7 calendar days of receiving the letter issuing notice of redundancy.
- 9.3 Appeals may only be raised on the grounds of:
- a) Procedure – where a failure to follow procedure had a material effect on the decision;
 - b) Decision - the evidence did not support the conclusion reached or is inconsistent with other decisions within the Councils; or
 - c) New evidence - which has come to light.
- 9.4 Any appeals against redundancy will be heard by a director within a reasonable period (not usually more than two weeks from receipt of the appeal letter). The director will consider the case and determine whether the original outcome was fair and reasonable based on the grounds of the appeal.
- 9.5 The appeals process will take place during the individual's notice period. Individuals should engage in the redeployment process whilst their appeal is pending.
- 9.6 The appeal decision will be confirmed in writing to the employee within 7 calendar days from the appeal hearing. The outcome is final and therefore there is no further right of appeal.
- 9.7 Further details of the appeal can be found in the Managing People Change procedure documents available on the intranet and in the place of work.

10.0 Support and the right to representation

- 10.1 The Councils acknowledge that organisational change can be unsettling. Employees are encouraged to access the Employee Assistance Programme detailed on the intranet. Trade unions also provide advice and support to their members.
- 10.2 Employees have a right to be accompanied at all formal meetings or appeal by a trade union representative or an Adur & Worthing workplace colleague. Accompanying someone is voluntary and an employee's colleagues are under no obligation to do so. If they agree to do so, they will be allowed reasonable time off from duties without loss of pay to act as a companion.
- 10.4 It is the responsibility of each employee to arrange their own trade union representative or an Adur & Worthing workplace colleague, pass on all details (such as paperwork, meeting information) and to inform the manager at least 3 days in advance of the meeting who will be accompanying them.

- 10.5 There is no right to legal representation at any stage of this procedure. Legal representatives, including lawyers employed by the Councils, whether or not acting in any official capacity have no right to accompany an individual.
- 10.6 The trade union representative or Adur & Worthing workplace colleague may make representations and ask questions during any formal meetings. They do not, however, have the right to answer questions on the employee's behalf, address a hearing if the employee does not wish it or prevent any other party from explaining their case.
- 10.7 If the employee is unable to attend the meeting for whatever reason (i.e. ill health), the employee (or in exceptional circumstances, the trade union representative/Adur & Worthing workplace colleague) must inform his or her line manager immediately and the meeting will be rearranged within 5 working days of the original meeting date where reasonably practicable. The meeting will only be rearranged once.
- 10.8 If an individual's trade union representative or Adur & Worthing workplace colleague is unable to attend the meeting date or time, the individual should first see if another representative/Adur & Worthing workplace colleague can attend to support in their place. If this is not possible, the employee must inform his or her line manager immediately and the meeting will be rearranged within 5 working days of the original meeting date where reasonably practicable. The meeting will only be rearranged once.
- 10.9 The employee must make every effort to attend formal meetings; failure to attend without good reason may be treated as misconduct as assessed by the investigating manager. If the employee fails to attend without good reason, or is unable to attend the rescheduled meeting, it may go ahead in his or her absence on the available evidence.
- 10.10 Managers have a right to be accompanied at all formal meetings or appeals by a Human Resources representative. The role of the Human Resources representative is to advise the manager on policy/procedure. The manager is the decision maker.

11.0 Work Base Relocation

- 11.1 If the organisation changes an employee's location of work as part of a restructure and their travel expenses increase, they are eligible to claim for the additional costs of travel (the price difference between travelling to old place of work and travelling to new place of work) for a period of 1 year.
- 11.2 The price difference must be based on the cost of 2nd class train ticket or mileage based on the most direct route on google maps - whatever is the most direct/economical.
- 11.3 The cost of travel can only be claimed when the individual is at work (i.e. not on bank holidays, not when on annual leave or when off sick). The only exception is when a season ticket is more economical than claiming for travel on a day-by-day basis. A claim can be made using the work base relocation scheme form available on the intranet and must be

submitted monthly. The manager has the responsibility to check and sign off the mileage form.

- 11.4 The process of claiming the work base relocation allowance must be done on a monthly basis as per the car mileage policy.
- 11.5 Tax and national insurance payments will be deducted at normal rates.
- 11.6 There are some circumstances where changes need to be made to the amount an individual claims may change. The table below outlines these circumstances:

Change	Result
There are changes to applicable mileage rate or fares	These will apply from date of change
The employee moves and is living further away from place of work	The individual is eligible to continue to claim as before (the cost of travelling from old home to new place of work minus the cost of travelling from old home to old place of work).
The employee moves and is living closer to their place of work	If the employee still has increased travel expenses due to work base relocation, they can continue to claim for the remainder of the year. Individuals should recalculate the amount they are eligible to claim and speak to finance if needed. The individual has the duty to inform and provide their manager with evidence of their move. If an individual continues to claim a higher rate of work base relocation despite moving closer to their place of work, disciplinary action may be taken.
The employee has another permanent change to their workplace during the one year period and the new location is closer to their home.	The individual can continue to claim any excess travel costs for the remainder of the one year period for the new distance.
The employee has another permanent change to their workplace during the one year period and the new location is further from their home.	The individual will be eligible to claim their additional travel expenses for a new one year period. Please note, individuals will not be able to claim for any remaining period of eligibility for the first permanent change of work location.
The employee applies for and accepts a role within Adur and Worthing Councils based at another location.	The individual will not be eligible to claim any travel expenses under this scheme.
The employee applies for and accepts a role within Adur and Worthing Councils based at the	The individual will not be eligible to claim any travel expenses under this scheme.

same location.	
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12.0 Monitoring and Review

12.1 This policy will be monitored and reviewed on a regular basis by the Human Resources team.

13.0 Legislative framework

13.1 This policy has been written in reference to the following documents:

- ACAS booklet on handling large-scale redundancies
- ACAS booklet on redundancy handling
- Redundancy Payments (Continuity of Employment in Local Government etc.) (Modification) Order 1999
- Equality Act 2010
- Employment Rights Act 1996
- Transfer of Undertakings (Protection of Employment) Regulations 2006
- Trade Union Labour Relations (Consolidation) Act 1992
- Local Government (Early Termination of Employment) (Discretionary Compensation) (England and Wales) Regulations 2006

Date policy agreed with Unison:

Date agreed by Joint Staff Committee: TBC

Date for review: 3 years from formal adoption of policy

Managing People Policy Change

Policy point that has changed	Old wording	New wording	Reason for the change
6.3	<p>Redeployment opportunities will be made available to all employees who have received a letter notifying them that they are formally at risk of redundancy. Redeployment opportunities will be available to individuals throughout their notice period</p>	<p>Redeployment opportunities will be made available to those employees who have no options in the new structure and therefore are at risk of redundancy (i.e. no identified role, no suitable alternative, are not in a selection pool) at the point that the new structure is confirmed to the affected staff. This would normally be at the second group consultation meeting. Redeployment opportunities will be available to those individuals from that point onwards until the end of their notice period.</p>	<p>To look to mitigate any redundancies at the earliest opportunity, by giving those at risk of redundancy redeployment status as soon as possible.</p>