



Appointments Committee

Monday, 21 September 2009 8.30 a.m.
Conference Room 2, Municipal Building

A handwritten signature in black ink, appearing to read 'David W R'.

Chief Executive

COMMITTEE MEMBERSHIP

Councillor Tony McDermott

Labour

Councillor Peter Murray

Conservative

Councillor Rob Polhill

Labour

Councillor Linda Redhead

Liberal Democrat

*Please contact Caroline Halpin for further information.
The next meeting of the Committee is on Date Not Specified*

**ITEMS TO BE DEALT WITH
IN THE PRESENCE OF THE PRESS AND PUBLIC**

Part I

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In accordance with the Health and Safety at Work Act the Council is required to notify those attending meetings of the fire evacuation procedures. A copy has previously been circulated to Members and instructions are located in all rooms within the Civic block.

APPOINTMENTS COMMITTEE

At a meeting of the Appointments Committee held on Thursday, 28 February 2008 at the Conference Room 2, Municipal Building

Present: Councillors McDermott (Chairman), Findon, Gilligan, Polhill, Redhead and Wharton

Apologies for Absence: None

Absence declared on Council business: None

Officers present: L. Cairns, I. Leivesley and D. Parr

**ITEMS DEALT WITH
UNDER DUTIES
EXERCISABLE BY THE COMMITTEE**

| | <i>Action</i> |
|---|---------------|
| <p>APC4 MINUTES</p> <p>The minutes of the meeting held on 27th June 2007, having been printed and circulated, were taken as read and agreed as a correct record.</p> | |
| <p>APC5 JOB EVALUATION UPDATE</p> <p>The Committee considered a report of the Strategic Director – Corporate and Policy providing an update on the implementation of the National Job Evaluation Scheme.</p> <p>It was noted that the outcomes for the pay and grading review had recently been implemented, and all staff on Green Book terms and conditions had received a letter explaining their new grade together with an information pack containing details such as what they should do if they wished to exercise their right of appeal. A joint union/management work group had been established, which met on a weekly basis to determine various agreements in connection with the pay and grading review such as the new pay structure, the Appeals Procedure and pay protection. The Unions had been consulted on these matters and a Pay and Grading Framework Agreement had been drafted and signed by all parties.</p> | |

Non-teaching jobs in schools had been dealt with in a slightly different way and details were provided for the Committee's information. It was advised that some schools had already started this process and the Job Evaluation Team had briefed staff and evaluated jobs accordingly.

The Committee noted that, as the Pay and Grading review could only evaluate the basic grades for jobs, management and Unions now needed to consider how premium payments and local agreements such as consolidated rates would be dealt with and a separate negotiation had commenced to address such issues and ensure corporate consistency.

RESOLVED: That

- (1) the content of the report be noted;
- (2) the Appeals process be noted and endorsed;
- (3) Council be recommended to endorse the process; and
- (4) Committee Members be advised of the total number of appeals received following the closing date for submission.

Strategic Director
- Corporate and
Policy

APC6 SCHEDULE 12A OF THE LOCAL GOVERNMENT ACT 1972 AND THE LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985

The Committee considered:

- (1) whether Members of the press and public should be excluded from the meeting of the Board during consideration of the following item of business in accordance with Sub-Section 4 of Section 100A of the Local Government Act 1972 because it was likely that, in view of the nature of the business to be considered, exempt information would be disclosed, being information defined in Section 100 (1) and paragraphs 1, 2, 3 and 4 of Schedule 12A of the Local Government Act 1972; and
- (2) whether the disclosure of information was in the public interest, whether any relevant exemptions were applicable and whether, when applying the public interest test and exemptions, the public interest in maintaining the exemption outweighed that in disclosing the information.

RESOLVED: That as, in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information, members of the press and public be excluded from the meeting during consideration of the following item of business in accordance with Sub-Section 4 of Section 100A of the Local Government Act 1972 because it is likely that, in view of the nature of the business, exempt information will be disclosed, being information defined in Section 100 (1) and paragraphs 1, 2, 3 and 4 of Schedule 12A of the Local Government Act 1972.

APC7 RESTRUCTURING PROPOSALS

The Committee agreed that this report be withdrawn.

Meeting ended at 2.50 p.m.

REPORT TO: Appointments Committee
DATE: 21 September 2009
REPORTING OFFICER: Strategic Director Corporate and Policy
TITLE: Staffing Protocol
WARDS: Borough Wide

1.0 PURPOSE OF REPORT

1.1 The purpose of the report is to seek the Committee's approval to the attached draft Staffing Protocol.

2.0 RECOMMENDED: That:

- (1) the Staffing Protocol be approved; and**
- (2) any minor drafting amendments be delegated to the Strategic Director, Corporate and Policy, in consultation with Corporate Services Portfolio Holder, to make.**

3.0 SUPPORTING INFORMATION

3.1 The Council has embarked on a wide ranging Efficiency Programme, in order to meet the financial challenges it faces over the next few years.

3.2 To support the implementation of the Efficiency Programme, and recognising the natural concerns of employees through these processes, a Staffing Protocol document has been produced which deals with the staffing issues that inevitably arise from such programmes. It essentially brings together the relevant Human Resource Policies and Procedures of the Council into one coherent document. The development of this document into the Staffing Protocol (Appendix A) has been achieved through a series of joint trade union negotiation meetings with relevant trade unions (Unison and MPO/GMB).

3.3 It was recognised that adoption of such a Protocol would enable a consistent approach to the implementation of the Efficiency Programme for both management, employees and the Trade Unions. It is based on the sound processes the Council has had in place over many years and which have served the Authority well.

3.4 Whilst developing the Protocol the opportunity was taken to review the existing At Risk Policy and the Voluntary Early Retirement Scheme. It was also checked to ensure that it complied with current employment

law. The amendments to the At Risk process mainly related to clarifying the processes and steps that are followed when employees are placed at risk. However, the review of Voluntary Early Retirement in the interest of Efficiency Scheme resulted in proposed changes in the way pension is augmented (the power of the employing authority to increase total pension scheme membership of active members). The revised Scheme introduces a sliding scale of augmentation based on length of service of the member of staff concerned and it is this issue which has been subject to Trade Union ballots. The MPO/GMB have now agreed to the revised augmentation scale but the Unison results will not be known until after the close of their ballot on 11 September 2009 (after the deadline for agenda circulation). The result will be reported at the meeting.

- 3.5 In essence the Unions have balloted as the revised arrangements within the Protocol result in a reduction in the terms and conditions of employees. In the existing policy the Authority has the discretion to provide $6 \frac{2}{3}$ augmented years where an individual has more than 5 years' service with the Authority. The revised arrangements within this Protocol means that the number of augmented years added will be determined by the number of years' service an employee has on a sliding scale (see page 23).

For example, under the old scheme an employee with 10 years' service would be eligible for $6 \frac{2}{3}$ augmented years to their pension, whilst under the revised proposal they would be eligible for 2 years augmentation.

4.0 POLICY IMPLICATIONS

- 4.1 The introduction of the Staffing Protocol will enable the consistent and transparent approach to implementing the Efficiency Programme as it affects staff. It provides the basis for strong employee relations with the Trade Unions, which will be of a paramount importance throughout this process. It also provides clarity for members of staff who may be affected by the Efficiency Programme.

5.0 OTHER IMPLICATIONS

- 5.1 There are clearly financial implications to the Council in terminating someone's employment, either compulsorily or by voluntary means. The costs will depend on the individuals' circumstances and therefore cannot be reliably estimated at this time. The costs will be met from the overall savings generated from the Efficiency Programme. The Council will need to balance the interests of the Authority and the interests of the employee in applying this Protocol, at all times.

6.0 IMPLICATIONS FOR THE COUNCIL'S PRIORITIES

6.1 Children and Young People in Halton

The Efficiency Programme is being pursued in order to ensure the Council remains focussed and delivers on its priorities.

6.2 Employment, Learning and Skills in Halton

The Efficiency Programme is being pursued in order to ensure the Council remains focussed and delivers on its priorities.

6.3 A Healthy Halton

The Efficiency Programme is being pursued in order to ensure the Council remains focussed and delivers on its priorities.

