



ADUR & WORTHING
COUNCILS

Joint Staff Committee
29 March 2023
Agenda Item 8

Key Decision: No

Ward(s) Affected:

Managing People Change Policy

Report by the Director for Digital, Sustainability and Resources

Executive Summary

1. Purpose

- 1.1 This report seeks approval of the proposed changes to the Adur & Worthing Councils' Managing People Change Policy.
- 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 underpin any change in the organisation.

2. Recommendations

- 2.1 The Joint Staff Committee is recommended to approve the amendments to the Managing People Change Policy with immediate effect.
- 2.2 The amendments to the policy were deemed as more than minor and non-consequential by the Head of Human Resources, (in consultation with the Chief Financial Officer and the Head of Legal Services), and therefore are being brought to The Joint Staff Committee for approval.

3. Context

3.1 The Managing People Change Policy has been reviewed following a number of redesigns that have taken place since the policy was implemented and incorporates the learning gained from those redesigns.

4. Issues for consideration

4.1 The changes to the policy are summarised in appendix 1 and shown as tracked changes on Appendix 3.

4.2 In section 5.1 the wording has been changed with the removal of the '70% similar' replaced with 'substantially similar' in terms of the skills, knowledge and abilities required for the role.

4.3 Section 6.1 has been expanded to increase the scope of looking for redeployment for someone at risk of redundancy

4.4 Section 6.4 has changed to staff only being redeployed into roles of the same grade rather than the same grade and 2 grades down. Staff can still choose to apply for vacancies of up to 2 grades lower, but they would not be automatically classed as suitable alternatives. If they are successful in their application then they would receive pay protection.

4.5 Section 6.5 - the option to receive support on writing CVs and expressions of interest has been added in.

4.6 Section 7.1 clarifies the point regarding pay protection if someone that is at risk of redundancy is successful in applying for a role of up to 2 grades lower than the role that is being made redundant

4.7 Section 8.12 clarifies which years of service are taken into account when calculating redundancy pay..

5. Engagement and Communication

5.1 Unison have been consulted with and have agreed the changes.

6. Financial Implications

6.1 There are no financial implications arising from the update of this policy.

7. Legal Implications

7.1 The Council 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.

7.2 There are no legal implications due to the changes being made to this policy.

7.3 Section 112 Local Government Act 1972 and The Local Authorities (Standing Orders) (England) Regulations 2001 gives the Council the power to appoint staff on such terms and conditions as it considers appropriate.

Background Papers

- Summary of changes to the policy as Appendix 1
- The current Adur & Worthing Councils' Managing People Change Policy available at Appendix 2
- The amended Adur & Worthing Councils' Managing People Change Policy available at Appendix 3
- Managing People Change Policy Equality Impact Assessment (EIA) available at Appendix 4

Officer Contact Details:-

Heidi Christmas

Head of Human Resources

Worthing Town Hall

Direct Dialling No 01903 221183

Email:heidi.christmas@adur-worthing.gov.uk

Sustainability & Risk Assessment

1. Economic

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

2. Social

2.1 Social Value

Matter considered and no issues identified

2.2 Equality Issues

The Equality Impact Assessment for this policy and associated statistics are attached as Appendix 4

2.3 Community Safety Issues (Section 17)

Matter considered and no issues identified.

2.4 Human Rights Issues

Matter considered and no issues identified.

3. Environmental

Matter considered and no issues identified.

4. Governance

Matter considered and no issues identified.

