



# HUMAN RESOURCES AND COUNCIL TAX COMMITTEE

AGENDA

<b>DATE:</b>	<b>Thursday, 24 February 2022</b>
<b>TIME:</b>	<b>7.30 pm</b>
<b>VENUE:</b>	<b>Committee Room - Town Hall, Station Road, Clacton-on-Sea, CO15 1SE</b>

**MEMBERSHIP:**

**Councillor Chapman BEM (Chairman)**  
**Councillor Griffiths (Vice-Chairman)**  
**Councillor Amos**  
**Councillor Baker**  
**Councillor Calver**

**Councillor Chittock**  
**Councillor S Honeywood**  
**Councillor Morrison**  
**Councillor M Stephenson**

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**For further details and general enquiries about this meeting, contact Ian Ford Email: [iford@tendringdc.gov.uk](mailto:iford@tendringdc.gov.uk) or Telephone: on 01255686584.**

DATE OF PUBLICATION: Wednesday, 16 February 2022

## AGENDA

### **1 Apologies for Absence and Substitutions**

The Committee is asked to note any apologies for absence and substitutions received from Members.

### **2 Minutes of the Last Meeting (Pages 1 - 6)**

To confirm and sign as a correct record, the minutes of the last meeting of the Committee, held on Wednesday 5 January 2022.

### **3 Declarations of Interest**

Councillors are invited to declare any Disclosable Pecuniary Interests or Personal Interest, and the nature of it, in relation to any item on the agenda.

### **4 Questions on Notice pursuant to Council Procedure Rule 38**

Subject to providing two working days' notice, a Member of the Committee may ask the Chairman of the Committee a question on any matter in relation to which the Council has powers or duties which affect the Tendring District **and** which falls within the terms of reference of the Committee.

### **5 Report of Assistant Director (Finance & IT) - A.1 - Formal Confirmation of Council Tax Amounts for 2022/23 following the notification of the Precepts from the Major Precepting Authorities (Pages 7 - 12)**

To set out and seek confirmation of the final Council Tax amounts for 2022/23 including the precepts issued for 2022/23 by Essex County Council, Essex Police and Essex Fire.

### **6 Report of Assistant Director (Finance & IT) - A.2 - Employer Discretions Update (Pages 13 - 16)**

To update the Human Resources & Council Tax Committee on an amendment required to one of the Council's Employer Discretions, which relate to the Local Government Pension Scheme (LGPS) following the Officer Decision to introduce a new employee benefit, which is a Shared Cost, Salary Sacrifice, Additional Voluntary Contribution Scheme.

### **7 Report of Assistant Director (Partnerships) - A.3 - Organisational Change and Redundancy Policy Review (Pages 17 - 44)**

To update the Human Resources & Council Tax Committee on the review of the Council's Organisational Change and Redundancy Policy in line with employment legislation, identified best practice and changes relating to the Local Government Pension Scheme (Augmentation - Regulation 52).

**Date of the Next Meeting**

*The next meeting of the Human Resources and Council Tax Committee will be held in due course.*

## **Information for Visitors**

**FIRE EVACUATION PROCEDURE**

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**MINUTES OF THE MEETING OF THE HUMAN RESOURCES AND COUNCIL TAX  
COMMITTEE,  
HELD ON WEDNESDAY, 5TH JANUARY, 2022 AT 7.30 PM  
IN THE COMMITTEE ROOM, IN THE TOWN HALL, STATION ROAD, CLACTON-ON-  
SEA, CO15 1SE**

<b>Present:</b>	Councillors Chapman BEM (Chairman), Griffiths (Vice-Chairman), Baker, Calver, Chittock, S Honeywood, Morrison and M Stephenson
<b>Also Present:</b>	Councillor P Honeywood
<b>In Attendance:</b>	Anastasia Simpson (Assistant Director (Partnerships)), Ian Ford (Committee Services Manager), Carol Magnus (Organisational Development Manager), Katie Wilkins (Human Resources and Business Manager) and Matt Cattermole (Communications Assistant)

**75. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS**

There were no apologies for absence or notices of substitution submitted on behalf of Councillors on this occasion.

**76. MINUTES OF THE LAST MEETING**

It was moved by Councillor M E Stephenson, seconded by Councillor Griffiths and:-

**RESOLVED** that the minutes of the last meeting of the Committee, held on Wednesday 20 October 2021, be approved as a correct record and be signed by the Chairman.

**77. DECLARATIONS OF INTEREST**

Councillor Griffiths stated for the public record that he was a member of the GMB union and a Shop Steward but he had no involvement with Tendring District Council in that capacity.

**78. QUESTIONS ON NOTICE PURSUANT TO COUNCIL PROCEDURE RULE 38**

No Questions on Notice had been submitted for this meeting of the Committee.

**79. JOINT REPORT OF THE DEPUTY CHIEF EXECUTIVE AND THE ASSISTANT DIRECTOR (PARTNERSHIPS) - A.1 - CHANGE TO THE TERMS AND CONDITIONS OF THE POST OF CHIEF EXECUTIVE**

The Committee had before it a joint report of the Deputy Chief Executive and the Assistant Director (Partnerships) (A.1) which enabled it to decide whether to recommend a change in the Terms and Conditions of the current Chief Executive post holder by reducing the hours of employment from 37 to 27.75 hours per week (a reduction of 25%). Approval for any such change would have to be formally agreed by Full Council.

Members were aware that the terms and conditions of employment for Chief Executives in local authorities were agreed nationally as part of the Joint Negotiating Committee for Local Authority Chief Executives. The terms and conditions of the current post of the Chief Executive at Tendring District Council had been in place since the appointment of the current post holder on 1<sup>st</sup> December 2010. In the intervening years the practices of the Council, in line with legislative changes and best practice, had developed to enable more flexible ways of working; this included enabling staff to request reductions in hours and varied work patterns. The terms and conditions of employment for the post of Chief Executive were agreed by Council following the advice and recommendations of the Human Resources and Council Tax Committee.

The report now before the Committee detailed a request to change one element of those terms; namely a reduction in the hours of employment by 25%. It was noted that this change was being proposed, at the request of the current post holder.

Members noted that it was not intended that this request would require cover by the Council's senior management team or other resources, and by accepting the proposed change in hours, the Council would be agreeing to a Chief Executive operating on reduced hours. However, the post holder remained fully committed to Tendring District Council and the reduction of hours would be spread across the full working week ensuring that the Chief Executive continued to be available to the organisation from Monday to Friday. Details of specific practical and operational arrangements would be agreed with the Leader of the Council prior to implementation.

The Committee was made aware that the proposed reduction in hours would result in a salary saving of £43,899.70 per annum for the Council.

The Committee was informed that the Leader of the Council, Councillor Neil Stock OBE, had been consulted regarding this proposed change and he had advised that he fully supported the proposal and he had responded as follows:-

*“When Ian Davidson was appointed as Tendring’s Chief Executive over a decade ago the Council was in a very sorry state; the Audit Commission had published a damning report that highlighted “issues of probity and perceptions of corruption” within the planning function; decision making was overly bureaucratic and intensely risk-averse, relations between members were overly antagonistic while dealings between members and officers were based on suspicion and mistrust. Fundamentally, the reputation of the Authority across the wider local government world was exceedingly poor.*

*Ian changed all that. Through his positivity, can-do spirit and tireless determination and enthusiasm Tendring District Council is now widely regarded as one of the best-run and the most ambitious local authorities in the country. We have all played our part in that incredible progress; all the members and officers who have been involved with the Council over the past ten years have done their bit to make it the outstanding local authority that we know today, but it is Ian who has led from the front, who has always demanded the best and who has been the inspiration for all our successes.*

*So, whilst an employer of the size and scale as Tendring District Council has a duty to consider any reasonable request that a member of staff may make to vary the terms and conditions of their employment, I am especially happy to support this request from our Chief Executive, as quite frankly I think it is the least we owe him. I would also like to*

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*acknowledge that as part of this request he has stated his continued commitment to the Council, and I would like simply to say thank you.”*

Councillors Griffiths, Baker, Calver, M E Stephenson and Morrison asked questions regarding this matter which were responded to by either the Assistant Director (Partnerships) or the Organisational Development Manager.

With the permission of the Chairman, Councillor Calver made a statement strongly condemning the vitriolic online abuse that the Chief Executive had been the subject of since this matter had been placed in the public domain. The Chairman endorsed those sentiments.

Having considered the Chief Executive's request and its implications for this Council:-

It was moved by Councillor Baker, seconded by Councillor Calver and:-

**RESOLVED** that this Committee -

- (a) notes the request of the current Chief Executive to reduce his hours of employment from 37 hours to 27.75 hours;
- (b) supports the request, acknowledging the reduction of the Chief Executive's availability and that additional cover will not be provided for the reduction in working hours; and
- (c) recommends to Full Council that:
  - (i) the terms and conditions of the employment of the current Chief Executive shall be amended to 27.75 hours per week with effect from 31<sup>st</sup> March 2022;
  - (ii) this change be reviewed after an initial period of six months operation and then at twelve month intervals following that; and
  - (iii) the post will remain at 37 hours on the Council's establishment.

**80. REPORT OF ASSISTANT DIRECTOR (PARTNERSHIPS) - A.2 - PAY POLICY STATEMENT 2022/23**

The Committee was aware that the Localism Act 2011 (Section 38(1)) required Tendring District Council to prepare a pay policy statement each year. That pay policy statement was required to articulate the Council's approach to a range of issues relating to the pay of its workforce, particularly its senior staff (or 'chief officers') and its lowest paid employees.

The matters that had to be included in the statutory Pay Policy Statement were as follows:

- “• *A local authority's policy on the level and elements of remuneration for each Chief Officer.*

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- *A local authority's policy on the remuneration of its lowest-paid employees (together with its definition of "lowest-paid employees" and its reasons for adopting that definition).*
  - *A local authority's policy on the relationship between the remuneration of its Chief Officers and other Officers.*
  - *A local authority's policy on other aspects of Chief Officers' remuneration: remuneration on recruitment increases and additions to remuneration, use of performance related pay and bonuses, termination payments and transparency."*

The statement was also required to be published on the Council's website following each review and its approval by Full Council.

