

AGENDA FOR EMPLOYMENT PANEL



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To: All Members of Employment Panel

Councillors : T Rafiq (Chair), R Bernstein, J Grimshaw,
D Berry, C Cummins, E Moss, T Tariq, M Walsh and
L Dean

Dear Member/Colleague

Employment Panel

You are invited to attend a meeting of the Employment Panel which will be held as follows:-

Date:	Tuesday, 24 January 2023
Place:	Microsoft Teams
Time:	7.00 pm
Briefing Facilities:	If Opposition Members and Co-opted Members require briefing on any particular item on the Agenda, the appropriate Director/Senior Officer originating the related report should be contacted.
Notes:	

AGENDA

1 APOLOGIES FOR ABSENCE

2 DECLARATIONS OF INTEREST

Members of the Employment Panel are asked whether they have an interest in any of the matters on the agenda and, if so, to formally declare that interest.

3 MINUTES OF THE PREVIOUS MEETING (Pages 5 - 8)

The minutes of the meeting held on 20 September 2022 are attached for approval and accuracy.

4 TERMS OF REFERENCE OF THE EMPLOYMENT PANEL (Pages 9 - 12)

The terms of reference document is attached, containing the proposed amendments in red.

5 NATIONAL JOINT COUNCIL FOR LOCAL GOVERNMENT SERVICES (GREEN BOOK) PAY AWARD - ADDITIONAL DAYS LEAVE AND REMOVAL OF SCP1 (Pages 13 - 20)

Report by Councillor Rafiq, Cabinet Member for HR & Corporate Affairs is attached.

6 AMENDMENTS TO OFFICER EMPLOYMENT PROCEDURE RULES AND DISCIPLINARY PROCEDURE FOR HEAD OF PAID SERVICE, MONITORING OFFICER AND CHIEF FINANCE OFFICER (Pages 21 - 38)

Report by Councillor Rafiq, Cabinet Member for HR & Corporate Affairs is attached.

7 CHIEF OFFICER JOB EVALUATION SCHEME (Pages 39 - 44)

Report by Councillor Rafiq, Cabinet Member for HR & Corporate Affairs is attached.

8 WORKFORCE POLICY REVIEW: PHASE 1 (Pages 45 - 58)

Report by Councillor Rafiq, Cabinet Member for HR and Corporate Affairs is attached.

a RECRUITMENT AND SELECTION (Pages 59 - 72)

Appendix 1 – Recruitment and Selection Policy attached.

b DOMESTIC VIOLENCE AND ABUSE (Pages 73 - 86)

Appendix 2 – Domestic Violence and Abuse Policy attached.

c STAFF TRAVEL

d BANKING OF LEAVE AND CARRY OVER OF LEAVE POLICY

e CARRY OVER OF LEAVE ARRANGEMENTS

f PAY PROTECTION

g REDEPLOYMENT POLICY *(Pages 87 - 116)*

Appendix 5 – Redeployment Procedure attached.

9 URGENT BUSINESS

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Minutes of: EMPLOYMENT PANEL

Date of Meeting: 20 September 2022

Present: Councillor T Rafiq (in the Chair)
Councillors R Bernstein, J Grimshaw, D Berry, E Moss, T Tariq,
M Walsh and L Dean

Also in attendance: Councillor E O'Brien, Leader of the Council
Sam McVaigh Director of People and Inclusion

Public Attendance: No members of the public were present at the meeting.

Apologies for Absence: Councillor C Cummins

23 APOLOGIES FOR ABSENCE

Apologies for absence are noted above.

24 DECLARATIONS OF INTEREST

There were no declarations of interest made at the meeting.

25 MINUTES OF THE PREVIOUS MEETING

It was agreed that the notes of the meeting held on 14 June 2022 be approved as a correct record and signed by the Chair.

26 CHIEF EXECUTIVE RECRUITMENT UPDATE

Councillor O'Brien, Leader of the Council presented a report setting out the proposed arrangements for the recruitment of a new Chief Executive following the recent announcement of the intention of the current Chief Executive to retire in March 2023.

It was explained that the Chief Executive's Job Description has been revised to take account of the significant progress with health and care integration over the past four years and the development of Bury's 2030 Community Strategy. The proposed job description was appended to the report. It was explained that the intention was to advertise the post within the existing salary band from £182,770 to £189,883. This remuneration level has been reviewed against Chief Executive salaries across Greater Manchester and remains appropriate to secure strong candidate field.

Councillor O'Brien explained that the process had already started to identify a recruitment partner through the Government Resourcing Partnership framework with the intention being that they would be appointed by 28 September 22.

It was anticipated that the post would open for applicants on 14 October and close on 4 November 2022.

The longlist would be agreed by 9 November, and this would then be followed by one-to-one discussions with the Leader and technical assessments during the week commencing 14 November 2022.

The shortlist would be agreed by the appointment panel on 23 November and assessment centre and final interviews taking place on 5 December and 6 December respectively.

It was anticipated that should a candidate be appointed who is required to serve a three month notice period, the timeline set out should enable them to join without the need for interim arrangements.

It was explained that once the recruitment partner had been appointed the final assessment centre process would be developed in collaboration with them and would likely include a range of elements such as:

- Engagement with the current Council Executive Team
- Stakeholder discussions with key public, private and voluntary sector partners
- Engagement with a staff stakeholder panel and with the Trade Unions
- An opportunity to visit different areas of the borough, including our major regeneration areas
- An opportunity to engage with all elected Members.

Feedback from the interactions will be provided to the appointment panel to inform their final recommendation.