6.4 A Safer Halton

The Efficiency Programme is being pursued in order to ensure the Council remains focussed and delivers on its priorities.

6.5 Halton's Urban Renewal

The Efficiency Programme is being pursued in order to ensure the Council remains focussed and delivers on its priorities.

7.0 RISK ANALYSIS

7.1 Without such a Protocol it would be very difficult to manage the size of change required in a measured and transparent way.

8.0 EQUALITY AND DIVERSITY ISSUES

8.1 The Protocol is needed to ensure that the changes are managed in a fair and reasonable manner.

9.0 LIST OF BACKGROUND PAPERS UNDER SECTION 100D OF THE LOCAL GOVERNMENT ACT 1972

9.1 There are no background papers under the meaning of the Act.

APPENDIX A

EFFICIENCY PROGRAMME 2009

Staffing Protocol

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1. Purpose of the Guide

- 1.1 Over the next three years, it is anticipated that areas of the Authority will be going through periods of change, on a phased and planned basis. In order to maintain a consistent approach to this and to be transparent about what and how this change should be handled, this Guide has been designed to assist managers and employees to understand what needs to happen as areas of the Authority are restructured. It brings together the related HR policies into one document. It has been agreed with the trade unions and for this change to be successful, strong employee relations will remain key.
- 1.2 It is proposed that the policies and procedures within this document will apply to all employees but will not apply to Agency workers, consultants or casual staff as they are not employees and will be used to manage changes as a result of the Efficiency Programme and other related HR processes i.e. non Efficiency restructurings, at risk situations etc. This Protocol will be formally reviewed annually.
- 1.3 The policies and procedures have been drawn up following consultation with the recognised trade unions and aim to ensure:
- A fair and open change management process;
 - A smooth transition to a revised structure
 - That employees are appointed to posts in a revised structure on the basis of their skills and experience, in line with the At Risk Procedure, as set out in this document
 - The number of redundancies is minimised.
- 1.4 The policies and procedures contained herein are designed to support employees through the Efficiency Programme however, as they concern employment rights, they are advised to seek independent advice from their trade union or other competent source.

2. The Council's Commitment

- 2.1 The Council is committed to ensuring that the process of the Efficiency Programme, whilst designed to elicit large scale savings, will be handled sensitively and transparently. We will work collaboratively with the recognised trade unions and will maintain regular communication both with them and with our employees.
- 2.2 Every effort will be made to ensure that everyone who is currently employed and who wants to remain with Halton Borough Council will have the opportunity to remain employed by the Council. This will require the co-operation of all parties, in the application of the policies contained within this protocol, particularly the At Risk Policy. Compulsory redundancy will be seen as a last resort.
- 2.3 These policies and procedures will enable the Council to facilitate the changes whilst recognising the need to retain employees and value the breadth of experience and knowledge that exists within the workforce.

3.0 H.R. Implications of the Efficiency Programme

3.1 H.R. Outcomes/Implications

The Council commenced its Efficiency Programme in January 2009 with the stated intention of:-

- Finding new and more flexible ways of working while maintaining an excellent performance rating.
- Minimising the impact on front line services and improving management and support processes.
- Providing an opportunity for skills and capability development, and;
- Reducing costs to the Council while maintaining and improving the quality of services we provide to our community.

In human resource terms, this will involve potential re-structuring of Directorates/sections, involving the deletion and/or creation of new posts, movement of posts between different Directorates/managers, market testing (which may involve TUPE transfers), voluntary early retirement and voluntary redundancy (occasioning the deletion of posts and consequential re-organisation of remaining posts/duties), options used to do this will include placing employees At Risk in accordance with that policy and consequential redeployment and natural wastage etc.

It is important therefore that a strategic approach is taken so that opportunities in all Directorates, which may help manage the changes, are identified and utilised.

Once decisions have been made regarding proposals, the reports detailing the changes should set out the justification for the proposal, the detail of the new structure, what this means to existing posts, how the unions have been consulted and their views etc. The transition to the new structure should also be detailed in terms of, are employees to be placed At Risk, are posts to be ring fenced, can employees be assimilated into new posts, are there any redundancy implications and the procedure for filling any vacant posts.

The H.R. Efficiency Team will maintain a record of all At Risk employees and will liaise with managers of vacant posts to help to assess at risk employees against job vacancies.

3.2 Recruitment During the Efficiency Programme

During the period of the Efficiency Programme a vacancy management process will operate with a view to maximising opportunities for redeployees and to making financial savings by limiting the use of agency workers.

Vacancies in areas affected by the work streams may be temporarily held or advertised as an internal advert to see if there are any suitable At Risk employees who could be considered for the post.

The exception to this would be if the post is of a very specialist nature, one which is deemed to be difficult to recruit to or a senior management position where the Management Team may approve an immediate external advertisement to be most appropriate in the first instance.

During this period, vacancies identified by H.R. Efficiency Team to see if there is an At Risk employee within the Council who could fill them on the basis of providing suitable alternative employment and proactively matching potential At Risk candidates with suitable alternative posts.

3.3 Natural Wastage, Agency Staff and Temporary Posts

Throughout the period of the Programme, if an employee decides to resign their position, management must consider the continued need for that post and whether the opportunity presents itself for work to be done in a different way.

Throughout this process an on-going review of the use of Agency staff will be undertaken, as this may present opportunities to maximise the redeployment of permanent/temporary staff and minimise the number of redundancies.

3.4 Amendments to Establishment Related to the Efficiency Programme

If structural changes are made, such as the deletion or creation of posts, or if changes are made to individual employee's contracts, it is vitally important that changes made are reflected on Trent to ensure that both the establishment structure is kept up to date and that employees are paid correctly.

However, for the period of the Efficiency Programme, structural changes as a result of those proposals do not need to be recorded on the Amendment to Establishment forms as the reports detailing the new structures will contain sufficient information to update the establishment.

All other changes, structural or contractual, which are normally recorded through the Amendment to Establishment process, and which are not connected to the Efficiency Programme, should continue to be recorded and authorised in the normal way.

3.5 Guidance on Organisational Structures

The Efficiency Programme Board has agreed key design principles for managerial positions which will apply to all organisational structures. These will be distributed separately to this Staffing Protocol. They will inform tiers of management structures and spans of control across the Authority. These key design principles are known as the Corporate Management Framework.

Once these have been applied across all Directorates, new "to be" organisational structures will be developed and work will be undertaken on new or amended job descriptions for both the new managerial posts and any resulting changes to posts as a consequence of changed managerial reporting lines etc. on a top down basis.

In addition to the Management structures workstream, separate workstreams will be devising "to be" organisational structures for transactional and non-transactional services, Service Delivery options, Customer Services and I.T.

New or changed posts will need to be evaluated using the appropriate evaluation scheme.

Given that activity is being undertaken simultaneously across the Authority during this Programme, as much notice as possible should be given to H.R. and trade unions when requesting evaluations.

The development of new organisational structures may involve the movement of staff from their current work base to alternative Council establishments. Employees are expected to comply with this in accordance with their contract of employment as specified in their Statement of Particulars.

3.6 Job Descriptions & Person Specifications

When drafting job descriptions the following guidance is issued to assist in ensuring a true reflection of the post. Please note, job descriptions should not be submitted for evaluation until they are in their **final** agreed format.

Job descriptions should describe the following in straightforward and unambiguous wording:-

- The Purpose of the Job
- Who the job holder reports to
- Who the job holder is responsible for (if anyone)
- The main duties and responsibilities of the Job (approx. 6 – 15 points)

In addition, person specifications should be drawn up at the same time as the job description to specify the essential and desirable elements required for the post holder to perform the job.

3.7 The Job Evaluation Process

For clarity, once a new post has been evaluated, there is no right of appeal against the grade.

If an existing post, with a current post-holder who is to be slotted in, has been re-graded and the grade changes by one grade (usually four increments) then the existing post holder will have the right of appeal in accordance with the Appeals Procedure. If the grade changes by more than one grade, the post holder may be considered At Risk in accordance with the provisions of that policy. For posts where the grade goes down, the post holder will be placed At Risk and every effort will be made to find them a post at their existing grade. If that is not successful, then the provisions of the At Risk policy with regards to pay protection will apply if the employee is redeployed into a lower graded post.