It was reported that the Pay Policy Statement 2022/23 had been designed to give an overview of the Council's framework regarding pay and rewards for staff within the Council. The framework was based on the principle of fairness and that rewards should be proportional to the weight of each role and each individual's performance. The framework aimed to ensure the ability of the Council to recruit talented individuals whilst ensuring value for money for the council taxpaying residents of Tendring.

Members were reminded that the Council had a statutory and contractual obligation to adopt the NJC pay spine and that the last agreed inflationary pay award of 2.75% (paid across the pay spine) had been awarded for 2020/21. Agreement had yet to be reached between National Employers and National Unions, regarding the Pay Award for 2021/22. On 19 October 2021, the National Employers had agreed by a majority to reaffirm their offer made to National Unions on 27 July 2021 as full and final.

The Committee was informed that the Conditions of Employment with Tendring District Council in the main conformed to those established for local government generally by the NJC, commonly known as the 'Green Book'. Agreements reached by the NJC were 'collective agreements' and if they were incorporated into employees' contracts of employment, then the changes took effect automatically.

It was reported that the Pay Policy Statement for 2022/23 provided updated information on the Council's pay spine and remuneration arrangements. There was limited change reported in the 2022/23 Statement. The Pay Policy Statement for 2022/23 also included Gender Pay Gap Reporting figures, in line with the Equality Act 2010 (Specific Duties and Public Authorities) Regulations 2017.

A summary of the Council's Gender Pay Gap figures was as follows:

Mean difference across Gender

The difference between the male and female mean hourly rate was £1.02. The male mean hourly rate was 7.7% higher than the female mean hourly rate.

Median difference across Gender

The difference between the male and female median hourly rate was £0.40. The female median hourly rate was 3.5% higher than the male median hourly rate.



UNISON had been consulted on those proposals and had confirmed its agreement as follows:-

*"In my capacity as Unison Chairman, I have reviewed the Pay Policy 2022/23 and am happy for it to be adopted".*

Councillor Chapman asked a question pertaining to this matter which was responded to by the Assistant Director (Partnerships).

Following discussion it was moved by Councillor Griffiths, seconded by Councillor Chittock and:-

**RESOLVED** that this Committee recommends to Full Council that the Pay Policy Statement 2022/23, as set out in the Appendix to item A.2 of the Report of the Assistant Director (Partnerships), be adopted.

**81. EXCLUSION OF PRESS AND PUBLIC**

It was moved by Councillor Griffiths, seconded by Councillor Baker and:-

**RESOLVED** that under Section 100A(4) of the Local Government Act 1972, the press and public be excluded from the meeting during consideration of Agenda Item 8 on the grounds that it involves the likely disclosure of exempt information as defined in paragraphs 2, 3 and 4 of Part 1 of Schedule 12A, as amended, of the Act.

**82. EXEMPT MINUTE OF THE MEETING OF THE HUMAN RESOURCES & COUNCIL TAX COMMITTEE HELD ON WEDNESDAY 20 OCTOBER 2021**

Councillor M E Stephenson informed the Committee that this Minute should also have included a reference to the fact that this Council had requested the East of England Local Government Association (EELGA) to undertake a pay review of its staffing pay grades.

It was moved by Councillor M E Stephenson, seconded by Councillor Griffiths and:-

**RESOLVED** that the exempt minute of the meeting of the Committee, held on Wednesday 20 October 2021, be approved as a correct record and be signed by the Chairman, subject to the inclusion of the aforementioned addition.

**83. COUNCILLOR JAYNE CHAPMAN BEM**

The Assistant Director (Partnerships) congratulated Councillor Chapman on being awarded the British Empire Medal (BEM) in the New Year Honour's List.

Members gave Councillor Chapman a round of applause.

The meeting was declared closed at 8.02 pm

**Chairman**

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## HUMAN RESOURCES AND COUNCIL TAX COMMITTEE

24 FEBRUARY 2022

### REPORT OF ASSISTANT DIRECTOR (FINANCE AND IT)

#### **A.1 FORMAL CONFIRMATION OF COUNCIL TAX AMOUNTS FOR 2022/23 FOLLOWING THE NOTIFICATION OF THE PRECEPTS FROM THE MAJOR PRECEPTING AUTHORITIES**

(Report prepared by Richard Bull)

#### **PART 1 – KEY INFORMATION**

##### **PURPOSE OF THE REPORT**

To set out and seek confirmation of the final Council Tax amounts for 2022/23 including the precepts issued for 2022/23 by Essex County Council, Essex Police and Essex Fire.

##### **EXECUTIVE SUMMARY**

At its meeting on the 15 February 2022, Council considered the Executive's Budget and Council Tax proposals for 2022/23 and as part of this process the Council Tax for District and Parish / Town Council Services was approved.

Once the precepts are received from the major precepting authorities, the Human Resources and Council Tax Committee has the delegated responsibility to agree the total Council Tax for 2022/23. The total Council Tax for the year is made up of the District and Parish / Town Council amounts approved by Council on 15 February 2022 and the corresponding amounts agreed by the major precepting authorities. Legislation requires this formal confirmation even though the process is dictated by legislative formulae and there is no actual judgement or choice to be made.

The precepts from the major precepting authorities for 2022/23 result in the final Council Tax amounts, as set out in **Appendix C**, for formal confirmation by the Committee.

##### **RECOMMENDATION(S)**

**(a) That the precepts issued by Essex County Council, Essex Police and Essex Fire set out in Appendix A attached to this report are noted.**

**(b) That the amounts of Council Tax for 2022/23 shown at Appendix C for each of the categories of dwellings are confirmed.**

#### **PART 2 – SUPPORTING INFORMATION**

##### **CONFIRMATION OF COUNCIL TAX AMOUNTS 2022/23 - AGGREGATION OF PRECEPTS**

Although the calculation of the Council's Council Tax Requirement is a function of the full Council and may not be delegated, the final confirmation of the Council Tax amounts is delegated to the Human Resources and Council Tax Committee. Legislation requires this formal confirmation even though the process is dictated by legislative formulae and there is no actual judgement or choice to be made.

In respect of the Council Tax for District and Parish / Town Councils' Services for 2022/23, these were approved by Full Council on 15 February 2022 and are set out in **Appendix B**.

The Council Tax amounts expressed as Council Tax Band D equivalents for each of the major precepting authorities are as follows:

<b>Precepting Authority</b>	<b>Council Tax Amount</b>	<b>Increase</b>
Essex County Council	£1,401.12	4.49%
Essex Fire Services	£75.33	1.95%
Essex Police Services	£218.52	4.79%

When added to the amounts relating to the District and Parish / Town Council Services as approved by Council on 15 February 2022, the average Band D Tax totals **£1,923.17** for 2022/23. **Appendix A** sets out the full precept details.

**Appendix C** sets out for confirmation the 2022/23 Council Tax amounts including the precepts from the major precepting authorities by property band for the unparished and parished areas of the district.

#### **BACKGROUND PAPERS FOR THE DECISION**

None

#### **APPENDICES**

**Appendix A** - Precepts on the Collection Fund

**Appendix B** - District and Parish/Town Council Tax Amounts 2022/23 (as approved by Council on 15 February 2022)

**Appendix C** - County, Fire, Police, District and Parish/Town Council Tax Amounts 2022/23

## PRECEPTS ON THE COLLECTION FUND

2021/22			2022/23		
48,435.6		Council Tax Base	49,892.2		
Amount	Council Tax		Amount	Council Tax	Change in Tax
£'000	£		£'000	£	%
8,517	175.84	Total Net Budget	9,398	188.37	
(5,931)	(122.45)	Less Government Support/Business Rates	(3,477)	(69.69)	
<b>2,586</b>	<b>53.39</b>	<b>Net District Council Expenditure</b>	<b>5,921</b>	<b>118.68</b>	
6,018	124.25	Less Collection Fund deficit	3,191	63.96	
<b>8,604</b>	<b>177.64</b>	<b>District Council Services</b>	<b>9,112</b>	<b>182.64</b>	<b>2.81%</b>
8,043	166.05	District General Expenses	8,540	171.18	<b>3.09%</b>
561	11.59	District Special Expenses	572	11.46	<b>-1.12%</b>
<b>8,604</b>	<b>177.64</b>	<b>Council Tax Requirement (TDC)</b>	<b>9,112</b>	<b>182.64</b>	<b>2.81%</b>
2,101	43.37	Parish Council Services	2,273	45.56	<b>5.05%</b>
<b>10,705</b>	<b>221.01</b>	<b>Council Tax Requirement (incl. parishes)</b>	<b>11,385</b>	<b>228.20</b>	<b>3.25%</b>
64,948	1,340.91	County Council Services	69,905	1,401.12	<b>4.49%</b>
3,579	73.89	Essex Fire Services	3,758	75.33	<b>1.95%</b>
10,100	208.53	Essex Police Services	10,903	218.52	<b>4.79%</b>
<b>89,332</b>	<b>1,844.34</b>	<b>Total Average District Tax</b>	<b>95,951</b>	<b>1,923.17</b>	<b>4.27%</b>

Band	Essex County Council £	Essex Fire Services £	Essex Police Services £
A	934.08	50.22	145.68
B	1,089.76	58.59	169.96
C	1,245.44	66.96	194.24
D	1,401.12	75.33	218.52
E	1,712.48	92.07	267.08
F	2,023.84	108.81	315.64
G	2,335.20	125.55	364.20
H	2,802.24	150.66	437.04