It was reported that the Employment Panel Terms of Reference set out that:

‘A politically balanced 6 member panel will be convened to fulfil the employment functions [of the panel], the 5th/and if necessary 6th member will be the Cabinet Member(s) with responsibility for the portfolio area under consideration or their appointed deputy’.

It was explained that in order to provide a diverse panel and ensure appropriate representation the suggestion is that Employment Panel agree to expand this to a 7 Member panel for this appointment. The proposal is that the panel would consist of:

1. The Cabinet Member for Corporate Affairs and HR / Chair of the Employment Panel (Appointment Panel Chair)
2. The Leader of the Council
3. The Deputy Leader of the Council (Employment Panel Member)
4. One further Cabinet Member to be nominated by the Leader and co-opted to the Employment Panel for the purposes of this appointment
5. The Leader of the Conservative Group (Employment Panel Member)
6. One further Conservative Member to be nominated by the leader of the Conservative Group and co-opted to the Employment Panel for the purposes of this appointment if not already a member
7. The leader of the Radcliffe First group (to be co-opted to the Employment Panel for the purposes of this appointment)

It was also reported that the Chief Executive of NHS Greater Manchester will be invited to attend the Panel and contribute to discussions given the proposal that the successful candidate is proposed as Bury's Place Based Lead for Health and Care.

Members of the Panel were given the opportunity to ask questions and make comments and the following points were raised:

- Councillor Moss referred to the need to ensure that the interview Panel included a female Councillor as the identified members were all male.
- Councillor Bernstein asked that he be involved with the longlist process if only as an observer.
- It was asked what the all-Member engagement would look like.

Councillor O'Brien explained once the recruitment consultants had been appointed they would be able to advise on all Member engagement and what this would look like.

Councillor O'Brien also stated that he would be more than happy for Councillor Bernstein to observe the longlisting and share views on candidates with the Panel.

Councillor Bernstein asked how he should formalise the Conservative Groups other nomination on the Interview Panel and it was requested that this be done through Democratic Services.

It was agreed:

1. That the proposed timeline for the recruitment to a new Chief Executive be noted.
2. That the proposed revised Chief Executive's Job Description be noted.
3. That the Council Standing Orders in relation to the membership the Employment Panel be suspended for the appointment of the Chief Executive.
4. That the suggested Membership as set out in section 2 of the report be approved.
5. That the Employment Panel Terms of Reference be updated to include a section on Chief Executive recruitment, details of which will be presented at the next meeting of the Employment Panel.

27

UPDATE TO THE MATERNITY POLICY

Sam McVaigh, Director of People and Inclusion presented a report from the Cabinet Member for HR and Corporate Affairs updating the Panel on the Council's Maternity Policy for New and Expectant Mother.

It was explained that the policy had been refreshed to reflect new guidance from the Health and Safety Executive in relation to risk assessments.

The policy had also been updated to present clear definition in relation to both the calculation of occupational maternity pay and the Council's policy position in relation to miscarriage. It was reported that whilst the policy application in both areas was operating effectively the policy had been updated to avoid confusion.

The key changes were set out within the report.

Councillor Tariq asked what reasonable adjustments were and how this would be looked at.

Sam explained that reasonable adjustments would be applied as they are in relation to disabilities and included posture and position, shift patterns, work related stress, temperature/noise, risk of physical injury and exposure to harmful substances.

It was also explained that the Council were in the process of reviewing their approach to reasonable adjustments.

It was agreed:

1. That the Employment Panel agree the changes to the policy.
2. That the policy be forwarded to the Corporate Joint Consultative Committee for ratification and published on the Council intranet pages.

28

URGENT BUSINESS

There was no urgent business.

COUNCILLOR T RAFIQ
Chair

(Note: The meeting started at 5.00 pm and ended at 5.50 pm)

EMPLOYMENT PANEL TERMS OF REFERENCE

1. FUNCTION

The Employment Panel is responsible for the employment functions as set out in the Officer Employment Procedure Rules; including;

- Act as the Investigating and Disciplinary Committee for statutory Officers of the Council
- Appeals against dismissal and grievances by employees of the Council
- Applications for premature retirement and
- Appointment Panel for Chief and Deputy Chief Officers.

2. MEMBERSHIP

2.1 The Employment Panel will be Chaired by the Cabinet Member with responsibility for human resources. The Committee will be a politically balanced committee of the Council with nine members.

2.2 A politically balanced 3 member panel will be convened to fulfil the appeals functions.

2.3 A politically balanced 6 member panel will be convened to fulfil the employment functions, the 5th/and if necessary, 6th member will be the Cabinet Member(s) with responsibility for the portfolio area under consideration or their appointed deputy.

2.4 A politically balanced 7 member panel will be convened to fulfil the employment functions to discharge their function in appointing the Chief Executive, Monitoring Officer and the S151 Officer.

The 7 member panel will consist of:

1. Chair of the Employment Panel
2. The Leader of the Council
3. The Deputy Leader of the Council
4. One further Cabinet Member to be nominated by the Leader of the Council
5. The Leader of the largest opposition group
6. One further Member to be nominated by the Leader of the Largest opposition group
7. The Leader of the second largest opposition group

If any member of the panel (as outlined above) is not already a member of the Employment Panel, they will be co-opted to the Employment Panel for the purpose of these appointments.

On completion of the appointment process, the Panel will make a recommendation to Full Council for final approval.

2.5 Any panels convened must comprise of the 9 members appointed to the Employment Panel except in instances when a Cabinet Member is required to fulfil an employment function as detailed in point 2.3.

2.6 Officers supporting the Employment Panel will make every attempt to ensure ad hoc Panels are constituted politically proportionally. There may be occasions when this is not possible, in such circumstances any decisions regarding composition, will be taken in consultation with the Leader and the Cabinet Member, with oversight from the Monitoring Officer.