4.0 Union Consultation During Periods of Organisational Change

4.1 Undertaking Union Consultation

The Council already has an established and successful formal consultation process in its First, Second and Third Tier Occupational Group meetings. Members of senior management meet on a pre-planned basis to discuss matters in accordance with the terms of reference of those groups.

Throughout the period of the Efficiency Programme, it is envisaged that formal consultation will need to be extended beyond the above to involve periodic meetings between managers and unions representatives. These meetings will, in general, adopt the terms of reference of the Occupational Groups, be minuted, attended by all appropriate parties and advised by the relevant Personnel Officer.

4.2 Terms of Reference for the Efficiency Programme

- To provide a forum for the frank exchange of views between trade unions and management on matters relating to the Efficiency Programme.
- To contribute to the development of the Efficiency Programme, to consult and jointly agree its implementation.
- To provide a means of developing and improving the communication process between employees, managers and union representatives on matters connected with the Efficiency Programme.
- To ensure that statutory requirements regarding redundancy/TUPE consultations, enshrined within this document, are adhered to.
- The Staffing Protocol, once agreed, will be formally ratified at 3rd Tier.

4.3 Basic Principles of Effective Consultation

To enable consultation to be effective, employees and their representatives should have sufficient information to enable them to make a proper contribution to the discussion. It is not a process of telling them what will happen but is a means by which alternative options can be considered, with arguments for and against being aired without the necessity to reach agreement. Fair consultation should be undertaken when the proposals are still at the formative stage and giving adequate information and time to all parties to enable an informed response. The employer thereafter should give adequate consideration to the views expressed.

4.4 When and How to Consult?

Consultation should therefore take place as early as possible. Throughout the Efficiency Programme, there will be a timetable of regular meetings to keep the trade unions informed in general of the progress of the Programme. In addition, there will be the requirement for individual Directorates to supplement these meetings with more detailed meetings, as and when proposals become clearer. These meetings should be formally minuted and consideration should be given to the levels of management who will be involved in this. The appropriate Personnel Adviser should also be present at formal meetings, indeed, it is recommended that they are involved in any proposed changes prior to meeting with the unions.

In addition to union consultation, there will be occasions when management need to meet with employees who may be affected by the proposals from the

Programme – either in groups Trade unions and H.R. should be notified well in advance about these meetings so that decisions about attendance can be made.

Whilst Halton operates successful formal consultation machinery, it also has effective informal channels where managers frequently adopt an “open door” approach to supplement this. This is crucial to effective relationships; however it **must not** become a substitute for the more formal arrangements which will be essential during this Programme.

4.5 Matters for Consultation

Consulting about organisational change is vital if it is to be effective. Formal consultation should be undertaken if changes are contemplated which affect the working contract or environment of the employee. These will include proposed reorganisations involving the creation/deletion of posts, proposed changes to grades of posts, potential redundancies, variations in working arrangements etc.

4.6 Facilities Time

The Council has an agreed policy for the release of its trade union representatives on union business. This will be adhered to during the period of this Programme and it is envisaged that additional time will be required to properly resource the unions and to enable them to work jointly with management during this Programme.

5.0 AT RISK PROCEDURE - REDUNDANCY & REDEPLOYMENT

5.1 INTRODUCTION

Halton Borough Council has operated a range of procedures for some considerable time aimed at the avoidance of compulsory redundancies. These procedures were formalised with the Council's Trade Unions to form the basis of the Council's At Risk Policy. They cover all employees whose posts will cease or diminish either as a result of the Efficiency Programme or for other reasons.

This policy has been amended over time to reflect both organisational changes and changes to legislation, and is amended now to deal with the Authorities Efficiency Programme which commenced in January 2009.

5.2 Purpose of the At Risk Procedure

Within a fast paced organisation, change is inevitable and management will need to take decisions for operational, financial, organisational or legislative reasons. There are a number of different, but specific, circumstances, which might lead to employees being placed at risk. For the purpose of the Efficiency Programme this Protocol contains the procedures to be adopted for use for employees who are affected by the Efficiency restructuring proposals. They will also apply to non-Efficiency related restructuring proposals, at risk situations etc.

5.3 Restructuring Directorates/Sections

As a result of the various work stream proposals, new structures and ways of working will be identified which will include the deletion of identified posts, as well as the creation of posts/sections and the moving of posts within the Council.

It is the Council's intention that the new structures, as a result of work stream one, will be in place on or about 31 March 2010/1st April 2010; therefore any affected employee who is unsuccessful in being redeployed or volunteering to leave will be made redundant on 30th March 2010.

There are three possible options for affected employees:-

- Assimilation
- Ring fence interview
- Redeployment within the Council

At this stage, employees will have the opportunity to ask for a review of the intended deletion of their post. This is described in section 5.7

Employees will formally be given notice and placed At Risk of redundancy and will seek redeployment, in accordance with the At Risk procedure, during their notice period. They will have the right of appeal against notice of dismissal.

5.4 Application of this Procedure

The procedures set out here will be employed on the authorisation of the appropriate Strategic Director in consultation with the Executive Board Member for Corporate Services, to manage the situation in the best interest of both the employee and the Council.

The primary concern is to retain skills and knowledge of the workforce and to avoid compulsory redundancies. To affect this, all efforts to redeploy people at risk of redundancy, will be made. It is the intention of the Council to, wherever possible, resolve such situations by voluntary means and to achieve this it is essential that all parties are wholly committed to the policy as an agreed method of managing the situation.

Managers, under the direction of their Strategic Directors (acting as members of Management Team) must ensure that a positive approach is taken towards applications from At Risk candidates, and managers will interview suitable candidates.

Likewise, employees are expected to show that they are actively seeking suitable redeployment within the Council. Managers will support individuals through this process and will ensure that they have access to the Council's vacancy list on the intranet. They will monitor and discuss with employees, possible suitable alternative redeployment opportunities and if necessary, liaise with the Corporate Training Centre regarding any required training skills. i.e. interview skills etc. Non-co-operation with the policy will be reported to Management Team for their consideration and may mean that the protections afforded in this policy are withdrawn.

5.5 Consultation

When an organisational restructuring is proposed or an individual post is to be deleted from the establishment (whether a permanent post or temporary, fixed term post) management will undertake at the earliest possible opportunity to consult with the employee(s) **and** the Trade Unions(s) representing the employees concerned. Where management meet to formally consult with trade unions regarding a re-structuring of a section, where more than one person is affected, a representative from the Personnel Division should attend such consultation meetings.

5.6 TIMETABLE

It is anticipated that all employees whose post will be affected by the restructuring proposals following wave one will know of their individual position in autumn 2009.

They will meet with their manager who will inform them of the impact on their post and which of the three categories above that they fall into. (Section 5.3)

At this time, any new or vacant posts will be advertised, internally only, (unless the post is considered by the appropriate Strategic Director to warrant an immediate external advert) and the protections of this At Risk policy will apply i.e. priority interview, pay protection etc.

Redeployment will be sought with the intention of finding posts for all employees who wish to remain employed by the Council.

In addition, all employees in the affected work streams will be invited to express an interest, initially in voluntary early retirement. For employees who are then subsequently placed At Risk, they may then volunteer for voluntary redundancy or voluntary early retirement (as an alternative to redundancy). A record of all such expressions of interest will be kept by the H.R. Efficiency Team.

Such requests will be considered by the appropriate Strategic Director, in consultation with the Executive Board Member for Corporate Services. (Appointments Panel for SD/OD posts).

At Risk Stage

On agreement of the new structures following the consultation stage, appointment to the new structures will commence before the 1st January 2010 and although employees may not at that time, have been issued with formal notice of redundancy, they will be afforded the full protections of the At Risk Procedure. However, by 30th December 2009 any employee who has not been successful in redeployment or in their application for VER/VR, will then formally be given 3 months notice of redundancy and will continue to seek redeployment with the protections of this policy.

Throughout this period, any employee who has expressed an interest in voluntary early retirement but have previously been refused their application may have it reconsidered as a way of creating an opportunity for suitable redeployment of an at risk employee who wishes to continue in employment.