## DISTRICT AND PARISH/TOWN COUNCIL TAX AMOUNTS 2022/23

<b>Band</b>	<b>A</b>	<b>B</b>	<b>C</b>	<b>D</b>	<b>E</b>	<b>F</b>	<b>G</b>	<b>H</b>
<b>Multiplier</b>	<b>(6/9)</b>	<b>(7/9)</b>	<b>(8/9)</b>	<b>(9/9)</b>	<b>(11/9)</b>	<b>(13/9)</b>	<b>(15/9)</b>	<b>(18/9)</b>
<b>Parished or Unparished Area</b>								
Unparished Area:								
Clacton	127.68	148.96	170.24	191.52	234.08	276.64	319.20	383.04
Parishes of :								
Alresford	179.79	209.76	239.72	269.69	329.62	389.55	449.48	539.38
Ardleigh	156.52	182.61	208.69	234.78	286.95	339.13	391.30	469.56
Beaumont-cum-Moze	137.31	160.19	183.08	205.96	251.73	297.50	343.27	411.92
Great Bentley	204.15	238.17	272.20	306.22	374.27	442.32	510.37	612.44
Little Bentley	132.85	154.99	177.13	199.27	243.55	287.83	332.12	398.54
Bradfield	204.33	238.38	272.44	306.49	374.60	442.71	510.82	612.98
Brightlingsea	157.57	183.84	210.10	236.36	288.88	341.41	393.93	472.72
Great Bromley	151.90	177.22	202.53	227.85	278.48	329.12	379.75	455.70
Little Bromley	125.23	146.11	166.98	187.85	229.59	271.34	313.08	375.70
Little Clacton	165.19	192.73	220.26	247.79	302.85	357.92	412.98	495.58
Elmstead	151.23	176.43	201.64	226.84	277.25	327.66	378.07	453.68
Frating	138.58	161.68	184.77	207.87	254.06	300.26	346.45	415.74
Frinton and Walton	177.79	207.42	237.05	266.68	325.94	385.20	444.47	533.36
Harwich	149.63	174.57	199.51	224.45	274.33	324.21	374.08	448.90
Lawford	170.36	198.75	227.15	255.54	312.33	369.11	425.90	511.08
Manningtree	153.76	179.39	205.01	230.64	281.89	333.15	384.40	461.28
Mistley	171.33	199.89	228.44	257.00	314.11	371.22	428.33	514.00
Great Oakley	158.79	185.25	211.72	238.18	291.11	344.04	396.97	476.36
Little Oakley	149.57	174.49	199.42	224.35	274.21	324.06	373.92	448.70
Ramsey and Parkeston	182.63	213.07	243.51	273.95	334.83	395.71	456.58	547.90
St Osyth	167.29	195.17	223.05	250.93	306.69	362.45	418.22	501.86
Tendring	143.23	167.11	190.98	214.85	262.59	310.34	358.08	429.70
Thorpe-le-Soken	159.79	186.42	213.05	239.68	292.94	346.20	399.47	479.36
Thorrington	146.81	171.27	195.74	220.21	269.15	318.08	367.02	440.42
Weeley	154.27	179.98	205.69	231.40	282.82	334.24	385.67	462.80
Wix	160.77	187.56	214.36	241.15	294.74	348.33	401.92	482.30
Wrabness	133.61	155.87	178.14	200.41	244.95	289.48	334.02	400.82

## COUNTY, FIRE, POLICE, DISTRICT AND PARISH/TOWN COUNCIL TAX AMOUNTS 2022/23

Band	A	B	C	D	E	F	G	H
Multiplier	(6/9)	(7/9)	(8/9)	(9/9)	(11/9)	(13/9)	(15/9)	(18/9)
<b>Parished or Unparished Area</b>								
Unparished Area:								
Clacton	1,257.66	1,467.27	1,676.88	1,886.49	2,305.71	2,724.93	3,144.15	3,772.98
Parishes of:								
Alresford	1,309.77	1,528.07	1,746.36	1,964.66	2,401.25	2,837.84	3,274.43	3,929.32
Ardleigh	1,286.50	1,500.92	1,715.33	1,929.75	2,358.58	2,787.42	3,216.25	3,859.50
Beaumont-cum-Moze	1,267.29	1,478.50	1,689.72	1,900.93	2,323.36	2,745.79	3,168.22	3,801.86
Great Bentley	1,334.13	1,556.48	1,778.84	2,001.19	2,445.90	2,890.61	3,335.32	4,002.38
Little Bentley	1,262.83	1,473.30	1,683.77	1,894.24	2,315.18	2,736.12	3,157.07	3,788.48
Bradfield	1,334.31	1,556.69	1,779.08	2,001.46	2,446.23	2,891.00	3,335.77	4,002.92
Brightlingsea	1,287.55	1,502.15	1,716.74	1,931.33	2,360.51	2,789.70	3,218.88	3,862.66
Great Bromley	1,281.88	1,495.53	1,709.17	1,922.82	2,350.11	2,777.41	3,204.70	3,845.64
Little Bromley	1,255.21	1,464.42	1,673.62	1,882.82	2,301.22	2,719.63	3,138.03	3,765.64
Little Clacton	1,295.17	1,511.04	1,726.90	1,942.76	2,374.48	2,806.21	3,237.93	3,885.52
Elmstead	1,281.21	1,494.74	1,708.28	1,921.81	2,348.88	2,775.95	3,203.02	3,843.62
Frating	1,268.56	1,479.99	1,691.41	1,902.84	2,325.69	2,748.55	3,171.40	3,805.68
Frinton and Walton	1,307.77	1,525.73	1,743.69	1,961.65	2,397.57	2,833.49	3,269.42	3,923.30
Harwich	1,279.61	1,492.88	1,706.15	1,919.42	2,345.96	2,772.50	3,199.03	3,838.84
Lawford	1,300.34	1,517.06	1,733.79	1,950.51	2,383.96	2,817.40	3,250.85	3,901.02
Manningtree	1,283.74	1,497.70	1,711.65	1,925.61	2,353.52	2,781.44	3,209.35	3,851.22
Mistley	1,301.31	1,518.20	1,735.08	1,951.97	2,385.74	2,819.51	3,253.28	3,903.94
Great Oakley	1,288.77	1,503.56	1,718.36	1,933.15	2,362.74	2,792.33	3,221.92	3,866.30
Little Oakley	1,279.55	1,492.80	1,706.06	1,919.32	2,345.84	2,772.35	3,198.87	3,838.64
Ramsey and Parkeston	1,312.61	1,531.38	1,750.15	1,968.92	2,406.46	2,844.00	3,281.53	3,937.84
St Osyth	1,297.27	1,513.48	1,729.69	1,945.90	2,378.32	2,810.74	3,243.17	3,891.80
Tendring	1,273.21	1,485.42	1,697.62	1,909.82	2,334.22	2,758.63	3,183.03	3,819.64
Thorpe-le-Soken	1,289.77	1,504.73	1,719.69	1,934.65	2,364.57	2,794.49	3,224.42	3,869.30
Thorrington	1,276.79	1,489.58	1,702.38	1,915.18	2,340.78	2,766.37	3,191.97	3,830.36
Weeley	1,284.25	1,498.29	1,712.33	1,926.37	2,354.45	2,782.53	3,210.62	3,852.74
Wix	1,290.75	1,505.87	1,721.00	1,936.12	2,366.37	2,796.62	3,226.87	3,872.24
Wrabness	1,263.59	1,474.18	1,684.78	1,895.38	2,316.58	2,737.77	3,158.97	3,790.76

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## HUMAN RESOURCES & COUNCIL TAX COMMITTEE

24 FEBRUARY 2022

### REPORT OF ASSISTANT DIRECTOR (FINANCE & IT)

#### A.2 EMPLOYER DISCRETIONS UPDATE

*(Prepared by Cathy Calder)*

#### PART 1 – KEY INFORMATION

<b>PURPOSE OF THE REPORT</b>
To update the Human Resources & Council Tax Committee on an amendment required to one of the Council's Employer Discretions, which relate to the Local Government Pension Scheme (LGPS) following the Officer Decision to introduce a new employee benefit, which is a Shared Cost, Salary Sacrifice, Additional Voluntary Contribution Scheme.
<b>EXECUTIVE SUMMARY</b>
<p>Historically, employers had no discretions about how the scheme rules were applied, as this was dictated by LGPS, and implemented by the administering bodies, in the Council's case, Essex Pension Authority. When the scheme itself changed, in 2008 &amp; 2014 some decisions were passed to the employing authorities themselves.</p> <p>Under the LGPS (Administration) Regulations 2008, effective from 1<sup>st</sup> April 2008, all employers participating in the LGPS scheme were required to prepare and publish a written statement on how it will exercise the various discretions provided by the scheme.</p> <p>The Council's current discretion relating to Additional Pension Contributions states that <b>no</b> shared cost arrangement is permitted, in order to protect the Council from any additional costs. However, if the Shared Cost AVC is achieved by introducing a Salary Sacrifice arrangement, then the amount of pay sacrificed is deemed to be the employer's contribution, and the direct contribution (of £1) is deemed to be the employee's contribution, hence it will not cost the Council more.</p> <p>Indeed, by allowing employees to enter into a Shared Cost AVC, the Council will enable qualifying employees to save National Insurance contributions on the salary sacrificed amount, as well as reducing the National Insurance bill for the Council itself, as the Salary Sacrifice element will not be subject to deduction of neither employee, nor employer contributions.</p>
<b>RECOMMENDATION(S)</b>
<b>It is recommended that the Human Resources &amp; Council Tax Committee approves the amendment to one of the Council's Employer Discretions.</b>

## PART 2 – IMPLICATIONS OF THE DECISION

<b>DELIVERING PRIORITIES</b>
By introducing this employee benefit it will contribute to the following Corporate Priorities: Delivering High Quality Services – attraction and retention of staff. Strong Finance and Governance – 10 year financial plan.
<b>FINANCE, OTHER RESOURCES AND RISK</b>
No specific risks have been identified. Indeed, by offering this employee benefit the Council will save Employer National Insurance contributions.
<b>LEGAL</b>
The Council has a duty to ensure its Employer discretions document is up to date.
<b>OTHER IMPLICATIONS</b>
None.