3. KEY RESPONSIBILITIES OF THE BOARD

1. Be the appropriate body including acting as the Investigating and Disciplinary Committee.
2. To fulfil the employment functions as set out in part 4 section 8, the Officer Employment Procedure Rules in relation to: Chief Officers and Deputy Chief Officers including the Head of Paid Service (to include Returning Officer and Electoral Registration Officer functions), Deputy Chief Executive; Director for Adults and Communities, Director of Children and Families; Director of Public Health, Monitoring Officer and S151 Officer.
3. Review the annual pay policy statement and make recommendations to Council.
4. Be a consultee on all terms and conditions including policies for all staff.
5. Approve the performance and development framework for annual assessment of the Chief Executive.
6. Appeals against dismissal and grievances by employees of the council and applications for premature retirement.
7. The Chair of the Employment Panel has delegated authority to suspend the Head of Paid Service.

5. MEETINGS

The Employment Panel is a Committee of the Local Authority and so as such the Access to Information provisions will apply. The Panel will meet four times a year.

The **date and timings** of the meetings will be fixed in advance by the Council, as part of the agreed schedule of meetings.

Additional meetings may be convened at the request of the Chair, and with the agreement of the Council Leader.

The meeting will be Chaired by the Cabinet Member with responsibility for the human resources function. The Chair will be appointed annually and the appointment would be ratified by Council. **In the absence of the Chair** - a replacement Chair will be elected for the duration of the meeting.

A **quorum** of three will apply for meetings of the Full Panel, a quorum of 2 will apply for meetings of the panel called to consider appeals and appointments.

The Director of People & Inclusion or their representative will act as the **lead officer**.

The agenda and supporting **papers** shall be in a standard format and circulated at least five clear working days in advance of meetings.

Meetings will be **clerked** by a representative of Democratic Services.

Public Engagement

Agendas will be available to view by members of the public in line with Access to Information Requirements on the Councils website at <https://www.bury.gov.uk/index.aspx?articleid=10465>

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Classification	Item No.
Open	

Meeting:	Employment Panel
Meeting date:	24 th January 2023
Title of report:	National Joint Council for Local Government Services (Green Book) Pay Award - Additional Days Leave and Removal of SCP1
Report by:	Cllr. Tahir Rafiq, Cabinet Member for HR & Corporate Affairs
Decision Type:	Council
Ward(s) to which report relates	All

Executive Summary:

As part of agreement of the 2021/22 pay award for NJC (Green Book) staff, annual leave will increase by 1 day for all staff under these terms and conditions from 1st April 2023. Current entitlement is a basic leave entitlement of 23 days, plus 2 extra statutory days and 1 floating day, plus 5 additional days for 5 years' service.

In addition as part of the pay award spinal column point (SCP) 1 on the pay spine is to be deleted with effect from 1st April 2023.

The NJC collective agreement only directly applies to Green Book staff, however the inclusion of a 'not less favorable' clause within some other terms and conditions of employment means that leave allocations for these staff groups have also been reviewed.

This report makes recommendations for staff covering all non-teaching terms and conditions.

Recommendation(s)

That the Employment Panel agree the changes to leave entitlements set out within this report and note the proposed approach to the deletion of SCP 1 with effect from 1 April 2023.

Key considerations:

1. Holiday Entitlement

- 1.1 To reflect the nationally agreed pay award, staff employed under NJC terms and conditions of employment will have their leave entitlement increased to a basic entitlement of 24 days, plus 2 extra statutory days, plus 1 floating, day plus 5 days for 5 years' service with effect from 1 April 2023. This change will require a minor amendment to the Council's Local Conditions of Service, details of which are appended below.
- 1.2 For NJC staff working Term Time Only, this change will see a mathematical variation to the calculation of working time to incorporate the additional days leave. As part of this change, quality assurance work will also be undertaken to ensure the consistency of Term Time Only leave calculations for staff to address some minor historical variations across Departments.
- 1.3 The Council currently employs fewer than 10 employees under craftworker terms. At a national level, the minimum annual leave entitlement for craftworkers was one day more than for employees engaged on green book terms and conditions; locally, however, green book employees and craft workers have received the same annual leave entitlement. The agreed Pay Award for craftworkers did not include any change to leave allowance. Annual leave for craftworkers will therefore remain unchanged. – Work is currently ongoing to review these roles with a view to transferring individuals onto NJC terms before April 2023. This change would ensure parity for employees.
- 1.4 14 staff are currently engaged under Solbury Terms and Conditions, under these conditions staff are entitled to receive an annual leave entitlement “no less favorable” than those on NJC terms. Locally, their annual leave entitlement has been aligned to green book staff for a number of years. The proposal is therefore to continue with this alignment from April 2023.
- 1.5 Youth Workers' nationally agreed leave entitlement is more generous than the entitlement for NJC employees, there will therefore be no change to holiday entitlement for staff under these terms and conditions.
- 1.6 Chief Officer's National Conditions of Service state an entitlement to a minimum of 30 days including additional days for long service and extra statutory days. However, current Chief Officer Contracts of Employment state a basic leave entitlement of 25 days plus 2 extra statutory days and 1 floating day plus 5 days for 5 years' service (28-33 days). To align with the nationally negotiated minimum entitlement of 30 days it is proposed to amend contracts of employment for chief officers relating to leave to state entitlement as a minimum of 30 days to include the 2 extra statutory days and 1 floating day, plus 5 days for 5 years' service. In effect this increases the leave of chief officers by 2 days.
- 1.7 Details of the proposed changes are summarised in the table below.