Any At Risk employee who is unsuccessful in being redeployed/volunteering for VER/VR will be made compulsory redundant on 30 March 2010.

5.7 Group/ 1 to 1 Meetings with affected Staff Anticipated to be held October /November 2009

Communication with the affected employees is vital throughout the process. It is the responsibility of the appropriate Operational Director to ensure a meeting is convened with the affected staff to explain the situation, how they are personally affected and the options open to them. This could be to let them know that they will be assimilated into a new role, placed in a group of employees for the purpose of ring fenced interviews or that they need to seek redeployment as their post will cease to exist from 31 March 2010.

Review of the above categorisations

The Efficiency proposals will identify posts to be deleted from the Councils establishment and whilst there is no right of appeal against the deletion of the post, employees may request a review if they believe that they have been erroneously identified as being at risk of future redundancy or for assimilation, ring fencing or redeployment. Such a review will be heard by the appropriate Operational Director, advised by a Personnel Officer.

To exercise this right, employees should put their request in writing to the Divisional Managers, H.R. Efficiency Team, and a meeting will be arranged within 7 working days. At this meeting the employee will be able to explain the basis for their review. Employees have the right to be accompanied at such a meeting by their Trade union representative or fellow employee.

If it is found that an employee has erroneously been identified or categorised, albeit that the post will still be deleted, then the Operational Director will re-examine the restructuring proposals and liaise with H.R. and the unions to correct the position.

5.8 Assimilation

Assimilation will be undertaken wherever possible where a restructuring exercise has resulted in the deletion of a post(s) and the creation of new,

similar posts in terms of grade and responsibilities. In such circumstances, if there is only one suitable applicant to be considered for the post, they will be offered the post without interview if the job description and person specification are essentially the same and the grade has not changed by more than two grades (usually eight increments).

Assimilation will be undertaken by the appropriate Operational Director in consultation with the trade unions and HR.

If they consider that there are other employees who may be suitable to be considered for the post, then a ring fence will apply.

5.9 Ring Fencing

For those At Risk employees placed in a ring fence, the full requirements of the new post as outlined in the job description and person specification will be explained and the shortened selection process and timetable will be outlined. Employees are expected to co-operative with the interview process.

5.10 Redeployment

For employees who it is considered there are no broadly similar posts, they will be expected to apply for alternative posts with the Council as and when they are advertised. They will receive the protections of the At Risk Procedure, albeit they may not be formally placed at risk in the initial stages i.e. the period between agreement of the structure and its implementation and the issue of notice of redundancy to individuals (30th December 2009).

A Trade Union representative should be invited to attend all stages together with a representative from H.R.

5.11 Volunteers for Early Retirement/Redundancy

Volunteers will initially be sought for Voluntary Early Retirement in the Interest of Efficiency of the Service from employees in the current work stream. This may be from employees whose post is directly affected or from those whose posts remain unchanged by the proposals as a way of creating vacancies to enable bumped redundancies. If insufficient numbers are achieved for bumped redundancies, then volunteers may be sought from the wider council workforce.

Consideration of such requests lies with the appropriate Strategic Director, in consultation with the Executive Board member for Corporate Services (Appointment Committee for SD's/OD's.) It should be noted that such requests are entirely discretionary, that the primary purpose is to retain existing skills and knowledge and that it may be considered that redeployment is a more suitable alternative. If an application is initially refused, the employee may have a further opportunity to re-apply if they are unsuccessful in being redeployed before they are formally placed at risk.

5.12 Formal Notice of Redundancy -January – March 2010

Employees whose posts are to be deleted and who have been unsuccessful in their attempts at redeployment or for VER/VR will be placed at risk for a period of three months wef 30th December 2009.

A formal meeting will be convened by the appropriate Operational Director and the employee will be given notice of redundancy, to take effect on 30 March 2010. The trade unions and H.R. should also be invited to attend. The

employee will be reminded of of this policy and they will also be offered an interview with a Personnel Officer to discuss their concerns regarding their position, skills and experience that may be useful for the redeployment process, exploration of training requirements etc.

Formal At Risk - Redeployment Process

For posts which are the same grade or are two grades above or are graded below the at risk/deleted post (usually eight increments), the employee will be afforded the protections of this policy, in terms of priority interview etc. Additionally, they do not need to meet the full requirements of the person specification. If the employee is unsuccessful in such applications, then the appointing officer must set out the reasons for that decision in writing for the employee.

If at risk candidates wish to apply for posts which are of a substantially higher grade i.e. more than two grades above their at risk post grade, it is expected that they will meet the requirements of the person specification. They will be interviewed **before** non-at risk applicants and will be considered on the basis of best person for the job or can do the job with training. If the employee is unsuccessful in such applications, then the appointing officer must set out the reasons for that decision in writing for the employee.

Managers will ensure that At Risk employees receive copies of all vacancies advertised by the Council, posted on the intranet. During the Efficiency Programme, vacancies will be advertised internally only in accordance with the vacancy management process. For all posts advertised either internally or externally, at risk candidates take priority over applicants under other preferential employment schemes.

5.13 Monthly Reviews

If an employee is still unsuccessful in their attempts to be redeployed, a formal meeting will be held with the Operational Director/line manager, at which the person's union representative or fellow employee and a representative from H.R will be invited to attend. The purpose of the first review meeting is to review what suitable alternative posts have been available for the employee, what posts may become available within the next month and that the employee has made genuine efforts to obtain suitable alternative employment. The employee may, at this stage, if not previously applied, and subject to having five years service with Halton, apply to leave with a voluntary redundancy payment or, if eligible, apply for voluntary early retirement in the interest of efficiency. (See Section 6 of this Protocol.)

Both of these schemes are at the discretion of the appropriate Strategic Director in consultation with the Executive Board Member for Corporate Services (or Appointments Panel for OD's.)

If the employee is not eligible/successful in their application for either of these schemes, in addition to reviewing what suitable alternative posts have been available to them, this meeting will need to confirm to the employee that they are still at risk of redundancy.

A further meeting will be held after a month has elapsed.

5.14 Appeal against Redundancy

When employees are formally given notice of redundancy, they will also be informed of their right to appeal against their selection for redundancy dismissal. Such appeals should be submitted in writing to the Divisional Managers, H.R. Efficiency Team within 7 working days of receipt of the letter giving them notice of their dismissal and will be heard by a panel of elected members from the Appointments and Appeals Panel using the Councils agreed Appeals Procedure.

5.15 Redundancy – Final, Formal Meeting

Employees who remain at risk following consideration of assimilation, ring fencing and redeployment will face redundancy unless they have made an application for either voluntary enhanced redundancy or voluntary early retirement in the Interest of Efficiency of the Service which has been accepted.

In these cases, the employee will have a final meeting with their Operational Director, where the date of termination of employment will be confirmed. It is recommended that this meeting is held two weeks before the employees' date of leaving.

Arrangements will be put in place by the employees' manager to support them during their remaining notice period, including continuing to look at potential opportunities within the Council, as well as providing time to attend external interviews.

5.16 Maternity Leave & Long Term Sickness

Employees who are on maternity leave and whose post has been selected for redundancy, the position is different. In such circumstances, the employee must be offered any suitable alternative employment that is available, unless the Council can justify a decision not to do so if there is no suitable alternative post, then the provisions of this Protocol will apply. The advice of H.R. must be sought in such circumstances.

Whilst the position is not the same for employees on long term sick leave, managers must give full regard to maintaining contact with such employees, notifying them of vacancies etc. It is also advised that support is sought from H.R.

5.17 Statutory Trial Periods

Employees who are successful in being offered a suitable alternative post with the Council are entitled to a statutory trial period of four calendar weeks. This trial period commences from the date at which the employee's previous contract of employment expires.

If an employee is successful in being offered a suitable alternative post before the expiry of their contract of employment, then this will be added to the statutory trial period. The legislative right to a four week trial does not commence until the expiry of the contract of the post to be deleted. The appointing manager will meet with the employee to formally review the trial period before the end of this four week period.

If, following interview, it is felt that the applicant **may be** a suitable candidate for employment, it should be agreed with the employee that the offer of alternative employment will be subject to an extended trial period of three

months to accommodate a post. There should be a written agreement with the employee, before the trial begins, specifying the date when the trial period will end, the nature of the training or re-training programme and how the trial period will be monitored.