## PART 3 – SUPPORTING INFORMATION

<b>Employer Discretions</b>
The wording in the discretion should be amended to:  <i>“The Council will pay shared cost AVC’s where an employee has elected to pay AVC’s by Salary Sacrifice. The amount of these employer shared cost AVC’s will not exceed the amount of salary sacrificed by the employee. This is a Council discretion which is subject to the employee meeting the conditions for acceptance into the Salary Sacrifice shared cost AVC scheme and may be withdrawn or changed at any time”.</i>
<b>CONCLUSIONS</b>
That the amended wording for this Employer discretion is agreed.
<b>APPENDICES</b>
<b>Appendix A - Discretion amendment wording</b>



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## HUMAN RESOURCES & COUNCIL TAX COMMITTEE

24 FEBRUARY 2022

### REPORT OF ASSISTANT DIRECTOR (PARTNERSHIPS)

#### A.3 ORGANISATIONAL CHANGE AND REDUNDANCY POLICY REVIEW (Prepared by Katie Wilkins)

##### PART 1 – KEY INFORMATION

<b>PURPOSE OF THE REPORT</b>
To update the Human Resources & Council Tax Committee on the review of the Council's Organisational Change and Redundancy Policy in line with employment legislation, identified best practice and changes relating to the Local Government Pension Scheme (Augmentation - Regulation 52).
<b>EXECUTIVE SUMMARY</b>
<p>The purpose of the review of the Council's Organisational Change and Redundancy Policy is principally to incorporate changes made as a result of the amendments made to the Local Government Pension Scheme in relation to compensation payments for early release (Augmentation – Regulation 52). This regulation has been replaced by Regulation 31 – which is covered by the Authority's Pension Discretions.</p> <p>The Organisational Change and Redundancy Policy follows the ACAS guidance on handling redundancy situations and best practice. The policy provides both employees and managers with a clear and comprehensive framework for dealing with redundancy situations.</p> <p>Throughout the policy, an additional reference has been made to the Council's Employee Assistance Programme which is further support the Council provides to employees.</p> <p>Unison has been consulted on the revised Organisational Change and Redundancy Policy and have offered agreement and support for the implementation of these proposals.</p> <p>For ease of reading, the changes to the updated policy are in <del>strikethrough</del> text or <i>italic</i> text and are indicated in <b>red</b> font.</p>
<b>RECOMMENDATION(S)</b>
<b>It is recommended that the Committee notes and endorses the content of the revised Organisational Change and Redundancy Policy.</b>

##### PART 2 – IMPLICATIONS OF THE DECISION

<b>DELIVERING PRIORITIES</b>
This updated policy will ensure that the organisation continues to observe recognised best practice and employment legislation as a responsible employer.
<b>FINANCE, OTHER RESOURCES AND RISK</b>
No specific risks have been identified. This is a policy refresh and update which is needed to ensure best practice and continued legal compliance. This work sits within existing budgets.

<b>LEGAL</b>
The Council has a duty to ensure its Organisational Change and Redundancy Policy is compliant in accordance with employment law and best practice in line with ACAS Codes of Practice and guidance.
<b>OTHER IMPLICATIONS</b>
None

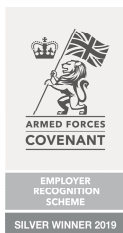
### **PART 3 – SUPPORTING INFORMATION**

<b>Organisational Change and Redundancy Policy</b>
<p>The Council's Organisational Change and Redundancy Policy has undergone a review.</p> <p>There have been no substantial changes to the Policy apart from the deletion of wording in section 4.1 which details the discretion afforded to Council's to buy additional years' service for employees (Augmentation).</p> <p>The document ensures that the Council adheres to current legislation and follows best practice, as outlined in the ACAS guidance on handling redundancy situations specifically:</p> <ul style="list-style-type: none"> <li>▪ Definition of Redundancy;</li> <li>▪ Consultation; and</li> <li>▪ Statutory Notification.</li> </ul> <p>The policy offers a fair and consistent approach to all our employees. It gives clear guidance on what the expectations are of the employee and the manager in relation to dealing with an organisational change and redundancy situation.</p> <p>Reference has been added to the Employee Assistance Programme (EAP) in section 2, section 3.5 and in Appendix A.</p> <p>The Policy has been updated to include the responsibilities of Assistant Directors which, for the purposes of this policy, mirrors the responsibilities of the Heads of Departments.</p>
<b>CONCLUSIONS</b>
The updated Organisational Change and Redundancy Policy will ensure that the Council maintains its high standard of employment practices and has a policy that observes best practice and current employment legislation.
<b>APPENDICES</b>
Organisational Change and Redundancy Policy – October 2021

**A.3 APPENDIX**

# **ORGANISATIONAL CHANGE AND REDUNDANCY POLICY**

**Issued by - Human Resources  
Updated – February 2022**



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# TENDRING DISTRICT COUNCIL

## REDUNDANCY POLICY AND PROCEDURE

### 1.0 INTRODUCTION

The constantly changing nature of the Council's technological, economic and political operating environment requires the Council to maintain a constant review of organisational structures and staffing numbers. The Council needs to be flexible in adapting its structures and work organisation to ensure it has the right capabilities to deliver its services in the most appropriate manner.

Symptoms that might indicate a need for organisational restructuring include:

- New skills and competencies are needed to meet current or expected operational requirements.
- Accountability for delivery of key corporate goals is confused by current structures.
- Changes in service demand/provision means that parts of the organisation needs to be refocused or re-engineered to provide the most efficient mix of staffing resources.
- Organisational communications are inconsistent, fragmented, and inefficient.
- Technology and/or innovation are creating changes in workflow and work processes.
- Personnel retention and turnover is a significant problem.
- Workforce productivity is stagnant or deteriorating.
- Funding arrangements have changed.

It is recognised that whatever organisational change is necessary, the Council can only be successful through the effective employment and utilisation of its workforce, therefore it is necessary to have a balanced and fair approach to restructuring, and when necessary to redundancies.

### 2.0 RESTRUCTURING

Before any restructuring, whether minor or major, is considered advice and guidance must be sought from Human Resources.

Those responsible for restructuring must work with Human Resources to establish a Transition Plan from the old to the new structure, which is clear and transparent and communicated to all involved.

The Transition Plan should identify the following elements:

- Consultation (*direct and with recognised trade unions*) at the start of any review phase.
- Details of the timescale for the review and how it will be conducted.
- The opportunity for employees to be involved in the review process through appropriate consultation.
- Regular progress reviews.
- Compliance with the National Single Status Job Evaluation Scheme before any final structure is approved.

Specific jobs, that have a clear match between the old and new structure, will be identified at the earliest opportunity, and post holders will be slotted into what is effectively the same job in the new structure and notified as soon as possible. A "directly comparable post" will be a post where a post in the new structure has been created from one role in the old structure with no significant additions or reductions and there is only one potential post holder at risk. On the converse, where for example a role in the new structure combines aspects of two or more roles from the old structure the post holders at risk will all be ring fenced to the new role.

There may be instances where the change may take some time to implement, in which case maximum employee flexibility and involvement is required. This could result in staff carrying out different duties than before, which may subsequently change again, this is particularly relevant with the introduction of new technology. It is important that we recognise this fact and adopt the following principles:

- We will seek the co-operation of employees to work flexibly during the change period.
- Consideration will be given to the development of a change management programme. This may involve training and development about new ways of working, or aimed at developing new skills.
- The grade and terms and conditions of the employee's permanent post will apply until such time as they revert to their permanent post, or the new structure post is evaluated.
- During the period of change, good communications are essential and the approach will differ according to circumstances and will involve a variety of methods including meetings, bulletins, and "one to ones" or emails.
- Counselling, support and advice will be provided to employees at all times by trained Human Resources staff, and where appropriate by referral to the Council's Employee Assistance Programme (EAP).

## 2.1 Approval of New Structures

Before any new structure is approved, any newly defined jobs within the scope of the National Single Status Job Evaluation Scheme must be evaluated.

In the case of a major restructure of Services, it will be necessary at the end of the process to identify any unchanged posts that appear inconsistent, in respect to the evaluated new posts and for check job evaluations to be carried out and the results implemented.

A restructuring report must be provided that will include:

- Rationale for the change
- Before and after structure charts
- Clear indication of which posts are being deleted, changed and added
- Implications and detailed costings.
- If appropriate the numbers and types of posts that are redundant and the actions to be taken to avoid/reduce these numbers.

Job Descriptions and Universal Competency Framework based Person Specifications in respect of changed jobs must be completed at the earliest opportunity by those carrying out the review and accompany all letters confirming appointments, which will be sent out by Human Resources (*unless these are to be developed in conjunction with the post holder as part of the consultation process*).

The report will be considered by the Chief Executive at Management Team utilising the power delegated by Full Council on the 31<sup>st</sup> May 2011.

Part 3 10 Delegated to Officers No. 11

*“Regarding, restructuring and the fixing of staffing levels except in cases where Section 4 of the Local Government and Housing Act 1989 makes it appropriate for the full Council to consider any specific proposals of the Head of Paid Service in this regard.” To be delegated to the Chief Executive.*

## 2.2 Introducing the New Structure

In cases where a new structure is introduced and the duties do not fit the definition of "directly comparable" as set out in 2 above, those posts will be "ring fenced" (where appropriate) to the Department(s) and staff will be invited to apply for these posts by way of Application Form and interviews which will take place in accordance with the Council's Recruitment and Selection Policy. No post will be advertised externally until it has been

established that there are no suitable internal candidates. Trade Unions will be consulted at every stage.

The Council's Protection Policy will apply in the event of any downgrading occurring.

Where there is a dispute on "directly comparability" an appeal must be lodged in writing to their Head of Department/Assistant Director clearly stating their grounds of appeal. See the Council's Appeal Policy for details.