Managing People Change Policy					
Amends January 2023					
CURRENT			PROPOSED		
5.0 Selection			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:			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	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	Slot-in/direct match	Where the proposed organisational change identifies that a role in the final structure is substantially similar (in duties, skills, knowledge and abilities required) to the role the employee held before, at the same grade and there are enough jobs for the number of staff doing that role.	
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	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	Ring fencing	Where the proposed organisational change identifies that a role in the final structure is substantially similar (in duties, skills, knowledge and abilities required) to the role the employee held before, at the same grade, but there are not enough jobs for the number of affected staff	Voluntary redundancy will be offered in the first instance. This may enable Slot-in to be applied. If there are still not enough jobs for the number of staff, then a competitive selection process will be required which may result in compulsory redundancies.
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).	Not a match	Where an individual's role is being deleted and there are no suitable options for ring fencing that are substantially similar (in duties, skills, knowledge and abilities required) and/or at the same grade.	Following a period of consultation, individuals will be issued notice of being at risk of redundancy and supported to find alternative employment. Compulsory redundancy would apply if alternative employment is not secured.
6.0 Redeployment and Training			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.			The Councils will take all reasonable steps to avoid a redundancy situation and/or limit the number of redundancies. This may be through redeploying staff, where possible, to suitable alternative roles, potentially in a different section, group or service area. This may also occur through transfer to different but suitable work, as an alternative to redundancy, within the capability of the employee given adequate training and, where necessary, further support and guidance to obtain the skills and knowledge expected.		
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.			6.4 Individuals are eligible to apply for redeployment opportunities at the same grade as the post they are being made redundant from. If an individual wishes to apply for a job being advertised that is up to two grades lower than the post they are being made redundant from, then they will need to apply for the role in the normal way, however if they are successful in being recruited to the role then pay protection will apply. If an individual wishes to apply for a job being advertised that is at a higher grade, then they will need to apply for the role in the normal way.		
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.			6.5 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. Assistance can be sought from HR in relation to CV and/or expression of interest writing.		
7.0 Pay Protection			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.			7.1 If an employee secures a job up to two grades lower as a result of applying for roles whilst at risk of redundancy 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.		
8.0 Redundancy			8.0 Redundancy		
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.			8.12 The maximum number of year's continuous service that can be counted for redundancy payments purposes is 20 years counted backwards from the date of redundancy.		
End.					



ADUR & WORTHING
COUNCILS

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 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 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
- 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 outstanding 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 conclusion and/or sanction issued is deemed inappropriate based on the information provided at the hearing; 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 same location.	The individual will not be eligible to claim any travel expenses under this scheme.

12.0 Monitoring and Review

- 12.1 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.

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 agreed by Joint Staff Committee: 29 November 2017

Date policy formally adopted: 1 January 2018

Date for review: 3 years from formal adoption of policy (1 January 2021)



ADUR & WORTHING
COUNCILS

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 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 principle 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 is 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	<p><u>Where the proposed organisational change identifies that a role in the final structure is substantially similar (in duties, skills, knowledge and abilities required) to the role the employee held before, at the same grade and there are enough jobs for the number of staff doing that role.</u></p> <p>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</p>	Members of staff will be slotted directly into the roles available
Ring fencing	<p><u>Where the proposed organisational change identifies that a role in the final structure is substantially similar (in duties, skills, knowledge and abilities required) to the role the employee held before, at the same grade, but there are not enough jobs for the number of affected staff.</u></p> <p>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</p>	<p><u>Voluntary redundancy will be offered in the first instance. This may enable Slot-in to be applied. If there are still not enough jobs for the number of staff, then a competitive selection process will be required which may result in compulsory redundancies.</u></p> <p>A competitive selection process will be required and voluntary redundancy will be offered where appropriate.</p>

Not a match	<p><u>Where an individual's role is being deleted and there are no suitable options for ring fencing that are substantially similar (in duties, skills, knowledge and abilities required) and/or at the same grade.</u>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)</p>	<p><u>Following a period of consultation, individuals will be issued notice of being at risk of redundancy and supported to find alternative employment. Compulsory redundancy would apply if alternative employment is not secured.</u>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).</p>
-------------	---	--

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 take all reasonable steps to avoid a redundancy situation and/or limit the number of redundancies. This may be through redeploying staff, where possible, to suitable alternative roles, potentially in a different section, group or service area. This may also occur through transfer to different but suitable work, as an alternative to redundancy, within the capability of the employee given adequate training and, where necessary, further support and guidance to obtain the skills and knowledge expected. 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 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

~~6.4 Individuals are eligible to apply for redeployment opportunities at the same grade as the post they are being made redundant from. If an individual wishes to apply for a job being advertised that is up to two grades lower than the post they are being made redundant from, then they will need to apply for the role in the normal way, however if they are successful in being recruited to the role then pay protection will apply. If an individual wishes to apply for a job being advertised that is at a higher grade, then they will need to apply for the role in the normal way. 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. Assistance can be sought from HR in relation to CV and/or expression of interest writing. 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 applying for roles whilst at risk of redundancy 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.~~7.1 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 a 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 redundancy payments purposes is 20 years counted backwards from the date of redundancy.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 outstanding 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 conclusion and/or sanction issued is deemed inappropriate based on the information provided at the hearing; 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 an 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 same location.	The individual will not be eligible to claim any travel expenses under this scheme.