Employee Group	Current Leave Entitlement (plus bank holidays)		Leave Entitlement from 1 st April 2023 (plus bank holidays)	
	<i>Under 5 year service</i>	<i>Over 5 years service</i>	<i>Under 5 year service</i>	<i>Over 5 years service</i>
NJC / Green Book	23 + 2 extra statutory + 1 floating day = 26	23 + 5 long service + 2 extra statutory + 1 floating day = 31	24 + 2 extra statutory + 1 floating day = 27	24 + 5 long service + 2 extra statutory + 1 floating day = 32
Craft / Red Book	23 + 2 extra statutory + 1 floating day = 26	23 + 5 long service + 2 extra statutory + 1 floating day = 31	23 + 2 extra statutory + 1 floating day = 26	23 + 5 long service + 2 extra statutory + 1 floating day = 31
Soulbury / Blue Book	23 + 2 extra statutory + 1 floating day = 26	23 + 5 long service + 2 extra statutory + 1 floating day = 31	24 + 2 extra statutory + 1 floating day = 27	24 + 5 long service + 2 extra statutory + 1 floating day = 32
Youth & Community / Pink Book	30 + 2 extra statutory + 1 floating day	35 + 2 extra statutory + 1 floating day	30 + 2 extra statutory + 1 floating day	35 + 2 extra statutory + 1 floating day
Chief Officer	25 + 2 extra statutory + 1 floating day = 28	25 + 5 long service + 2 extra statutory + 1 floating day = 33	27 + 2 extra statutory + 1 floating day = 30	27 + 5 long service + 2 extra statutory + 1 floating day = 35

2. Removal of SCP1 from NJC for Pay Spine

2.1 The pay agreement for 22/23 also included the deletion of pay point 1 from the NJC pay spine with effect from 1st April 2023.

2.2 To action this change in Bury:

- The bottom grade in Bury's pay spine (Grade 1/2) which sits solely on SCP 1 will be deleted making Grade 3 (SCP 2) the lowest point of pay.
- With effect from 1st April 2023, all employees currently on Grade 1/2 (SCP1) will move to Grade 3 (SCP2)
- The Job Evaluation points for Grade 3 will be amended to 'less than 330'
- The minimum hourly rate for Council staff will be £10.60, with the intention to up-rate this to £10.90 as part of the annual Pay Policy Statement in-line with the Real Living Wage and pending agreement of the 2023/24 pay award.
- The Council's standard entry level Apprentice job description will be paid at the new Grade 3 / SCP 2 level.
- There are a very small number of staff currently paid at Grade 3 who supervise Grade 1/2 employees. These roles are currently being reviewed to ensure

proper pay differentials are retained from April and the Trade Unions are involved in this process.

Community impact/links with Community Strategy

Continued adherence to national conditions of employment is essential to ensuring positive employee relations which, in turn is key to enabling effective organisational delivery and delivery of the Community Strategy.

Equality Impact and considerations:

Under section 149 of the Equality Act 2010, the 'general duty' on public authorities is set out as follows:

A public authority must, in the exercise of its functions, have due regard to the need to -

- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;*
- (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;*
- (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.*

The public sector equality duty (specific duty) requires us to consider how we can positively contribute to the advancement of equality and good relations, and demonstrate that we are paying 'due regard' in our decision making in the design of policies and in the delivery of services.

Equality Analysis	<i>Please provide a written explanation of the outcome(s) of either conducting an initial or full EA.</i>
This report reflects the local application of a national agreement. There is very limited local discretion in how this is applied. Pay agreements are subject to equality analysis nationally.	

Assessment of Risk:

The following risks apply to the decision:

Risk / opportunity	Mitigation
Legal challenge or employee relations issues	Leave or arrangements which do not align with the latest national agreement may be subject to legal challenge or result in employee relations issues.

Consultation:

The proposed changes have been shared with the Trade Unions

Legal Implications:

The proposals ensure that the Council's leave arrangements reflect nation guidance.

In deleting scale points 1 and 2 the Council needs to ensure that a review is carried out to ensure that the pay differentials are retained for Staff currently paid at scale point 3, legal advice and assistance will be provided.

Financial Implications:

As part of the development of the 2023/24 budget, provision had already been made for paying all Council staff the real living wage of £10.90 per hour from the 1st April 2023, therefore, the abolition of the bottom scale point has minimal financial impact to the Council's budget. In relation to the additional days leave this will only have a financial impact where a service needs to provide staff to cover essential services, otherwise services are expected to manage this additional days leave within operational management of the service. The additional costs are not deemed to be significant.

Report Author and Contact Details:

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Background papers: None

Please include a glossary of terms, abbreviations and acronyms used in this report.

Term	Meaning
NJC	National Joint Council for Local Government Services (Green Book)

Appendix 1 – Revisions to Conditions of Service

Existing Provisions:

Local Conditions of Service (Section 4, para 5 and 6) contain the Local Agreement on Annual Leave provision for employees covered by the NJC, but also Craft Workers.

The key relevant provisions are:

Para 4(b): The following annual leave entitlement shall be applied locally:

- (i) A basic entitlement of 23 days for employees covered by both the NJC for LG Services and Craft Workers (pro rata for part time, term time and temporary appointments).
- (ii) An award of five extra days' annual leave will be granted to employees with five years continuous local government service, inclusive of continuous service with an employer that is part of the Greater Manchester Continuous Service Commitment. This will be effective from the first of the month following the 5th anniversary of the commencement date, to be granted pro rata in the first year of implementation (e.g. if the start date was 1 May, 11/12ths of 5 days would be granted in the first year of award).