### **3.0 REDUNDANCY**

The Council will seek to safeguard the job security and prospects of all of its employees. However as it adapts to change, the composition and size of its workforce may need to be reviewed from time to time and there may be occasions when, as a result of the adaptations, some jobs become redundant.

In these circumstances, the Council will seek to offer suitable alternative employment to any employee whose job is redundant and compulsory redundancy will only be instigated once all reasonable alternatives have been explored within an appropriate timeframe.

When redundancy is unavoidable, the Council will initially seek, wherever possible, to select employees who volunteer for redundancy, before resorting to compulsory redundancy. However, because of the need to retain essential knowledge and skills within the Council, those who volunteer for redundancy **will not** automatically be selected.

Other than in exceptional cases (*e.g., cover for maternity leave*), which will be a dismissal for "some other substantial reason," the completion of a fixed term period of employment may also be a redundancy\* and the same arrangements will apply to that of a permanent employee (*\*Fixed-term employees have a right to statutory redundancy pay if they have been continuously employed for two years or more*).

The recognised trade unions will have full involvement throughout the procedure and employees may be accompanied by their trade union representative, or work colleague at any stage of the procedure.

#### **3.1 Application and Definition of Redundancy**

This procedure will apply where one or more employees are at risk of, or under notice of, redundancy by the Council.

A dismissal because of redundancy is defined as follows by the Employment Rights Act 1996:

*An employee who is dismissed will have been dismissed for redundancy if the dismissal is attributable wholly or mainly to the fact that:-*

- (a) The employer has ceased or intends to cease:
  - (i) To carry on the business for the purposes of which the employee was employed; or*
  - (ii) To carry on the business in the place where the employee was employed; or**
  
- (b) The requirement of the business for employees:
  - (i) To carry out work of a particular kind; or*
  - (ii) To carry out work of a particular kind in the place where the employee was employed; have ceased or diminished, or are expected to cease or diminish.**

This is the definition that is relevant for the purposes of determining whether or not a dismissal is fair and whether or not the employee is entitled to a redundancy payment.

This definition referred to above does not in any way prejudice the application of the Transfer of Undertakings (Protection of Employment) Regulations 2006 (TUPE), where these are deemed to apply, or the mobility clause contained within the Staff Handbook.

Redundancy may also occur where re-organisation of a service, section or job will result in significant changes or reduction in the nature of the work, the hours, the salary, the job location or status. However, redundancy is a complex area of employment law so managers must involve Human Resources as soon as they become aware that a redundancy situation might occur.

### **3.2 Consultation**

*The Council will notify, for the purposes of consultation, the recognised trade unions, in good time, where there is a proposal to make one or more employees redundant. The statutory minimum consultation periods for proposed redundancies set out below will always be observed – these are:*

- 20 to 99 redundancies - the consultation must start at least 30 days before any dismissals take effect*
- 100 or more redundancies - the consultation must start at least 45 days before any dismissals take effect*

The Council will disclose in writing basic information relating to:

- The reason for the proposals.
- The number and description of employees affected
- The total number of employees of that description at the establishment in question.
- The proposed method of selecting the employees and carrying out the redundancies.
- The proposed method of calculating redundancy payments.

Any consultation will also seek ways of:-

- Avoiding the redundancy.
- Reducing the numbers of employees to be made redundant.
- Mitigating the consequences of any redundancies.

For details of a model consultation procedure please see Appendix A.

### **3.3 Statutory Notification**

*'Collective Consultation' rules must be followed if the organisation (defined as the whole of the organisation) is intending on making 20 or more employees redundant within any 90-day period.*

*There are no set rules to follow if there are fewer than 20 redundancies planned, but its good practice to fully consult employees and their representatives.*

#### *Notification*

*The Redundancy Payments Service (RPS) must also be notified before a consultation starts. The deadline depends on the number of proposed redundancies.*

*Notify RPS by filling in form HR1. Instructions on where to send it are on the form.*

*The deadline for notifying RPS depends on the number of proposed redundancies.*

- *20 to 99 proposed redundancies - 30 days before the first redundancy.*
- *100 or more proposed redundancies - 45 days before the first redundancy.*

*The authority could be fined an unlimited amount if RPS are not notified.*

Rapid Response Service: [rrs.enquiries@dwp.gov.uk](mailto:rrs.enquiries@dwp.gov.uk)

### **3.4 Measures to Avoid Redundancy**

The Council will, wherever possible, consider all reasonable steps to minimise the effect of redundancy, including but not limited to:-

- The restriction or suspension of external recruitment within the area of potential redundancy and in other identified areas where a potentially redundant employee may be found alternative employment.
- The maximisation of opportunities for retraining
- The cessation of (*or a reduction in*) the use of sub-contractors, agency staff and temporary employees within the area of potential redundancy and in other identified areas of potential redeployment.
- The reduction/elimination of overtime in order to prevent or reduce the likelihood of redundancy.
- Investigate any subcontracted work to see if it could cease
- Provide employees with development opportunities to assist their future redeployment
- Consult with employees and recognised trade unions about considering changes to terms and conditions of employment (*e.g. converting to part time*) and other ways of reducing the need for redundancy.
- “Bumping” This involves a redundant employee looking for redeployment in a suitable alternative post and taking on the role of another employee who volunteers to be redundant.

Where redundancies may arise from a restructure within or across services, any new posts may be “ring fenced” depending on the circumstances to employees at risk of redundancy according to the particular circumstances. If a post cannot be filled from existing employees within the same tier, vacancies will be opened up to the tiers below.

If the above measures have not been successful and it remains necessary to consider redundancy, management will consider asking for volunteers for redundancy or early retirement. In order to maintain future service delivery the Council reserves the right to decide whether a particular employee should be allowed to leave.

### 3.4.1 Redeployment

The Council will take all reasonable steps to seek suitable alternative employment (*redeployment*) for employees whose jobs are deleted and who are at risk of redundancy. A Redeployment Guide can be found in Appendix B. The general principles regarding redeployment are as follows:

- Employees at risk of redundancy may be given priority consideration for suitable vacant posts on the Council's establishment.
- A suitable vacant post will be a post within which the employee can demonstrate the ability to fulfil the competency requirements of the post.
- However, it should be recognised that training may be necessary in order to provide the employee with the skills and knowledge to undertake the full range of duties and responsibilities.
- Such appointments may be made subject to a trial period in the first instance, of normally, not less than 4 weeks or more than 3 months, which may be extended at the discretion of the Council, by a further period not exceeding 6 months in total in order to establish suitability.
- Employees redeployed will be offered protection in accordance with the Council's Protection Policy.

### 3.5 Support Available

Every employee at risk of redundancy will initially be offered support from their manager and Human Resources. This could include:

- *Counselling via the Council's Employee Assistance Programme (EAP)*
- Guidance on CV preparation and the completion of application forms
- Any appropriate training e.g. Interview techniques and sources of funding for training
- Guidance on how to search for vacancies and follow up opportunities
- Vacancies to be sent to employees on a weekly basis; these may include internal vacancies and vacancies from other local authorities
- Skills analysis/assessment
- Pension advice is available from the payroll team or from the Pension Help Desk



- Benefit advice is available from Jobcentre Plus and the Citizens Advice Bureau

After the initial contact has been made about the support available, it is the responsibility of the line manager, Human Resources and the employee to keep in contact with each other about ongoing support.

### **3.6 Selection for Redundancy**

In certain cases of redundancy, selection will not be relevant, as in such circumstances where either one employee, or an entire group of employees are identified as redundant. In these circumstances, redeployment will be sought. Where this cannot be arranged, redundancy will apply.

Where there is scope for selection, volunteers for redeployment or redundancy will be sought first, from among the group of employees identified as at risk of redundancy.

Where it is appropriate to seek volunteers from among a wider group of employees across the Council, then a trawl for volunteers will be conducted throughout those areas, as identified previously. Any such volunteers will be released only on the condition that their post is filled by an employee who would otherwise be made redundant, subject to a review of all relevant circumstances.

The Council reserves the right to refuse a request by any employee for voluntary redundancy. Such a request will not, however, be unreasonably refused and refusal will normally be for reasons related to the need to retain knowledge and skills. There is no right of appeal in the event of a refusal in respect of an applicant refused voluntary redundancy.

Where volunteers are not forthcoming or are insufficient, then selection of employees for compulsory redundancy will be necessary. For purposes of compulsory redundancy, employees will be selected primarily on their ability to undertake the duties and responsibilities of the posts, which are retained.

Management will confirm the selection criteria for redundancy in writing following consultation with the recognised trade unions. The aim of the selection will be to retain the necessary skills and competencies required, to maintain the level and quality of service required.

The criteria must be reasonable, fair and objective and must be free from any discrimination or biasness. Managers must involve Human Resources when deciding the selection criterion which is likely to include:

- Qualifications, knowledge, skills and competencies
- Standard of work performance
- Non-disability related absence,
- Disciplinary record,

An example process is set out in Appendix D.

Selection will be undertaken by means of interview and (*where considered appropriate*) testing and other assessments (*including psychometrics and the use of assessment centres*) against the competency criteria for the post, as set out in the Person Specification. Any tests used, must be objective and relevant to the post(s) concerned.

All employees involved must be given the same assessments, which should be reviewed by the same Panel. Interviews will be carried out in the most objective manner possible and care will be taken to ensure best practice in respect of equality and diversity. It is advisable to work jointly with Human Resources and a trade union representative and it is important that a thorough written record is retained.

Managers should provide feedback to individuals on how they scored against the criteria. Where they have not been part of the assessment panel copies of the results should be made available to the recognised trade union.

Taking account of the number of jobs available, the number of employees who best meet the criteria, will be retained or appointed as appropriate. Employees who are not selected, will be dismissed for redundancy, or where possible redeployed to other suitable posts.

The selection process above will operate to the same standards which would apply to the process of normal recruitment and selection in accordance with the Council's Recruitment and Selection Policy.