If the employee declines the alternative post at the conclusion of the trial period and the date of their at risk period has passed, then they will be entitled to a redundancy payment unless the Council can show that the post was suitable alternative employment and that it had been unreasonably refused.

If the trial period is unsuccessful and the date of the end of their at risk status has not passed, they will revert to their original, substantive post and at risk position and continue to seek redeployment opportunities. If they are then successful in securing another offer of suitable alternative employment they will commence another trial period. The statutory trial period will commence from the date that the post to be deleted expires. If possible, a maximum of two trial periods will be allowed unless exceptional circumstances apply.

For the duration of any trial period, if the employee is appointed to a lower graded post they will remain on their existing pay and other conditions until the outcome of the trial period is known and confirmed. The costs of this will be met by the original employing Directorate. If the employee is successful in securing a higher graded post, they will remain on their existing grade until the successful completion of the trial, at which time the new, higher grade will be backdated to the start of the trial period.

Trial periods can be terminated by either party but only where there is proper reason and following a meeting between management, the employee, the union representative and a representative from H.R. Reasons must be given in writing and the employee may still be entitled to a redundancy payment. Advice must be sought from H.R. if this course of action is anticipated.

Additionally, an employee seeking redeployment cannot reject the offer of what is deemed a reasonable alternative post without jeopardising their employment status with the Council.

5.18 Flexible Working Arrangements

Employees working part-time, or with other flexible working arrangements, and who are successful in being appointed to jobs, accept the post on the basis it was advertised or alternatively explore the possibility of a part-time, flexible working arrangement with the manager of the vacant post, prior to submitting an application. Any subsequent request for a flexible working arrangement is as per the Voluntary and Flexible Part-time Working Policy. Additionally, redeployment opportunities will be sought for employees on the basis of their substantive posts regardless of any secondments, honoraria payments etc.

5.19 Subsequent Appointments following At Risk Status

Employees who are successful in obtaining alternative employment and who are subject to a pay protection, who then subsequently voluntarily apply for another position within the Council, do so on the same basis as non-at risk candidates and, if successful, accept the new position at the grade advertised, all be it, that the period of pay protection may not have expired.

5.20 Transferred or Bumped Redundancy

All options should be taken to avoid compulsory redundancy and one such option is to create suitable alternative positions for at risk employees to be redeployed to, by allowing non at risk employees to volunteer to leave through voluntary early retirement in the interest of efficiency of the service. Payments will be made to the successful volunteering employee as detailed in this Protocol in Section 6.

A record will be maintained of "Expressions of Interest" which will have two purposes, 1) to enable management to know which staff who are at risk would be willing to volunteer to leave if redeployment is unsuccessful and 2) which staff who aren't placed at risk but are in areas affected by the review, would be willing to volunteer for voluntary early retirement to free up a post for an at risk candidate to be redeployed to.

This will be a last resort as the Council will not normally seek volunteers unless there is a real threat of compulsory redundancy and a potential match of skills is available. This scheme operates in exceptional circumstances during the period of the Efficiency Programme.

The process of matching the jobs of volunteers with At Risk employees is likely to be a complex one both within and between Directorates. All potential transferred redundancies will be co-ordinated by the H.R. Efficiency Team, in conjunction with the appropriate Operational Director of the vacant post and H.R. will assist managers to assess the skills and qualifications of At Risk employees in transferred redundancy situations. The employee will of course have the right to be represented by a fellow employee or trade union representative if they so wish.

Any employee, who wishes to express an interest as a potential volunteer should speak to their line manager and Operational Director in the first instance, then should put their application in writing to their Strategic Director, who will ensure the HR Efficiency Team are aware of the request as they will maintain a record for potential matches. Such matches will be based on a number of factors one of which will be the cost of allowing the volunteer to leave and any subsequent pay protections if the At Risk employee is being transferred to a lower graded post. Transfers will normally be at the same grade, although may be at a lower level and skills match for the post if the At Risk employee meets the criteria on the person specification for the post.

Please note that these schemes are voluntary and discretionary. Putting a request in writing is not binding on the employee to leave and furnishing the employee with their pensions/redundancy estimate is not binding on the employer to allow the employee to leave under either of these schemes. The Council reserves the right to approve such applications based on cost.

Additionally, no estimates will be obtained for either voluntary redundancy or early retirement in the interest of efficiency unless a potential match is found and then the approval of both the employee and the Operational Director must be obtained. This Protocol does however contain sample calculations for employees who may wish to calculate their own position and employees are able to access the Cheshire pension's website to calculate their pension themselves.

A proposal to transfer a redundant temporary employee with less than two years service will not normally be allowed. It may however be possible to transfer a redundancy from a temporary employee with more than 2 years service to a permanent employee.

The costs of the transferred redundancy/early retirement will be borne by the service which benefits from the redundancy/early retirement.

5.21 PAY PROTECTION

At risk employees are required to actively seek alternative posts with the Council in accordance with the detail of this policy. In order to encourage staff to positively pursue vacancies and in a realistic manner, the Council will protect the pay of employees who obtain lower graded posts as set out below.

Those employees who accept a post on a permanent basis which is at a lower grade than their deleted post shall have their salary at the date of commencing in the new post protected for a period of 3 years. This protection is only provided on the basis that the protected salary is no more than 33 1/3% of the existing salary.

This provision is included to ensure that an employee does not receive full protection after applying for a post that is graded significantly lower than their current position. This figure is to be calculated on the maximum of the scale of the post in which they are to be protected. For example, if an employee is paid a contractual salary of £15,000 p.a and, following redeployment, the protection (at the top of the new scale) does not exceed £5,000 then they would remain on their salary of £15,000. If the protection exceeds £5,000 then their salary would reduce to the top point of the new scale plus £5,000. If this calculation produces a salary which is not equivalent to a spinal column point then the salary will be rounded up to the nearest point. It should be noted that "contractual salary" means all contractual payments.

The employee would be eligible to receive pay award increases during the protection period, but not incremental payments provided the 33 1/3% protection figure is not exceeded. No other protection is provided for other conditions of service e.g. car allowance (if the new post is not eligible), telephone allowance etc.

If at the end of the protection period the employee is still in the same position then the protection will cease and they will revert to the correct rate for their post at the top point of their grade.

In the case of organisational change occasioning large scale reduction in the numbers of posts, once the required reduction in numbers has been achieved, as identified in the restructuring proposals, then the "at risk" situation will be declared resolved. No more than the identified number will be redeployed/allowed to leave under the voluntary scheme. In the case of too many volunteers, applications will be considered based on the needs of the business following consultation with trade unions and advice from H.R.

Formal At Risk Procedure

New structures agreed.

Employees informed that their post will be deleted on 30 March 2010. If these meetings take place before the 30th December 2009, no formal notice will be given however, the employee will be afforded the protections of the At Risk Procedure whilst they are either:-



Assimilated into a suitable alternative post

Seek suitable alternative posts through redeployment (as below)



If the employee wishes to ask for a review of their categorisation, before notice of redundancy dismissal is given, then they have 7 working days to request this.



Apply for posts in a ring fence.

Following ring fenced interview, if employee is unsuccessful, they are placed at risk and seek redeployment.



Applications for VER sought from employees in Wave 1.



- Approved to create vacancy for bumped redundancy or post is to be deleted.

- Not approved at this stage, may be considered later in the process.

Apply for VER/VR



If successful, may leave the Council prior to 30 March 2010.

January 2010
At Risk/Redeployment Stage

Employee seeks redeployment as they are placed at risk for a period of 3 months 30.12.09.

□ □

→
Right of Appeal against dismissal given

May apply/re-apply for VER/VR – ongoing to Mid Feb 2010.

Applies for a post which is not substantially different (i.e. 2 grades/within 8 increments)

- Does not need to meet person spec.
- Priority interview.

- Pay protection (If appointed to a lower graded post)

Applies for a post which is substantially different (i.e. 2 grades/more than 8 increments)

- Meets the person spec.
- Priority interview.

- Appointed on basis of best person for post or can do the job with training.