12.0 Monitoring and Review

12.1 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.

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 agreed by Joint Staff Committee: 29 November 2017

Date policy formally adopted: 1 January 2018

Date for review: 3 years from formal adoption of policy (1 January 2021)



ADUR & WORTHING
COUNCILS

Equality Impact Assessment – Managing People Change Policy

Name of project/policy/strategy (hereafter referred to as “initiative”):

Managing People Change Policy

Provide a brief summary (bullet points) of the aims of the initiative and main activities:

The policy covers how change will be managed in cases of in-house reorganisations, redundancy and work base relocation in a fair and consistent way.

In the event of an employee being redeployed to a lower graded post as a result of organisational change, pay protection applies for a period of two years (1st year at 100, 2nd year at 50% of previous salary).

Where applications for voluntary severance are being considered, the business case for each application will be evaluated to identify the best options for the Councils taking account of the costs and all other relevant factors.

Aims of this policy are:

- Change is managed in a fair and equitable manner with the least disruption to the organisation and individual staff affected.
- Staff members affected by change are supported effectively through the process.
- Talent in the workforce is retained in periods of change.
- Employment legislation governing the management of change is complied with and litigation avoided.

Project Manager: Amy Newnham

Date: November 2017

Stage 1: ‘Screening’

This stage establishes whether a proposed initiative will have an impact on equality groups, (age, disability, gender, race, religion/belief, sexual orientation), or whether it is “equality neutral” (i.e. have no effect either positive or negative). So for example in the case of gender impact, consider whether men and women are affected differently.

Q.1. Who will benefit from this initiative? Is there likely to be a positive impact on specific equality groups (whether or not they are intended beneficiaries), and if so, how? Or is it clear at this stage that it will be equality “neutral”? i.e. will have no particular effect on any group.

Any and all staff that are affected by change. The policy provides for consultation with affected staff and their representatives to ensure that staff members are aware of the reasons for change and the process for managing it. The policy provides a framework for the consistent and fair treatment of staff including selection for redundancy and where this cannot be avoided, the calculation of redundancy benefits in accordance with a clear and transparent formula.

Equality considerations:

Age – The Council does not have a policy of ‘last in first out’ which could have an adverse impact on younger people.

Disability – equality implications due to disability have been considered and none have been found.

Gender Reassignment – equality implications due to gender reassignment have been considered and none have been found.

Marriage and civil partnership - equality implications due to marriage and civil partnership have been considered and none have been found.

Pregnancy & Maternity – There are provisions in the policy for how those on maternity leave should be supported during a restructure. It is not felt that this group will be adversely impacted compared to other members of staff.

Race/ethnicity - equality implications due to race/ethnicity have been considered and none have been found.

Religion & belief - equality implications due to religion/belief have been considered and none have been found.

Sexual orientation – equality implications due to sexual orientation have been considered and none have been found.

Sex – equality implications due to sex have been considered and none have been found.

Q.2. Is there likely to be an adverse impact on one or more equality group as a result of this initiative? If so, who may be affected and why? Or is it clear at this stage that it will be equality “neutral”?

Consultation has taken place with Unison and no significant concerns have been raised about equality issues due to protected characteristics.

Q.3. Is the impact of the initiative - whether positive or negative - significant enough to warrant a more detailed assessment (Stage 2 - see guidance)? If not, will there be monitoring and review to assess the impact over a period of time? Briefly (bullet points) give reasons for your answer and any steps you are taking to address particular issues, including any consultation with staff or external groups/agencies.

Due to the response in Q2, it is felt that a more detailed assessment is not required at this time. Where impacts have been found, sufficient mitigation is in place (i.e. the Employee Assistance Programme and management training) which it is hoped will ensure no group is adversely impacted. The policy will be reviewed in 3 years’ time

and at this point, the equality impact assessment will also be reviewed to ensure that the impact on those covered by the Equality Act remains “neutral”.