Where it is felt appropriate to use different selection criteria, this will be jointly agreed with trade unions in advance of the selection.

### **3.7 Confirmation of Redundancy**

Once full consultation has taken place and the selections for redundancy have been confirmed, employees will be given redundancy notices.

Redundancy notices should confirm the following information:

- Reasons for dismissal
- Date of termination of employment

- Details of redundancy pay, and pension information if appropriate
- Details of notice period entitlement
- The right to paid time off to look for work and arrange training
- Details of the support on offer
- Any outstanding leave arrangements.
- Information about the Modification Order
- The right of Appeal.

### **3.8 Notice Periods**

Periods are set out in the employee's Written Particulars of Employment.

Employees will be required to work their notice period. In exceptional circumstances, they may ask/be asked to leave before notice expires. In the event that a manager feels it is not in the Council's best interest for the employee to work his/her notice period, this should be discussed with Human Resources. All circumstances must be taken into account including the risk to the Council of the employees remaining in posts and the loss of the employee's knowledge/skills in advance of the redundancy date.

Employees can continue, and are encouraged, to look for alternative redeployment opportunities throughout their notice period.

### **3.9 Redundancy Compensation**

Compensation will, in addition to normal remuneration to the date of termination, become payable to employees who are dismissed by reason of redundancy, subject to the provision of statute, other relevant regulations, the Council's policies and procedures and according to individual entitlement.

A redundancy payment formula, set out in Appendix E to this policy. Such payment will take into account

- (a) Previous continuous service with local authorities and other organisations specified within the Redundancy Payments (Continuity of Employment in Local Government etc). Modification Order 1999 and the Transfer of Undertakings (Protection of employment) Regulations 1981.
- (b) A calculation based on the employee's actual week's pay
- (c) For employees over the age of 55 the immediate release of pension benefits.

In certain circumstances a lump sum payment in lieu of statutory or contractual notices (*whichever is the longest where the whole or part of the period notice is not given*). However, the employee will where possible be required to serve his or her statutory or contractual period of notice.

Employees will lose their entitlement to a redundancy payment in the following circumstances:

- Where the employee is dismissed for an act of gross misconduct.
- Where the employee leaves before their notice period has expired without their manager's agreement.
- Where the employee unreasonably refuses an offer(s) of suitable alternative employment.

### **3.10 Modification Order**

Managers should ask all employees to provide written confirmation that they will not be taking up employment with a body specified in schedule 1 of the Modification Order 1999 in a timescale of less than *4 weeks* from their last day of service with the Council. The most likely example of such an employer is another local authority. NB: this includes returning to work for Tendring District Council in any capacity.

If the employee is redeployed by the Council or by a body covered by the Order under the above timescales he/she will not be paid a redundancy payment. Human Resources will make the employee aware of the Order and discuss the potential monetary implications with them.

If the employee does not qualify for a redundancy payment, the Modification Order does not apply.

*If an employee does take on a new job with a Modification Order body in these circumstances, the provisions relating to a trial period in the ERA will apply. Therefore, if the employee decides not to continue with the job during the first 4 weeks he or she will be able to terminate the contract (whether with or without notice) and receive a redundancy payment from the old employer.*

### **3.11 Continuous Service**

If there has been a break in service of eight days or more between employment with the Council or with a body covered by the Modification Order then service has been broken for the purposes of continuous service calculations.

Where an employee returns to local government service following a break for maternity reasons, or reasons concerned with caring for children or other dependents, he or she is entitled to have previous continuous local government service taken into account, proving that the break does not exceed eight years and that no permanent paid full time employment has intervened. Where this has occurred the period of the break itself does not count, although the period of continuous service prior to the break will count towards eligibility for, or calculation of severance payments.

### **3.12 Time Off To Look For Alternative Employment**

Employees under notice of redundancy will be granted reasonable time off with pay to look for alternative employment or to make arrangements for training. Such time off must be approved in advance by the relevant Manager. Employees must give reasonable notice of time off to their manager and interview expenses will not be paid.

### **3.13 Appeal against Dismissal By Reason Of Redundancy**

If an employee feels aggrieved about their selection for redundancy they should lodge an appeal in writing with their Assistant Director/Head of Department, giving details of the reasons as to why the employee is aggrieved. This must be submitted within the timescales required by the Council's Appeal Policy.

### **3.14 Approval Arrangements for Redundancy**

The dismissal of staff up to and including Management Team Member level as redundant, or by way of a mutually agreed Compromise Agreement is delegated to the Chief Executive (*except where Section 4 of the Local Government Act 1989 applies*).

## **4.0 EARLY RELEASE**

Whilst the redundancy definition set out in the Council's Redundancy Policy and Procedure will fit some restructuring scenarios, there may be other exceptional circumstances where the Council judges it necessary, in the interests of the efficient exercise of its function to exercise its discretion to offer early release to employees. These circumstances may include:

- To facilitate an internal reorganisation or restructuring.
- To assist the Council to effect financial savings.

These terminations will be by mutual agreement.

#### **4.1 Compensation Arrangements for Early Release**

In cases of early release, the following compensation arrangements will apply

- A negotiated early release payment of up to the maximum redundancy entitlement (as set out in Appendix E) lessen the cost of any associated pension strain incurred by the Council.
- The early release of pension for those over the age of 55 years.
- Payment of pay in lieu of notice as appropriate.

~~It will not normally be the Council's practice to apply Regulation 52 of the Local Government Pension Scheme in respect of the discretion which affords local authorities the discretion to purchase service for an employee (Augmentation).~~

~~This discretion relates to the ability to award up to 6 2/3rds added years at any age. Only in exceptional circumstances, where there are significant financial and operational benefits to the Council, will Augmentation be considered. Where augmentation is considered appropriate, the full approval of the Human Resources Committee will be necessary.~~

~~Early release arrangements should normally provide a financial benefit to the Council greater than any costs associated with early release within 3 years.~~

#### **5.0 CONDITIONS OF REDUNDANCY**

Following redundancy and receipt of a redundancy payment, ex-employees are not permitted to be re-employed by the Council for a minimum of one year. The only exception to this is in relation to appointments made by the Returning Officer during District Elections and By-Elections.

For posts that are politically restricted, in line with the above, political restriction continues to apply for two years after leaving the employment of Tendring District Council.

#### **6.0 INTERPRETATION OF THIS POLICY**

For advice and guidance on the interpretation of this Policy and Procedure, contact Human Resources.

## Appendix A

### MODEL REDUNDANCY CONSULTATION PROCEDURE

1. As soon as an Assistant Director/Head of Department becomes aware that redundancies might occur the situation is reported to Management Team as a matter of urgency. Management Team asks Human Resources to support the process including consultations with recognised trade unions and the employees likely to be affected.
2. At this stage the Assistant Director/Head of Department may not have detailed information but they still consult as soon as possible and do not wait for the statutory minimum time-scale to start.
3. When more detailed information becomes available the Assistant Director/Head of Department and a member of the Human Resources team meets with the recognised trade unions and put the following in writing:
  - The reasons for the redundancy proposals, including the business case.
  - The numbers and descriptions of types of jobs at risk of redundancy.
  - The total number of employees of that description and their workplaces.
  - The proposed criteria for selecting employees for redundancy for the purposes of consultation.
  - The proposed method of carrying out the redundancy dismissals including the time scales.
4. The purpose of consultation is to seek ways of avoiding redundancy dismissals.
5. In addition to consulting with the recognised trade unions, the Assistant Director/Head of Service meets with individuals at risk of redundancy to explain:
  - The reasons for the proposals
  - The redundancy process and time scales
  - What options are available
  - What support is available
  - The employees' right to have a trade union representative or work colleague at all stages of the redundancy process.

(Only once meaningful consultation has been carried out can notices of redundancy be given.)

6. Human Resources make available to the employees at risk of redundancy:

- the current vacancies list (which will then be sent weekly until the employee is re-deployed to a suitable alternative position or ceases to be employed by the Council);
- the redundancy and redeployment procedure
- details of the support available, including Employee Assistance Programme.



## Appendix B

### REDEPLOYMENT GUIDE

#### 1.0 Offers of alternative employment

- 1.1 All reasonable efforts will be made to re-deploy employees at risk of redundancy into suitable alternative employment within the Council.
- 1.2 When considering suitable alternative work the following should be taken into account:
  - **Pay** – terms and conditions equivalent to those the employee currently receives.
  - **Location** – within reasonable travelling distance or within the constraints of a contractual mobility clause.
  - **Working environment** – taking account of any employee with health problems or disability needs.
  - **Hours of work** – e.g. changes in shift pattern, total number of hours or days.
  - **Competencies** – the key competencies required in alternative the role.
- 1.3 A member of Human Resources will advise the employee of his/her rights under the redundancy and redeployment policy and procedure and will interview the employee at risk to ascertain their skills, competencies and personal preferences for redeployment. This information will be recorded and retained on a “redemption register”. The employee will be sent a job description and person specification and will be invited to express their interest in roles that are within their capability. They are expected to attend any interviews for jobs if they meet the competency criteria outlined on the Person Specification.
- 1.4 Where there is only one short-listed applicant for a post, an informal interview will be arranged. Where more than one “at risk” employee is short-listed the Council’s recruitment and selection code of practice must be followed. Please see Protocol for redeploying employees, Appendix C.
- 1.5 An employee at risk of redundancy will be considered before any other applicants for vacant posts.
- 1.6 The Workforce Planning Panel will have a positive regard for the Redeployment Register when considering vacancy requests and service restructuring.
- 1.7 Managers will not advertise externally any positions where there are employees at risk of redundancy who meet the competency requirements of the person specification.