Monthly Meetings

At the end of each month during the At Risk period, employees still unsuccessful in obtaining redeployment will have a review of their position.

They continue to seek redeployment or apply for VER/VR (if eligible – see below)

Meeting Mid February

Employee unsuccessful in redeployment/ VER/VR –
Redundancy confirmed

6.0 Voluntary Early Retirement/ Voluntary Redundancy Schemes

6.1 INTRODUCTION

This section details what employees will be entitled to if they are made redundant from the Council as a result of the Efficiency Programme. In addition to detailing an employees entitlement to compulsory redundancy payments, it also details the enhanced redundancy scheme that employees can volunteer for (subject to five years continuous service with Halton) and the voluntary early retirement scheme that employees can apply for as an alternative to redundancy or to create vacancies for bumped redundancies (subject to five years service with Halton and age).

6.2 Criteria for Compulsory Redundancy, Voluntary Enhanced Redundancy and Voluntary Early retirement in the Interests of Efficiency

Employee's eligibility under these schemes is as follows:-

- **Statutory Compulsory Redundancy**

An employee of any age is eligible for compulsory redundancy if they have more than 2 year's continuous service within Local Government.
If they have between 2 – 5 years service, they will receive a payment based on the statutory redundancy calculator (based on age/service – see Calculator attached to this Protocol) at actual salary rate (if higher than the statutory limit of £350 pw pro rata.) The maximum number of year's service to be taken into account is 20 years.
In addition, if they are over 55 (50 at 30 March 2010) (* see below) and are made redundant, then they will get automatic access to their accrued pension with no detriment for accessing it early.
- **Voluntary Enhanced Redundancy**

If they have more than 5 years service, as a way of rewarding loyalty, then employees of any age may volunteer for an enhanced redundancy payment calculated as above using the statutory redundancy calculator and multiplying by 2.2 to give a maximum of 66 weeks pay.
In addition, if they are over 55 (50 at 30 March 2010) and are made redundant, then they will get automatic access to their accrued pension with no detriment for accessing it early.
- **Voluntary Early Retirement in the Interest of Efficiency**

If they are over 55 (50 at 30 March 2010) with more than 5 years service with Halton, then as an alternative to applying for enhanced voluntary redundancy, they can apply for Voluntary Early Retirement in the Interest of Efficiency of the Service, as detailed in this Protocol. Employees not At Risk, who may be considered for bumped redundancies, may be considered under this scheme.
- **No Redundancy Entitlement**
- Employees with less than 2 years service will be entitled to their contractual notice.
- **Expressions of Interest**

Employees may wish to express an interest in, initially, voluntary early retirement, as above. Thereafter, as detailed structures are agreed, if employee's posts are proposed to be deleted, they may apply for VER/VR subject to qualifying criteria.

Compulsory redundancy will only be considered as a last resort and all alternatives, including redeployment etc, will be considered before an employee is made compulsorily redundant.

***Definition of 55(50)**

Please note, for employees who are made redundant and who are aged over 55 (50 at 30 March 2010)* refers to those employees who are in the LGPS on 31 March 2008, and are made redundant before 31 March 2010 and who are aged 50 or over when they are made redundant); they will have automatic access to their accrued pension contributions at no detriment. The employer will pick up the cost of the pension being taken early.

6.3 Criteria for Consideration of VER/VR

The criteria for consideration under this scheme is that such a voluntary retirement or voluntary redundancy is in the interest of the employee and the Council as it achieves a more effective use of resources and provides value for money for the Council.

One of the following must be satisfied:-

- Structural changes could lead to savings through not appointing a replacement or appointing at a lower pay level.
- It avoids a redundancy situation by allowing an At Risk employee to be redeployed or transferred into the vacancy created (transferred redundancy – further details in the At Risk policy)
- It retains a valuable employee in a key role but guarantees the employee an exit once the role/project is completed.
- It is considered to be in the interest of the Council as well as the employee.

6.4 The Voluntary Enhanced Redundancy Scheme

Employees of any age, subject to five years service with Halton as a way of rewarding loyalty, can apply to leave with an enhanced Voluntary Redundancy payment. This will be calculated by using the statutory redundancy calculator to find the number of weeks pay based on age/service and then, using actual salary level, enhancing that by x 2.2 to a maximum of 66 weeks. This will be a final one off payment which will be inclusive of the statutory redundancy payment. If the application is successful, then for employees who are aged over 55 (50 at 30 March 2010) they will have automatic access to their accrued pension. For employees who are under 50, there will be no access to accrued pension.

Applications to leave in this way are at the discretion of the appropriate Strategic Director (Appointments Committee for SD/OD level). There is no question of the employee having any right to leave under this scheme and there is no right of appeal.

As an alternative to applying for voluntary redundancy, employees who are placed at risk and who are aged over 55 *(50 at 30 March 2010) with more than 5 years service may wish to consider applying for early retirement in the interests of efficiency.

6.5 VOLUNTARY EARLY RETIREMENT IN THE INTEREST OF EFFICIENCY

Employees who are aged 55 (50 at 30 March 2010) or over with more than 5 years service with Halton, as a way of rewarding loyalty and subject to at least 3 months membership in the LGPS, can apply to leave in the Interest of Efficiency. This scheme is entirely voluntary and at the discretion of management. There is no right of appeal. An employee cannot be compelled to retire under this scheme.

In agreeing to the request, the employee will augment the individual's LGPS service under the provisions of Regulation 12 of the LGPS Regulations 2007.

The total amount of membership that can be augmented under this regulation will be in accordance with the following, subject to a maximum 40 years service in the LGPS.

LGPS Service will be augmented in line with service as follows:

| Local Govt. Service (aggregated years) | Augmentation (years) |
|--|----------------------|
| 5 | 1 |
| 7 | 1 ½ |
| 10 | 2 |
| 12 | 2 ½ |
| 15 | 3 |
| 17 | 3 ½ |
| 20 | 4 |
| 22 | 4 ½ |
| 25 | 5 |
| 27 | 5 ½ |
| 30 | 6 2/3 rd |

Addition of added years will be as an alternative to any redundancy payment. In applying for and consenting to terms of leaving the Council's employment in the interest of efficiency, the employee will not be entitled to receive a statutory redundancy payment. The termination of the employees' employment in these circumstances is truly consensual. For the avoidance of doubt, in agreeing to such terms, the employee recognises that the Council will be required to make a payment in to the pension scheme in order to augment the employees' pension. The employee agrees that such a payment is inclusive of any statutory redundancy payment that the employee is due and further agrees to the Council making this payment direct to the LGPS. Employees will be issued with further guidance, should their application be accepted, and asked to sign to confirm that they understand the voluntary nature of their application as an alternative to any potential redundancy situation.

N.B. the appendices to this report detail the circumstances where pension is payable to those people who **are members of the LGP Scheme**, who meet the qualifying criteria and who are granted VER/VR.

6.6 DECISION MAKING PROCESS

The decision to approve the voluntary early retirement or voluntary redundancy of an employee lies with the Strategic Director for the service in which the employee is employed, in consultation with the Executive Board Member for Corporate Services. Please note that for Operational Directors/Strategic Directors, the final decision lies with the Appointments Committee.

The VER/VR form must be completed and duly signed by the OD with responsibility for H.R. matters and the O.D. with responsibility for financial matters before onward transmission to the Strategic Director. Forms are available from the HR Division.

6.7 APPEAL RIGHTS

Consideration of decisions regarding early retirement in the Interest of Efficiency and/or Voluntary Redundancy are entirely discretionary and as such there will be no right of appeal if such applications are refused.

Appeals against redundancy dismissals are as specified in the At Risk section of this Protocol.

6.8 LOYALTY GIFTS

In recognition of loyal service to Halton, employees who leave the Council with over 20 year's service with Halton are entitled to receive a gift in recognition of their long and loyal service. (For employees transferred by Statutory Transfer Order to Halton in 1998, previous service with Cheshire County Council will count as service with Halton Borough Council). This will take the form of:

- a gift of £200 (reimbursed on production of receipts.)
- a framed certificate
- a Mayoral presentation (if requested)

Additionally, an employee may choose to use part of the award to purchase a life time pass to Tatton Park.