Para 5(a&b): Leave in addition to Annual Leave Three extra days to be granted locally on the following basis:-
(a) Two days to be added to annual leave;
(b) One day to be taken between the 20th December and 2nd January (floating day), the date thereof to be determined each year by Elected Members after consultation with the relevant Trade Unions;

Proposed Provisions:

Section 4 para 4(b) to read:

Para 4(b): The following annual leave entitlement shall be applied locally:

- (i) A basic entitlement of 24 days for employees covered by the NJC for LG Services (pro rata for part time, term time and temporary appointments).

- (ii) A basic entitlement of 23 days for Craft Workers (pro rata for part time, term time and temporary appointments).
- (iii) An award of five extra days' annual leave will be granted to employees with five years continuous local government service, inclusive of continuous service with an employer that is part of the Greater Manchester Continuous Service Commitment. This will be effective from the first of the month following the 5th anniversary of the commencement date, to be granted pro rata in the first year of implementation (e.g. if the start date was 1 May, 11/12ths of 5 days would be granted in the first year of award).

Para 5(a&b): Leave in addition to Annual Leave Three extra days to be granted locally on the following basis:-

- (a) Two days to be added to annual leave;
- (b) One day to be taken between the 20th December and 2nd January (floating day), the date thereof to be determined each year by Elected Members after consultation with the relevant Trade Unions;

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Classification	Item No.
Open	

Meeting:	Employment Panel
Meeting date:	24 th January 2023
Title of report:	Amendments to Officer Employment Procedure Rules and Disciplinary Procedure for Head of Paid Service, Monitoring Officer and Chief Finance Officer
Report by:	Cllr. Tahir Rafiq, Cabinet Member for HR & Corporate Affairs
Decision Type:	Council
Ward(s) to which report relates	All

Executive Summary:

Disciplinary Procedure for Head of Paid Service, Monitoring Officer and Chief Finance Officer:

The *Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015* included new requirements for Local Authorities in relation to the independent investigation process and disciplinary procedure for Chief Executives. In Bury, these arrangements are set out within the 'Officer Employment Procedure Rules' within the Council's Constitution.

The Joint Negotiating Committee for Chief Executive's has recently reviewed how the process for Chief Executives has been working in practice. As a result of the review, the Chief Executives' Handbook has been updated. This revised handbook constitutes the conditions of service for Local Authority Chief Executives. A review has therefore been undertaken of the arrangements set out in Bury to ensure they are aligned with the updated handbook.

Whilst the handbook is for Chief Executives only, the intention in Bury is to retain our current approach of a single set of arrangements for the Disciplinary Procedure for the Chief Executive, Monitoring Officer and Section 151 Officer and the proposed changes are therefore suggested to be applicable to the joint arrangements for all three officers.

The arrangements include the requirement to establish the committees below, on a continuing basis, ensuring that the appropriate delegated powers have been conferred on them:

- An Investigating and Disciplinary Committee (IDC) – Our Employment Panel act as IDC
- An Appeals Committee – Our Employment Panel or Council act as the appeal depending on the officer's position
- An Independent Panel – Our policy includes details of who can be appointed as independent panel members

Special Severance Payments

Following the introduction of the [Statutory Guidance on the making and disclosure of Special Severance Payments \(SSP's\) by Local Authorities in England](#), a review of the Council's Constitution and Scheme of Delegation is required to ensure this aligns with the new requirements and includes a mechanism for the establishment of an independent panel to consider payments to the Chief Executive, should this be necessary.

The revised Officer Employment Procedure Rules incorporating the Disciplinary Procedure for Head of Paid Service, Section 151 Officer and Monitoring Officer and revised arrangements for the approval of Special Severance Payments are appended for endorsement by the Employment Panel and submission to full Council for their approval.

Recommendation(s)

The Employment Panel is asked to review the revised Officer Employment Procedure Rules and commend these to Council for approval.

Key considerations

1. Background and Context

1.1 The Officer Employment Procedure Rules include the Council's arrangements for disciplinary action in relation to the Head of Paid Service, Monitoring Officer, Chief Finance Officer (Section 151 Officer) and other Chief Officers and Deputy Chief Officers. The following amendments/additions are proposed with reference to the new Chief Executive's handbook:

1.1.1 An initial filtering of any accusations will be undertaken to determine if the issue requires full investigation

1.1.2 Periodic reviews of any suspension will be undertaken

1.1.3 Delegated Powers for the IDC (the Employment Panel) to exercise the functions of the IDC as set out in the model procedure including a threshold test

1.1.4 Removal of objections being sought from Members of the Cabinet in relation to disciplinary outcomes

1.2 The Disciplinary Procedure for the Head of Paid Service, Section 151 Officer and Monitoring Officer is presented as Appendix A within the Officer Employment Procedure Rules and has been added/amended as follows:

1.2.1 Usual Declaration of Interest arrangements apply throughout the process

1.2.2 Officers may be accompanied in IDC meetings and meetings of the Independent Panel

1.2.3 Fair notice will be given to enable the officer time to prepare an initial response to the allegations

1.2.4 Alternative resolution methods, for example mediation should be considered with formal action only taking place where the matter cannot be resolved informally

1.2.5 Initial filtering/inquiries to determine if any substance to the allegation

1.2.6 Ability for an immediate suspension before the IDC has met

1.2.7 Whether or not the case meets the threshold for an independent investigator to be appointed – the IDC to determine the investigator's terms of reference

1.2.8 The Council to designate an officer to administer the arrangements

1.2.9 The role of the IDC/Hearing

1.2.10 Arrangements relating to the Independent Panel

1.2.11 The principal decision to recommend dismissal to be taken by the IDC

1.2.12 The Council meeting to fulfil requirements for an additional level of decision making necessary to demonstrate an effective appeal:

- To consider whether to approve the IDC recommendations to dismiss
- To act as the appeal mechanism against the dismissal/disciplinary decision

1.3 A new section around Special Severance Payments (SSP's) has been added to the Officer Employment Procedure Rules outlining the revised arrangements for the approval of SSP's:

1.3.1 Currently, any payments made around the termination of employment which are in excess of £100k require approval by full Council.