- 1.8 The Council will provide appropriate and reasonable training required by the employee to adapt to the duties of a suitable post. The costs of such training will be borne by the restructuring service and will not exceed the costs of redundancy.
- 1.9 Consideration should be given to retaining an employee in a temporary capacity until permanent vacancies arise. This is particularly appropriate where vacancies arise regularly and does not affect the employee's right to a redundancy payment should a permanent vacancy not be found.
- 1.10 Any offer of an alternative position should be made in writing before employment ends and to start within four weeks of the date of redundancy. If these time scales are not adhered to, then the employee will be entitled to a redundancy payment. The offer should make it clear how the new employment differs from the old.
- 1.11 Where an employee has been offered what Human Resources considers suitable alternative employment and he/she has unreasonably refused, then the right to a redundancy payment may be forfeited.
- 1.12 In deciding whether a refusal is unreasonable each case will be judged on its own merits taking into account the employee's circumstances. The employee must demonstrate to the HR Manager why they feel it is unsuitable.
- 1.13 Where an employee accepts an offer of alternative employment they will be entitled to a four-week trial period. This is a two way process to assess the employee's suitability for the job. Trial periods may be extended by written agreement for training purposes only and must be agreed before the start of any trial period. The trial period must be for a set length of time, and take service needs into account.
- 1.14 At the end of the trial period the employee will either be confirmed in the post, or if the new job is found to be unsuitable on the part of the employee or employer then further suitable alternatives will be looked for (see 1.12 above). An employee will only be made redundant and receive the appropriate redundancy payment if all reasonable attempts to re-deploy them have failed or they are unsuccessful.

## **2 Redeployment to a lower graded post**

- 2.1 All reasonable efforts will be made to re-deploy employees to similarly graded posts. However, situations may arise where the only redeployment opportunity, which can be offered, is to a lower graded post. It is in the Council's interest to encourage employees who have valuable skills, experience and competencies to remain employed. If this situation arises, the Council will pay a protection payment based on the following:
  - The employee will be paid a monthly amount, which will start from the date the employee commences the post for a period of 1 year. This sum will be calculated in accordance with the following formula:

- The difference between the current and the proposed salary will be calculated and divided into 12 equal payments that reduce by 25% every 3 months. This figure will be based on the actual and proposed pay at the time of the transfer. If the employee is due to retire in less than 12 months, the payment will be made pro rata up to the date of retirement.
- 2.2 In calculating the payment protection, all elements of contractual pay will be included, i.e. basic pay, contractual overtime, and any other contractual allowance. Any non-contractual overtime will not be included. Annual leave entitlement will not be protected.
  - 2.3 The monthly payment will be subject to statutory deductions, in the normal manner.
  - 2.4 After redeployment to a lower grade, the employee may request continued priority for vacancies where they meet the competency criteria of the person specification. This will be provided for a period of up to 12 months following the redeployment.

### **3 Reduction in hours of the current post / redeployment to a post on fewer hours**

- 3.1 If the hours that the employee works are reduced, due to a change in the service requirements, or the employee is re-deployed to an alternative post on fewer hours the payment protection will apply as above.

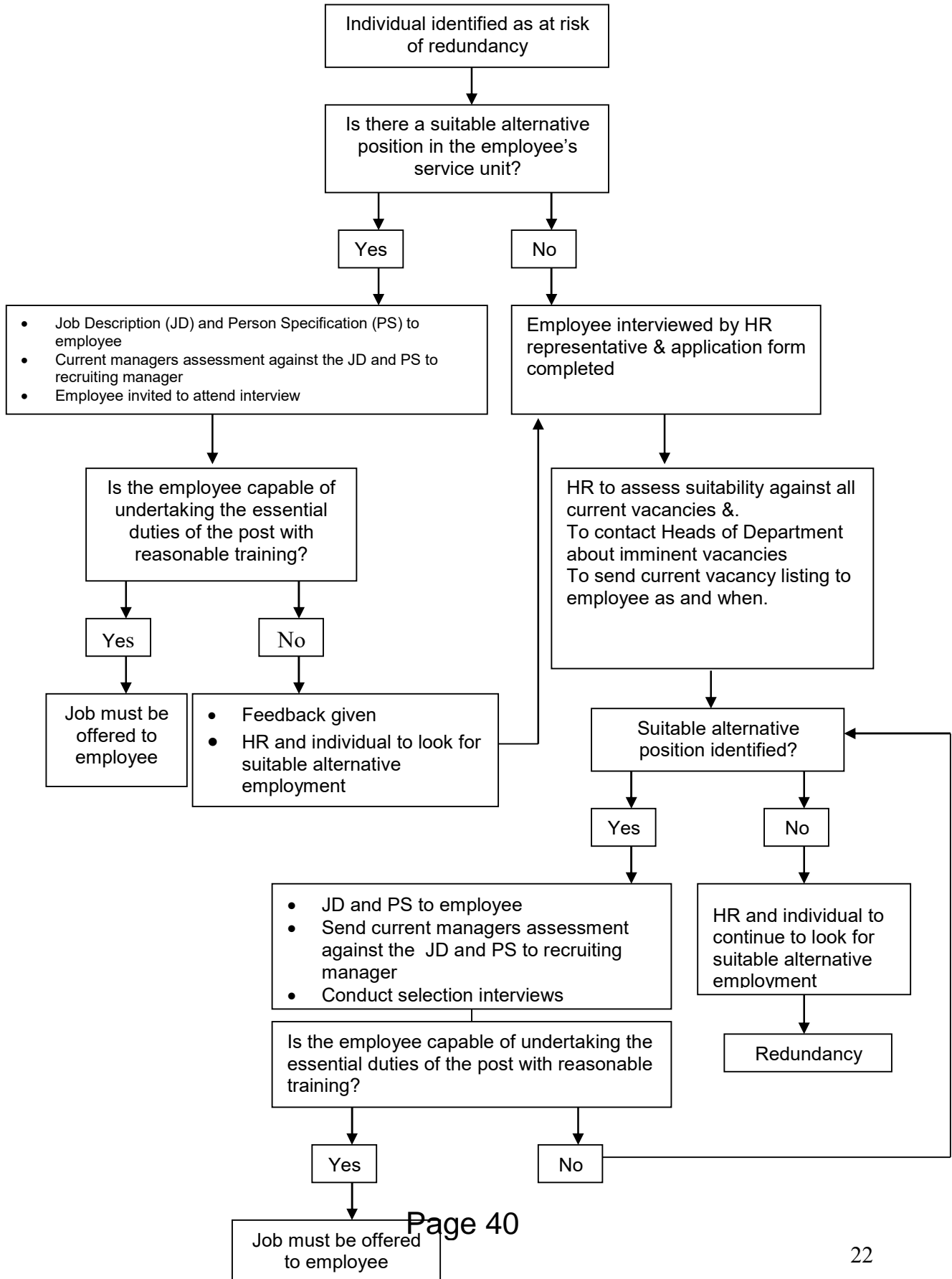
### **4 Redeployment to a higher graded post**

- 4.1 Where a post or a number of posts are deleted, and a new post is created at a higher level, those employees whose existing post is deleted will be given prior consideration, provided that:
  - The employee must meet the competency criteria on the person specification.
  - Recruitment to the new post must comply with the Council's recruitment and selection code of practice.

### **5 Redeployment to an alternative location**

- 5.1 In the event that the employee is redeployed to an alternative location, the Council *will reimburse travel costs as outlined in the Disturbance Policy.*

## Redeployment Process Chart



## Appendix C

### PROTOCOL FOR REDEPLOYING EMPLOYEES

This protocol must be read in conjunction with the Council's redundancy and redeployment policy and procedure.

1. If a new job is created and comprises a substantial amount of one or more employees' current duties it will be considered as ring-fenced to these employees.
2. If there is only one employee ring-fenced, the manager will discuss with Human Resources whether or not it is necessary for the employee to be interviewed, or whether he/she can be 'slotted in' automatically.
3. The procedure for redeployment:

All ring-fenced employees will receive the job description and person specification for the job and be asked to demonstrate how they meet the essential criteria in the person specification.

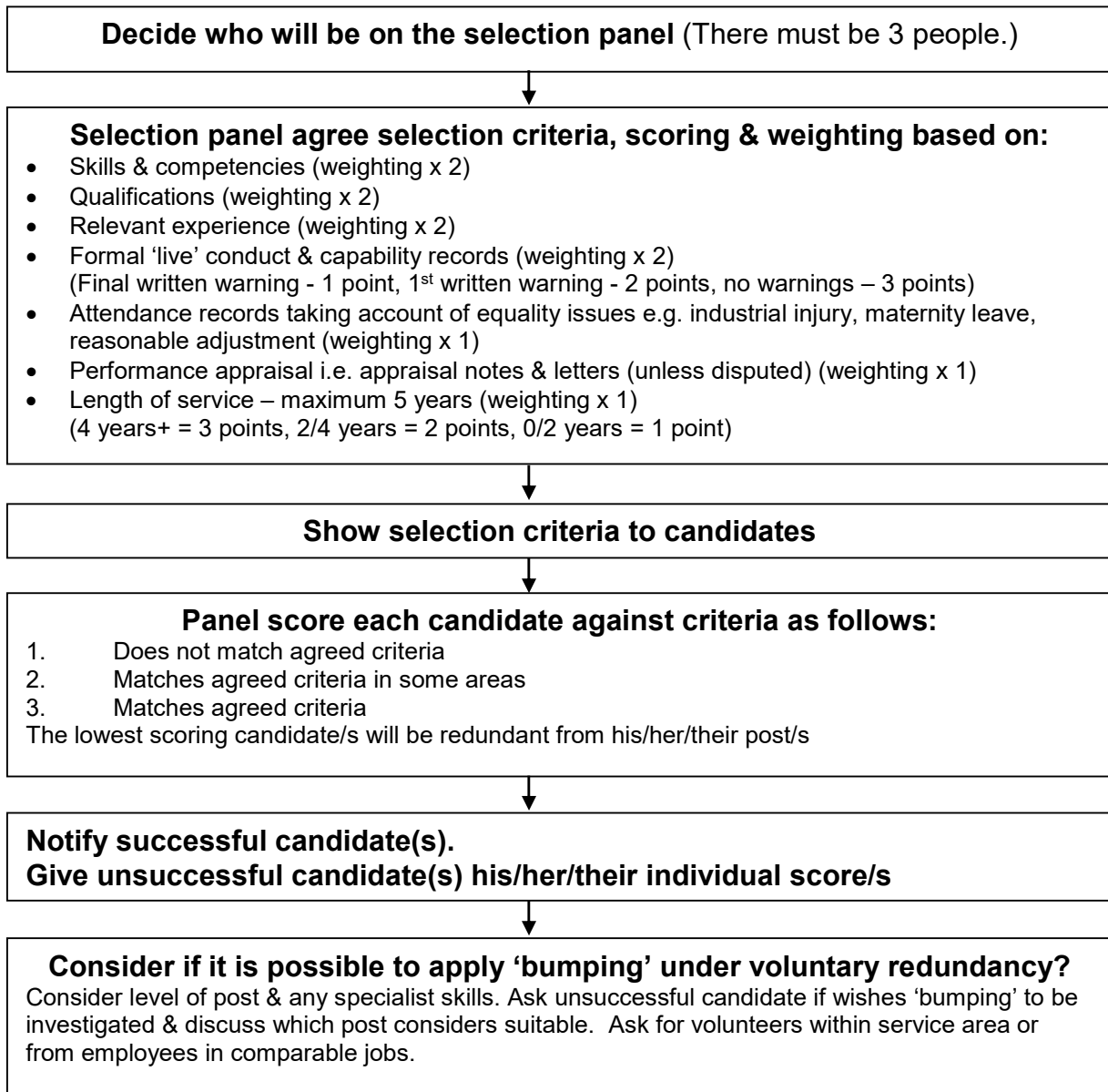
If an employee doesn't meet one or more of the essential criteria they must state what support/training they will require in order to meet it/them. This is in line with the Council's intention to provide appropriate and reasonable support and development opportunities to an employee at risk of redundancy as detailed in this Policy.