6.9 UNTAKEN ANNUAL LEAVE

Employees are expected to take their full entitlement (pro-rata to their date of leaving).

6.10 RE-EMPLOYMENT OF EX-EMPLOYEES IN RECEIPT OF A PENSION/VOLUNTARY REDUNDANCY PAYMENT.

As a general rule, if an employee has been allowed to take early retirement in the Interest of Efficiency, taken Voluntary Redundancy or been made redundant, then they should not be re-employed. However, it is recognised that there will be some exceptional circumstances when re-employment may be in the interests of the Council and in such cases, a short report should be submitted to the Strategic Director who will consult with the Executive Board Member for Corporate Services seeking approval to re-employ for a limited period.

Where an employee has been made redundant or volunteers for redundancy and receives a severance payment (but no pension) then they should not be re-employed until the expiry of the period of their severance payment, e.g. if the employee received a severance payment based on 10 weeks pay, then the earliest that they should be considered for re-employment would be after 10 weeks from their dismissal date.

Sample Calculations – Voluntary Early Retirement in the Interest of Efficiency Retirement/Voluntary Enhanced Redundancy/Statutory Redundancy

Sample Calculations

All calculations assume a final salary of £25,000 pa/£360pw. and a leaving date of 30 March 2010. Service relates to service in the LGPS.

1. Interest of Efficiency Aged 56 with 30 years service – augmented years only.

Service up to 31 March 2008 (based on 80ths)

$$\frac{\text{£}25000 \times 28 \text{ year's service}}{80} = \text{£}8750.00 \text{ pension pa plus lump sum of } 3/80\text{ths} = \text{£}26250.00 \text{ pa}$$

Plus Service after 1 April 2008 (based on 60ths)

$$\frac{\text{£}25000 \times 1 \text{ year } 364 \text{ days plus } 6 \text{ added years (1 year for every 5 LG service)}}{60} = \text{£}3332.00$$

Total annual pension = £12082.00 pa plus a lump sum of £26250.00

2. Voluntary Enhanced Redundancy Aged 56 with 30 years service – no augmented years

Service up to 31 March 2008 (based on 80ths)

$$\frac{\text{£}25000 \times 28 \text{ year's service}}{80} = \text{£}8750.00 \text{ pension pa plus lump sum of } 3/80\text{ths} = \text{£} 26250.00 \text{ pa}$$

Plus service after 1 April 2008 (based on 60ths)

$$\frac{\text{£}25000 \times 1 \text{ year } 364 \text{ days}}{60} = \text{£}832.00 \text{ pa}$$

Plus a Voluntary Redundancy Payment of 27 ½ weeks at salary rate of £360 pw x 2.2 = £21780.00

Total annual pension = £9582.00 pa plus lump sum of £26250.00 plus VR payment of £21780.00

3. Voluntary Enhanced Redundancy – no access to pension Aged 48 with 30 years service

23 ½ weeks VR payment at salary level £360 x 2.2 = £18612.00

No pension entitlement

4. At Risk - Aged 56 with 4 years service

6 weeks redundancy payment at salary level £360pw (no enhancement) = £2160.00

Plus accrued pension as follows:-

Pre April 2008 $\frac{2 \text{ years} \times \pounds 25000}{80}$

= £625.00

Plus lump sum £1875.00

Post April 2008 $\frac{1 \text{ year } 364 \text{ days} \times 25000}{60}$

= £832.00

Total payment Annual pension of £1457.00 plus lump sum payment of £1875.00 plus VR payment of £2160.00

5. At Risk - Aged 56 with 1 year's service – notice pay only – no redundancy entitlement

Statutory Redundancy Calculation.

½ a weeks pay for service under age 21

1 weeks pay for service between 22 and 41

1 ½ weeks pay for service over age 41

7.0 TUPE PROTOCOL

7.1 Introduction

If decisions are taken, through Service Options Work Streams, to TUPE parts of the Council to external organisations, this document is intended to set out the staffing protocol which will be used to facilitate the transfer of staff to the new employer.

7.2 Definition of TUPE

The Transfer of Undertakings (Protection of Employment) Regulations 2006 (TUPE Regulations) are intended to safeguard employees' rights when the business or organisation in which they are employed changes hands.

The TUPE Regulations protect pay and terms and conditions of transferred employees. For affected employees, their contract of employment, at the date of transfer, will automatically transfer to the new employer.

Under the TUPE Regulations, continuity of employment is preserved and continuous local government service previously accrued will transfer to the new employer.

The TUPE Regulations protect accrued pension rights. The Regulations ensure that the new employer provides a broadly comparable pension scheme.

7.3 Consultation

The Council and the new employer will undertake to consult with the trade unions from an early stage, in a structured and positive way. This will continue up to the date of transfer at which time this consultative process will be recommended to the new employer to be adopted.

In any transfer, it is assumed that jobs will transfer to the new employer in their current form. It is important to this process that agreement is reached between the Council, its trade unions and affected employees on the method used to identify those employees who will transfer to the new employer.

The new employer will seek to consult with employees individually on job content (where this is likely to change), skills and appropriateness of jobs identified for individuals within the new employment situation.

In general terms, it can be clearly stated that all employees who are employed wholly or mainly on the affected service areas business, immediately prior to the transfer, will transfer to the new employer. This may also include some support staff.

7.4 Job Security

It is envisaged that all existing employees, employed wholly or mainly on the affected service areas business, will transfer to the new employer, with little or no change to their existing job role.

It is possible that there may be a small number of employees in certain categories, which could necessitate offering employees (both transferring to the new employer and those remaining with the Council) alternative posts to those that they currently occupy. The Council will seek to avoid any compulsory redundancies for those employees who will not be able to transfer i.e. Finance, H.R., and Cleaning etc. The Councils At Risk policy may apply in these circumstances.

Employees who are transferring to a new employer under the TUPE Regulations will have a position with that new employer and therefore will not be afforded the protections of the At Risk policy.

8.0 TRAINING & WELFARE SERVICES

8.1 Training For At Risk Employees

It is anticipated that during the efficiency programme, training/re-training needs will be identified for at risk employees.

The exact nature of this training will become more apparent as the process moves forward and every effort will be made to ensure that staff have access to the appropriate training they may require.

Employees who are at risk of redundancy and who have been formally declared as At Risk in accordance with the agreed procedure adopted herein, will be allowed sufficient time to enable them to develop their skills and capabilities in terms of obtaining a new position; i.e. interview skills. Such courses will be provided through the Corporate Training Centre.

8.2 Leading Through Change and Project Management Skills for Managers

In addition to training required by individual employees, it is intended to roll out a programme of training for managers to assist them in leading through change. Details of this will be circulated once finalised. It is anticipated that all managers identified as requiring this training will take part in the programme. In addition, there is currently a project management course available as part of the corporate training calendar.

8.3 WELFARE SERVICES - The Managers Role in Supporting At Risk Employees

Employees who are At Risk of redundancy may feel vulnerable and may be distressed by their position. The managers' role will be vital therefore in guiding and assisting them through this process.

It is a manager's responsibility to inform the employee that they have been formally placed At Risk and thereafter to ensure that the employee has access to all vacancies and to ensure that the H.R. Efficiency Team is aware that the individual employee has been placed At Risk.

Then, working with the H.R., they will jointly monitor vacancies to see if any are suitable for the At Risk employee, they will discuss vacancies, training and other support as may be appropriate with the employee and allow reasonable time for applying for jobs as may be necessary.

In addition, managers should be alert to any signs of stress that the employee may be exhibiting and may feel it necessary to undertake a Stress Risk Assessment.

H.R. will also be available to provide any advice with regards to support available from OHU.

8.4 The Role of H.R.

H.R. will co-ordinate all At Risk employees and also keep a register of any potential volunteers who may wish to take a transferred redundancy. In this

way, they can work with the i yee, their managers and trade union representatives to try to facilitate redeployment options.

In addition, they will work with all parties with regards to welfare issues and identifying training needs.

In relation to all H.R. matters that may result from the Efficiency Programme, such as TUPE transfers, advice on restructuring proposals, re-grading of posts etc., H.R. should be involved from an early stage and throughout. Any formal consultation meetings with trade union representatives should be attended by H.R.