1.3.2 Rules around SSP's now require a more robust approvals process to be introduced. All payments of £20k and over in value upto £100k will require approval from the Monitoring Officer, Section 151 Officer, Chief Executive and Leader. Any payments under £20k can be approved by the Monitoring Officer.

1.3.3 Where the proposed payment is to the Head of Paid Service, to avoid a conflict of interest, the Employment Panel will oversee this and will appoint an independent panel to approve the payment to the Chief Executive:

- This panel must comprise of 3 independent persons (or at least 2).
- The Independent Panel will make recommendations to the Employment Panel and the decision will then go to Council for approval.

1.3.4 All payments will only be agreed in accordance with the [Statutory Guidance on the making and disclosure of Special Severance Payments \(SSP's\) by Local Authorities in England](#).

Community impact/links with Community Strategy

An up-to-date Constitution will ensure decision are taken lawfully and in an open and transparent manner.

Equality Impact and considerations:

Under section 149 of the Equality Act 2010, the 'general duty' on public authorities is set out as follows:

A public authority must, in the exercise of its functions, have due regard to the need to –

- (a) *eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;*
- (b) *advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;*
- (c) *foster good relations between persons who share a relevant protected characteristic and persons who do not share it.*

The public sector equality duty (specific duty) requires us to consider how we can positively contribute to the advancement of equality and good relations, and demonstrate that we are paying 'due regard' in our decision making in the design of policies and in the delivery of services.

Equality Analysis	<i>Please provide a written explanation of the outcome(s) of either conducting an initial or full EA.</i>
<p>The handbook is a nationally agreed document and will have been subject to the LGA's required equality impact assessment process.</p> <p>An EIA of our policy and the revisions have been carried out with no negative impact identified.</p>	

Assessment of Risk:

The following risks apply to the decision:

Risk / opportunity	Mitigation
Legal Challenge	An up-to-date Constitution will ensure decisions are taken lawfully and in an open and transparent manner.

Consultation:

The proposed changes have been shared with the Trade Unions

Legal Implications:

This report provides details on proposal arising from NJC changes, in order to incorporate these changes in Bury Members are asked to approve the recommendation and commend the changes to Council. If Members agree a report will be brought to Council for approval.

Financial Implications:

There are no financial implications arising from this Report.

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Appendix

Section 8 - Officer Employment Procedure Rules

(Standing Orders relating to Staff)

4.8.6 Disciplinary Action - Head of Paid Service, Monitoring Officer and Chief Finance Officer

(To be considered in conjunction with the Disciplinary Procedure for Head of Paid Service, Section 151 Officer and Monitoring Officer - Appendix A)

- (1) Where the matter cannot be resolved informally, an initial filtering will take place to determine if the issue requires investigating.
- (2) In some circumstances, the Council may consider that in order to clarify whether there is any substance to the allegation or complaint, preliminary initial inquiries should be undertaken before the Model Procedure is invoked. This would be particularly appropriate where the matter has been raised under another procedure such as a grievance and is not itself a disciplinary complaint. To enable this process to happen the Council should nominate an officer who would most appropriately be the Council's Monitoring Officer.
- (3) Once it is determined that an investigation is required, the Head of Paid Service, Monitoring Officer and S151-Chief Finance Officer may be suspended whilst the investigation takes place into alleged misconduct. That suspension will be on full pay and will be reviewed after two months and periodically thereafter as appropriate.
- (4) The Council must approve the dismissal or other disciplinary action in relation to the Head of Paid Service, the Monitoring Officer or the S151-Chief Finance Officer following the recommendation of dismissal or disciplinary action by the Employment Panel (the Investigating and Disciplinary Committee - IDC) and an Independent Panel.
 - The IDC will have delegated powers to exercise the functions of the IDC as set out in the model procedure. They have an important role in deciding whether any allegations against the officer meet a 'threshold test' (see procedure in Appendix A) which justifies further investigation, and then considering the report of an independent investigator.
 - The IDC will set up an initial meeting to inform the officer of the allegation, hear any representations and evidence from the officer and determine whether or not there is a case to answer. If it is determined that there is a case to answer an independent investigator will be appointed.
 - Following receipt of the investigation report the IDC will conduct a Hearing to consider the findings/ recommendations of the independent investigator, hear the officer's case and question any witnesses.
 - If a disciplinary sanction/dismissal is recommended the Panel will notify the Director of People and Inclusion who will, through Democratic Services, notify every Member of the Cabinet of the name of the person recommended to be dismissed and relevant details of the sanction or dismissal.

The IDC's recommendation will then be put to an Independent Panel.

(5) The Independent Panel will be established comprising of two or more independent panel members:

- an independent person appointed by the Council who is a local government elector
- any other independent person appointed by the Council
- an independent person who has been appointed by another Council

The Panel will:

- hear the evidence of the investigator
- hear oral representation from the officer
- hear the response/recommendations from the IDC
- ask questions of all parties

The Panel will consider all of the evidence and review the recommendations from the IDC.