All ring-fenced employees who apply will be interviewed in line with the criteria set out in the Council's Code of Practice on Recruitment and Selection. The highest scoring employee will be offered the job.

4. An employee who is not successful for redeployment at his/her current level in the Council will be considered to be 'at risk' of redundancy. He/she may apply for redeployment to a lower graded post in line with 3 above.

## Appendix D

### EXAMPLE REDUNDANCY SELECTION PROCESS & CRITERIA



#### **A process like the one above will be applied in the following situations:**

- Where there are 2 or more volunteers in the same group of staff who are 'at risk'
- Where there are 2 or more volunteers outside of a group (bumping)
- Where there are insufficient/no volunteers in a group identified 'at risk'

Where staff are identified 'at risk' & there is a new job, they will be asked to apply for the job and the Council's normal recruitment process will apply. In the event that there are no applicants the above process will be applied and the successful candidate will be offered the job as 'suitable alternative employment'.

## Appendix E

### REDUNDANCY FORMULAE

Provided below is a 'Ready Reckoner' for calculating the number of weeks' pay due (Statutory entitlement multiplied by 1.5)

Read the Employee's age and number of **complete** years' service. The table will then show how many weeks' pay the employee is entitled to.

Age	Length of Service																			
	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	
17	1½	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
18	1½	2¼	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
19	1½	2¼	3	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
20	1½	2¼	3	3¾	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
21	1½	2¼	3	3¾	4½	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
22	1½	2¼	3	3¾	4½	5¼	-	-	-	-	-	-	-	-	-	-	-	-	-	
23	2¼	3	3¾	4½	5¼	6	6¾	-	-	-	-	-	-	-	-	-	-	-	-	
24	3	3¾	4½	5¼	6	6¾	7.5	8¼	-	-	-	-	-	-	-	-	-	-	-	
25	3	4½	5¼	6	6¾	7½	8¼	9	9¾	-	-	-	-	-	-	-	-	-	-	
26	3	4½	6	6¾	7½	8¼	9	9¾	10½	11¼	-	-	-	-	-	-	-	-	-	
27	3	4½	6	7½	8¼	9	9¾	10½	11¼	12	12¾	-	-	-	-	-	-	-	-	
28	3	4½	6	7½	9	9¾	10½	11¼	12	12¾	13½	14¼	-	-	-	-	-	-	-	
29	3	4½	6	7½	9	10½	11¼	12	12¾	13½	14¼	15	15¾	-	-	-	-	-	-	
30	3	4½	6	7½	9	10½	12	12¾	13½	14¼	15	15¾	16½	17¼	-	-	-	-	-	
31	3	4½	6	7½	9	10½	12	13½	14¼	15	15¾	16½	17¼	18	18¾	-	-	-	-	
32	3	4½	6	7½	9	10½	12	13½	15	15¾	16½	17¼	18	18¾	19½	20¼	-	-	-	
33	3	4½	6	7½	9	10½	12	13½	15	16½	17¼	18	18¾	19½	20¼	21	21¾	-	-	
34	3	4½	6	7½	9	10½	12	13½	15	16½	18	18¾	19½	20¼	21	21¾	22½	23¼	-	
35	3	4½	6	7½	9	10½	12	13½	15	16½	18	19½	20¼	21	21¾	22½	23¼	24	24¾	
36	3	4½	6	7½	9	10½	12	13½	15	16½	18	19½	21	21¾	22½	23¼	24	24¾	25½	
37	3	4½	6	7½	9	10½	12	13½	15	16½	18	19½	21	22½	23¼	24	24¾	25½	26¼	
38	3	4½	6	7½	9	10½	12	13½	15	16½	18	19½	21	22½	24	24¾	25½	26¼	27	
39	3	4½	6	7½	9	10½	12	13½	15	16½	18	19½	21	22½	24	25½	26¼	27	27¾	
40	3	4½	6	7½	9	10½	12	13½	15	16½	18	19½	21	22½	24	25½	27	27¾	28½	
41	3	4½	6	7½	9	10½	12	13½	15	16½	18	19½	21	22½	24	25½	27	28½	29¼	
42	3¾	5¼	6¾	8¼	9¾	11¼	12¾	14¼	15¾	17¼	18¾	20¼	21¾	23¼	24¾	26¼	27¾	29¼	30¾	
43	4½	6	7½	9	10½	12	13½	15	16½	18	19½	21	22½	24	25½	27	28½	30	31½	
44	4½	6¾	8¼	9¾	11¼	12¾	14¼	15¾	17¼	18¾	20¼	21¾	23¼	24¾	26¼	27¾	29¼	30¾	32¼	
45	4½	6¾	9	10½	12	13½	15	16½	18	19½	21	22½	24	25½	27	28½	30	31½	33	
46	4½	6¾	9	11¼	12¾	14¼	15¾	17¼	18¾	20¼	21¾	23¼	24¾	26¼	27¾	29¼	30¾	32¼	33¾	
47	4½	6¾	9	11¼	13½	15	16½	18	19½	21	22½	24	25½	27	28½	30	31½	33	34½	
48	4½	6¾	9	11¼	13½	15¾	17¼	18¾	20¼	21¾	23¼	24¾	26¼	27¾	29¼	30¾	32¼	33¾	35¼	
49	4½	6¾	9	11¼	13½	15¾	18	19½	21	22½	24	25½	27	28½	30	31½	33	34½	36	
50	4½	6¾	9	11¼	13½	15¾	18	20¼	21¾	23¼	24¾	26¼	27¾	29¼	30¾	32¼	33¾	35¼	36¾	
51	4½	6¾	9	11¼	13½	15¾	18	20¼	22½	24	25½	27	28½	30	31½	33	34½	36	37¼	
52	4½	6¾	9	11¼	13½	15¾	18	20¼	22½	24¾	26¼	27¾	29¼	30¾	32¼	33¾	35¼	36¾	38¼	
53	4½	6¾	9	11¼	13½	15¾	18	20¼	22½	24¾	27	28½	30	31½	33	34½	36	37¼	39	
54	4½	6¾	9	11¼	13½	15¾	18	20¼	22½	24¾	27	29¼	30¾	32¼	33¾	35¼	36¾	38¼	39¾	
55	4½	6¾	9	11¼	13½	15¾	18	20¼	22½	24¾	27	29¼	31½	33	34½	36	37¼	39	40½	
56	4½	6¾	9	11¼	13½	15¾	18	20¼	22½	24¾	27	29¼	31½	33¾	35¼	36¾	38¼	39¾	41¼	
57	4½	6¾	9	11¼	13½	15¾	18	20¼	22½	24¾	27	29¼	31½	33¾	36	37¼	39	40½	42	
58	4½	6¾	9	11¼	13½	15¾	18	20¼	22½	24¾	27	29¼	31½	33¾	36	38¼	39¾	41¼	42¾	
59	4½	6¾	9	11¼	13½	15¾	18	20¼	22½	24¾	27	29¼	31½	33¾	36	38¼	40½	42	43½	
60	4½	6¾	9	11¼	13½	15¾	18	20¼	22½	24¾	27	29¼	31½	33¾	36	38¼	40½	42¾	44¼	
61+	4½	6¾	9	11¼	13½	15¾	18	20¼	22½	24¾	27	29¼	31½	33¾	36	38¼	40½	42¾	45	

To calculate an individual's redundancy pay, cross reference the person's age and complete years' of service to identify the number of week pay and multiply that number by their weekly salary.

For example a person with a salary of £200 aged 22 with 4 years of service will be entitled to three weeks' salary e.g. a total redundancy of £600.

17\* - The table starts at age 17, as it is possible for a 17 year old to have 2 years' service. Compulsory school leaving age can be 15<sup>3/4</sup> or 15<sup>4/5</sup> where a child is 16 before 1 September.

Particular care should be taken when calculating an individual's redundancy pay when they joined as an employee below the age of 16.

61+ The table stops at age 61 because for employees age 61 and over, the payment remains the same as for age 61.