

EMPLOYMENT STABILITY POLICY

Council – 3 November 2015

Report of Chief Officer Corporate Support

Status: For decision

Key Decision: No

This report supports the Corporate Plan promise to provide value for money

Portfolio Holder Cllr Fleming

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Recommendation to Council:

The Employment Stability Policy be adopted.

Reason for recommendation: To ensure that the Council has a comprehensive Employment Stability Policy in place that is in accordance with best practice and provides appropriate guidance and support to staff whilst supporting the Council to deliver on its promise to deliver value for money to residents.

Background

- 1 From time to time it is necessary for the Council to review the services that it provides and the structures within the organisation that are required to deliver its services. Under such circumstances it is the responsibility of Sevenoaks District Council to ensure that all employees, regardless of length of service who are affected by reorganisation and/or redundancy are treated fairly.
- 2 The Council's Employment Stability Policy is included within the Council's Policy Framework at Appendix F of its Constitution. The Policy seeks to ensure that the Council continues to meet its requirements by setting out the rights of staff and the support that they are entitled to if they are affected by a reorganisation of services or a redundancy situation and documents the procedures that the Council will follow to ensure all staff continue to be treated fairly.
- 3 The Council's current Employment Stability Policy has been in place since 2007 and was last updated and adopted by Council in February 2013.

Introduction

- 4 Sevenoaks District Council takes pride in the quality of the services that it delivers to its communities. However, it recognises that to ensure that it continues to deliver high quality, value for money services, which are in line with priorities and

resources available, the services that are provided and the way in which those services are delivered may sometimes need to change.

- 5 To ensure the practices the Council adopts when it seeks to make changes to its organisational structure continue to meet best practice and deliver value for money to the organisation and local tax payers it is necessary to update the Council's Employment Stability Policy.
- 6 This report sets out proposed amendments to the existing policy to ensure that it best reflects the responsibilities of those affected by organisational restructures, and those considering organisational restructures on behalf of Sevenoaks District Council. It also proposes amendments to the Council's salary protection arrangements. These seek to strike a balance between providing a reasonable and fair solution for staff; minimising the potential need for reductions in posts or redundancies to deliver savings requirements; and delivering value for money to the Council.
- 7 The Council wishes to retain a high quality, motivated workforce with a balance of skills and experience that ensures that it is equipped to meet future challenges and service requirements and the updates in this report reflect this.

Employment Stability Policy

- 8 Set out at Appendix A to this report is the updated Employment Stability Policy for Members consideration.
- 9 The Policy remains substantially unchanged from that adopted in 2013. Improvements have been made to clarify the information provided to give greater certainty for both staff impacted by the policy and those implementing the requirements of the policy on the Council's behalf. To help achieve this Members may wish to note the inclusion of four new appendices covering a summary of stages, a sample timetable, a flow chart and frequently asked questions.
- 10 The substantive changes to the Policy for Members consideration are the salary protection arrangements and changes to the way dismissals through redundancy are authorised.
- 11 It is the Council's current policy to protect an employee's salary for two years and to allow an employee to be redeployed in to a suitable alternative role that is up to two grades lower than their current role. Within Section 8 of the Policy (provided at Appendix A) "Salary Protection Arrangements" it is proposed to reduce this and instead protect the salary of an employee that is redeployed into a role of up to one grade difference for a period of 12 months.
- 12 Protection applies to basic pay for the employees post. Additional payments such as overtime or any other allowances or benefits relating to the employees previous post or working pattern will be excluded.
- 13 It is the Council's current policy that the authority to dismiss staff through the mechanism of redundancy is reserved to the Chief Executive (subject to agreement of the Human Resources Manager). Within Section 9 of the Policy (provided at Appendix A) "Agreement to dismissal on the grounds of redundancy" it

is proposed to amend this to Chief Officers at a Strategic Management Team meeting with the Human Resources Manager. The role of the Chief Executive will in future be reserved to the hearing of appeals, where there is no conflict of interest in him doing so.

Consultation

- 14 It is the Council's agreed process when amendments to human resources policies are being considered to consult with the Staff Consultative Group. UNISON is represented on the group and have agreed to being consulted in this way. At the time of the writing this report UNISON had not provided their comments on the proposed amendments to the Employment Stability Policy.
- 15 Officers have considered the views put forward by UNISON (and the wider Staff Consultative Group) and have concluded that although the benefits to an individual employee would be reduced by the proposal put forward it provides increased protection to all employees as the costs associated to deliver savings would be reduced and as a result the potential number of reductions in posts (or redundancies) is reduced.
- 16 Members may wish to note that benchmarking of salary protection arrangements with 20 other Council's whose information is available publicly concluded that the average salary protection offered (using both modal and median averages) is one year, as is being proposed for this Council.

Other Options Considered and/or Rejected

- 17 Consideration has been given to making no changes to the Employment Stability policy as adopted in February 2013. This course of action has not been taken forward due to the need to improve the clarity of information to those requiring guidance or support under the Policy.
- 18 Consideration has been given to not amending the salary protection arrangements set out within the Policy, both in developing the updated policy and in response to consultation responses. As set out at paragraph 15 above this was not considered to be a suitable course of action as it would continue to place a greater number of employees at risk of redundancy in order to meet any savings required.

Key Implications

Financial

- 19 The Employment Stability Policy commits the Council to follow robust procedures in the event of organisational restructures. Subject to Members approval the revised Policy will allow for employees to be redeployed into roles that are one grade lower than their current position and receive salary protection for twelve months. This will result in a lower number of individuals being affected to deliver financial savings, compared to the arrangements in the current policy which allow for individuals to receive salary protection for two years for up to two grades lower.

Legal Implications and Risk Assessment Statement.

- 20 The Employment Stability Policy is in accordance with the Advisory, Conciliation and Arbitration Service (ACAS) code of practice, the Green Book – National Terms and Conditions and takes due regard of the requirements of the Data Protection Act. The Policy minimises the risk that employees subject to it are treated unfairly or subject to unlawful discrimination.

Equality Assessment

- 21 Members are reminded of the requirement, under the Public Sector Equality Duty (section 149 of the Equality Act 2010) to have due regard to (i) eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Equality Act 2010, (ii) advance equality of opportunity between people from different groups, and (iii) foster good relations between people from different groups.
- 22 The decisions recommended through this paper do not directly or indirectly impact on end users. The impact has been analysed and there are no significant variations between groups of people.

Conclusions

- 23 The Employment Stability Policy has been developed to ensure that the Council retains a balance of skills and experience within the workforce to ensure that it is equipped to meet future challenges and service requirements. Where job losses are unavoidable the aim of the Council is to minimise the number of compulsory redundancies through the use of a flexible and effective framework that ensures staff are well informed and consistently treated in a fair and equal manner.

Appendices

Appendix A – Proposed Employment Stability Policy

Background Papers:

[Employment Stability Policy \(adopted 2013\)](#)

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