A report will be prepared by the Independent Panel for Council with a clear recommendation as to whether or not they feel the officer should receive a disciplinary sanction or be dismissed. If they disagree with the IDC's recommendations to issue a disciplinary sanction or dismiss, the report should include a clear rationale of the reasons why.

If the Panel are in agreement with the IDC's recommendations the officer should be informed of this in writing and given the right of appeal.

(6) Under the 2015 regulations any decision to issue a disciplinary sanction or dismiss will be taken by full Council, who will take into account any advice, views or recommendations of the Independent Panel.

A special meeting of Council will be convened and will take place at least 20 working days after the meeting of the Independent Panel.

At the meeting, which will also act as the officer's appeal if they have appealed, the case will be reviewed (a full re-hearing will not take place). In addition:

- the officer will make representation first as this will effectively be their opportunity to appeal
- the advice, views and recommendations of the Independent Panel will be taken into consideration
- the conclusions from the investigation will be considered Council may decide:
- to remove the disciplinary sanction or determine a lesser sanction
- to overturn the dismissal and award a lesser sanction (formal warning or action short of dismissal)
- to confirm the disciplinary sanction or dismissal of the officer Decisions must be approved by way of a vote.

4.8.7 Disciplinary Action - Chief Officers and Deputy Chief Officers (other than the Head of Paid Service, Monitoring Officer and Chief Finance Officer)

The Employment Panel shall approve the dismissal of or other disciplinary action in relation to Chief Officers and Deputy Chief Officers (other than the Head of Paid Service, Monitoring Officer or the Chief Finance Officer).

4.8.8 Disciplinary Action - Other Officers

Other than hearing Appeals against dismissal, Councillors shall not be involved in the dismissal of or disciplinary action in relation to any Officer below Deputy Chief Officer except where such involvement is necessary for any investigation or enquiry into alleged misconduct and also through the Council's Disciplinary, Capability and Related Procedures as adopted from time to time, which may allow a right of appeal to Members in respect of such action.

4.8.9 Special Severance Payments

- (1) Any Special Severance Payments (SSPs) made in excess of £100k require approval by full Council.
- (2) Any and all payments of £20k and over in value upto £100k require approval from the Monitoring Officer, Section 151 Officer and Chief Executive and Leader. Any payments under £20k can be approved by the Monitoring Officer.
- (3) Where the proposed payment is to the Head of Paid Service, to avoid a conflict of interest, the Employment Panel will oversee this and will appoint an independent panel to approve the payment to the Chief Executive:
 - This panel must comprise of 3 independent persons (or at least 2).
 - The Independent Panel will make recommendations to the Employment Panel and the decision will, ultimately be approved by Council

Accountability:	Approvals:
Under £20,000 <i>Scheme of Delegation</i>	Monitoring Officer
£20,000 - £99,999	Chief Executive Leader of the Council S151 officer Monitoring officer
£100,000+	Chief Executive Leader of the Council S151 officer Monitoring officer Full Council
Any Payment to the Chief Executive	A panel of at least 2 independent people. Employment Panel Full Council

Appendix A

Disciplinary Procedure for Head of Paid Service, Section 151 Officer and Monitoring Officer

Background

The Local Authorities (Standing Orders) (England) Regulations 2001 (as amended by the Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015) provide a degree of protection for chief executives and certain statutory chief officers (section 151 and monitoring officers) against unwarranted political interference in their roles as Head of Paid Service, Section 151 Officer and Monitoring Officer.

These changes have been incorporated into the Council Constitution.

Scope

This procedure sits alongside the Model Disciplinary Procedure and Guidance as outlined in the Joint Negotiating Committee for Local Chief Executives National Salary Framework and Conditions of Service Handbook (updated 7 September 2022) and will be used to manage the disciplinary process for the Head of Paid Service, Section 151 Officer and Monitoring Officer.

Should any cases involving allegations against any of these three officers also implicate other officers and there is one investigation, this higher level procedure will be used for all officers under investigation.

Where the procedure refers to a Hearing, the process will follow the Council's Hearing Procedure.

Democratic Services, in conjunction with HR, will be responsible for arranging all meetings / hearings.

The Council's usual declaration of interest arrangements apply throughout this process and officers/members involved in the process should not engage with other staff/the public in discussions of the case. Such actions will not only create adverse publicity for the council and the officers but may create conflicts of interest and could limit the role that those officers/councillors can then take as the case progresses.

Right to be accompanied

The JNC procedure provides that at all stages, officers have the right to be accompanied by a trade union representative or some other person of their choice at their own cost. The only exception being, if an emergency suspension needs to take place where there is a serious risk identified.

The disciplinary procedure cannot be delayed, however, due to the unavailability of representative although every effort will be made to arrange dates that are mutually convenient.

The statutory right to be accompanied applies in disciplinary hearings where decisions around disciplinary action, a disciplinary sanction or an appeal are taken. Officers may also be accompanied in IDC meetings.

Given the statutory requirement for an Independent Panel to meet to consider a recommendation for dismissal, it would also be appropriate, where the officer is attending that meeting, for them to be accompanied.

In these cases we will attempt to arrange dates suitable for all parties however, should the officer's representative be unavailable to attend we will postpone the Hearing for up to a week when the Hearing will go ahead regardless of the representative's availability.

Fair notice will be given as far as possible to enable the officer adequate time to prepare an initial response to the allegations or issues under investigation

Informal Resolution

If possible, an informal resolution should be sought and the Council will pay full regard to the principles within the ACAS handbook. The advice of the Joint Secretaries may also be sought. Alternative resolution methods, for example mediation, should be considered. Formal action should be a last resort and only take place where the matter cannot be resolved informally.