9.0 The Council's Commitment

The Council is committed to ensuring that the process of the Efficiency Programme, whilst designed to elicit large scale savings, will be handled sensitively and transparently. We will work collaboratively with the recognised trade unions and will maintain regular communication both with them and with our employees.

Every effort will be made to ensure that everyone who is currently employed and who wants to remain with Halton Borough Council will have the opportunity to remain employed by the Council. This will require the co-operation of all parties, in the application of the policies contained within this Protocol, particularly the At Risk Policy. Compulsory redundancy will be seen as a last resort.

These policies and procedures will enable the Council to facilitate the changes whilst recognising the need to retain employees and value the breadth of experience and knowledge that exists within the workforce.

The Staffing Protocol will be formally reviewed annually.

Statutory redundancy pay table

| Age | Service (Years) | | | | | | | | | | | | | | | | | | | |
|-----|-----------------|----|----|----|----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|--|
| | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 15 | 16 | 17 | 18 | 19 | 20 | |
| 17* | 1 | | | | | | | | | | | | | | | | | | | |
| 18 | 1 | 1½ | | | | | | | | | | | | | | | | | | |
| 19 | 1 | 1½ | 2 | | | | | | | | | | | | | | | | | |
| 20 | 1 | 1½ | 2 | 2½ | - | | | | | | | | | | | | | | | |
| 21 | 1 | 1½ | 2 | 2½ | 3 | - | | | | | | | | | | | | | | |
| 22 | 1 | 1½ | 2 | 2½ | 3 | 3½ | - | | | | | | | | | | | | | |
| 23 | 1½ | 2 | 2½ | 3 | 3½ | 4 | 4½ | - | | | | | | | | | | | | |
| 24 | 2 | 2½ | 3 | 3½ | 4 | 4½ | 5 | 5½ | - | | | | | | | | | | | |
| 25 | 2 | 3 | 3½ | 4 | 4½ | 5 | 5½ | 6 | 6½ | - | | | | | | | | | | |
| 26 | 2 | 3 | 4 | 4½ | 5 | 5½ | 6 | 6½ | 7 | 7½ | - | | | | | | | | | |
| 27 | 2 | 3 | 4 | 5 | 5½ | 6 | 6½ | 7 | 7½ | 8 | 8½ | - | | | | | | | | |
| 28 | 2 | 3 | 4 | 5 | 6 | 6½ | 7 | 7½ | 8 | 8½ | 9 | 9½ | - | | | | | | | |
| 29 | 2 | 3 | 4 | 5 | 6 | 7 | 7½ | 8 | 8½ | 9 | 9½ | 10 | 10½ | - | | | | | | |
| 30 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 8½ | 9 | 9½ | 10 | 10½ | 11 | 11½ | - | | | | | |
| 30 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 9½ | 10 | 10½ | 11 | 11½ | 12 | 12½ | - | | | | |
| 32 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 10½ | 11 | 11½ | 12 | 12½ | 13 | 13½ | - | | | |
| 33 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 11½ | 12 | 12½ | 13 | 13½ | 14 | 14½ | - | | |
| 34 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 12½ | 13 | 13½ | 14 | 14½ | 15 | 15½ | - | |
| 35 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 13½ | 14 | 14½ | 15 | 15½ | 16 | 16½ | |
| 36 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 14½ | 15 | 15½ | 16 | 16½ | 17 | |
| 37 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 15 | 15½ | 16 | 16½ | 17 | 17½ | |
| 38 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 15 | 16 | 16½ | 17 | 17½ | 18 | |
| 39 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 15 | 16 | 17 | 17½ | 18 | 18½ | |
| 40 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 15 | 16 | 17 | 18 | 18½ | 19 | |
| 41 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 15 | 16 | 17 | 18 | 19 | 19½ | |
| 42 | 2½ | 3½ | 4½ | 5½ | 6½ | 7½ | 8½ | 9½ | 10½ | 11½ | 12½ | 13½ | 14½ | 15½ | 16½ | 17½ | 18½ | 19½ | 20½ | |
| 43 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 15 | 16 | 17 | 18 | 19 | 20 | 21 | |
| 44 | 3 | 4½ | 5½ | 6½ | 7½ | 8½ | 9½ | 10½ | 11½ | 12½ | 13½ | 14½ | 15½ | 16½ | 17½ | 18½ | 19½ | 20½ | 21½ | |
| 45 | 3 | 4½ | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 15 | 16 | 17 | 18 | 19 | 20 | 21 | 22 | |
| 46 | 3 | 4½ | 6 | 7½ | 8½ | 9½ | 10½ | 11½ | 12½ | 13½ | 14½ | 15½ | 16½ | 17½ | 18½ | 19½ | 20½ | 21½ | 22½ | |
| 47 | 3 | 4½ | 6 | 7½ | 9 | 10 | 11 | 12 | 13 | 14 | 15 | 16 | 17 | 18 | 19 | 20 | 21 | 22 | 23 | |
| 48 | 3 | 4½ | 6 | 7½ | 9 | 10½ | 11½ | 12½ | 13½ | 14½ | 15½ | 16½ | 17½ | 18½ | 19½ | 20½ | 21½ | 22½ | 23½ | |
| 49 | 3 | 4½ | 6 | 7½ | 9 | 10½ | 12 | 13 | 14 | 15 | 16 | 17 | 18 | 19 | 20 | 21 | 22 | 23 | 24 | |
| 50 | 3 | 4½ | 6 | 7½ | 9 | 10½ | 12 | 13½ | 14½ | 15½ | 16½ | 17½ | 18½ | 19½ | 20½ | 21½ | 22½ | 23½ | 24½ | |
| 51 | 3 | 4½ | 6 | 7½ | 9 | 10½ | 12 | 13½ | 15 | 16 | 17 | 18 | 19 | 20 | 21 | 22 | 23 | 24 | 25 | |
| 52 | 3 | 4½ | 6 | 7½ | 9 | 10½ | 12 | 13½ | 15 | 16½ | 17½ | 18½ | 19½ | 20½ | 21½ | 22½ | 23½ | 24½ | 25½ | |
| 53 | 3 | 4½ | 6 | 7½ | 9 | 10½ | 12 | 13½ | 15 | 16½ | 18 | 19 | 20 | 21 | 22 | 23 | 24 | 25 | 26 | |
| 54 | 3 | 4½ | 6 | 7½ | 9 | 10½ | 12 | 13½ | 15 | 16½ | 18 | 19½ | 20½ | 21½ | 22½ | 23½ | 24½ | 25½ | 26½ | |
| 55 | 3 | 4½ | 6 | 7½ | 9 | 10½ | 12 | 13½ | 15 | 16½ | 18 | 19½ | 21 | 22 | 23 | 24 | 25 | 26 | 27 | |
| 56 | 3 | 4½ | 6 | 7½ | 9 | 10½ | 12 | 13½ | 15 | 16½ | 18 | 19½ | 21 | 22½ | 23½ | 24½ | 25½ | 26½ | 27½ | |
| 57 | 3 | 4½ | 6 | 7½ | 9 | 10½ | 12 | 13½ | 15 | 16½ | 18 | 19½ | 21 | 22½ | 24 | 25 | 26 | 27 | 28 | |
| 58 | 3 | 4½ | 6 | 7½ | 9 | 10½ | 12 | 13½ | 15 | 16½ | 18 | 19½ | 21 | 22½ | 24 | 25½ | 26½ | 27½ | 28½ | |
| 59 | 3 | 4½ | 6 | 7½ | 9 | 10½ | 12 | 13½ | 15 | 16½ | 18 | 19½ | 21 | 22½ | 24 | 25½ | 27 | 28 | 29 | |
| 60 | 3 | 4½ | 6 | 7½ | 9 | 10½ | 12 | 13½ | 15 | 16½ | 18 | 19½ | 21 | 22½ | 24 | 25½ | 27 | 28½ | 29½ | |
| 61+ | 3 | 4½ | 6 | 7½ | 9 | 10½ | 12 | 13½ | 15 | 16½ | 18 | 19½ | 21 | 22½ | 24 | 25½ | 27 | 28½ | 30 | |