An initial filtering will take place to determine if the issue requires investigating. In some circumstances, the Council may consider that in order to clarify whether there is any substance to the allegation or complaint, preliminary initial inquiries should be undertaken before the Model Procedure is invoked. This would be particularly appropriate where the matter has been raised under another procedure such as a grievance and is not itself a disciplinary complaint. To enable this process to happen the Council should nominate an officer who would most appropriately be the Council's Monitoring Officer.

Formal Procedure

Suspension

The decision to suspend the Chief Executive, S151 Officer or Monitoring Officer must be considered carefully by the IDC taking into account the nature of the allegations, the effect on the officer and potential reputational damage to the Council.

On rare occasions circumstances could arise which require an immediate suspension before the IDC has a reasonable opportunity to meet, for example if the allegations of misconduct are such that officer's remaining presence at work poses a serious danger to the health and safety of others or a serious risk to the resources, confidential information or reputation of the authority.

It may also be necessary if the continuing presence at work of the officer might compromise the investigation or impair the efficient exercise of the council's functions.

In these cases emergency suspension may be considered, subject to the suspension being reviewed by the IDC at the earliest opportunity.

Ordinarily, the council's Chief Executive/Monitoring Officer will make the decision for an emergency suspension to take place after consultation with the Chair of the IDC.

However, should the Chief Executive and/or Monitoring Officer be implicated in disciplinary investigations at the same time, the Deputy Chief Executive has delegated authority to suspend in relevant circumstances in conjunction with the Leader of the Council and relevant Cabinet Member.

Suspension should be reviewed by the IDC after 2 months and periodically thereafter as appropriate.

Investigating and Disciplinary Committee - initial meeting

As part of the procedure, an Investigating and Disciplinary Committee (IDC) is required to be set up. This committee, who will have delegated powers to exercise the functions of the IDC as laid down in the model procedure, has an important role in deciding whether any allegations against the officer meet a 'threshold test' which justifies further investigation, and then considering the report of an independent investigator.

Cases will vary in complexity but the threshold test for the IDC in deciding whether to appoint an Independent Investigator is to consider the allegation or matter and assess whether:

- if it were to be proved **through an independent investigation**, it would be such as to lead to dismissal or other action which would be recorded on the chief executive's personal file and
- there is evidence in support of the allegation sufficient to require further investigation

It is intended that this initial assessment as to whether the 'threshold test' has been met is conducted as expeditiously as possible. Should the test be met the IDC will arrange for the appointment of an Independent Investigator.

The panel will be politically balanced and will consist of a panel of at most five members, including at least one cabinet member. Members appointed to the panel should have no prior knowledge or conflicts of interest in the case/officer involved. The Council's usual arrangements for declarations of interest will apply throughout the process.

Prior to the initial meeting, the Council should shortlist three people (or less if three are not available) from a list of independent investigators held by the Joint Secretaries to conduct an investigation should the IDC decide that this is the appropriate way forward.

The IDC's initial role will be to inform the officer of the allegations in writing, providing any evidence that might require investigation. The officer will be invited to put forward any written representations and evidence to the meeting (this includes any written evidence from witnesses they wish to be considered at this stage). The officer will also be invited to attend the meeting to make oral representations. If they do not attend their written representations will be taken into account.

At the meeting, the IDC will consider any evidence presented by the officer, either in writing or in person, and determine if it is appropriate to call the witnesses at this stage before any decision is taken. The IDC may decide:

- no further formal action is taken, or
- there is a case to answer and an investigation is required, or
- to consider other actions (for example mediation, use of a different procedure, mutual termination (within the realms of other relevant procedures) etc.)

If the IDC decides that there is a case to answer they will appoint an independent investigator.

They will also consider if it is appropriate to suspend the officer. If the officer has already been suspended under emergency powers, the IDC will review the decision to determine whether or not the suspension stands at the earliest opportunity. Suspension will be further reviewed by the IDC after 2 months and periodically thereafter as appropriate.

The officer will be informed of the decision in writing.

Investigation

The Joint Secretaries hold a list of independent investigators who have been selected for their suitability and experience for this work and who have received training. Once the options of independent investigators from the list are determined suitable by the Council, the officer will be invited to select an investigator from the list (if no selection is made within 14 days of the names being supplied or there is more than one officer under investigation and agreement cannot be reached, the Council will select an investigator from the list).

The IDC will be responsible for deciding the terms of reference for the investigation and for providing this and other information to the Independent Investigator. It will also be in a position to discuss timescales for the investigation.

The Independent Investigator may approach the IDC at any point to seek further guidance or clarification on issues which emerge during the investigation. The role of the investigator will be to establish the facts and collate evidence. The investigation should remain confidential, impartial, and should be speedy and thorough.

They should operate on the basis of an independent investigation using his / her powers to access information and interview witnesses.

The investigator will prepare a report to the IDC outlining:

- the facts of the case
- findings and evidence
- their opinion as to whether or not they believe that the evidence gathered supports the allegation and the need for disciplinary action to be taken
- their recommendations as to what disciplinary action they believe to be appropriate

Before finalising the report, the Independent Investigator should consider whether they should check the factual content of the report with the officers and other witnesses as appropriate.

The Council will designate an officer to administer the arrangements. The administering officer will ensure that the officer receives the Independent Investigator's report simultaneously with the IDC.

IDC – Hearing

On receipt of the investigation report, the IDC will conduct a Hearing at which the Independent Investigator will present his / her report and both the Council and the officer will have the right to question them and to call and question each other's witnesses. The IDC hearing should be conducted in accordance with the Council's Hearing Procedure.

The Independent Investigator must recommend any disciplinary action that appears to be appropriate. At this stage clarity is important and a clear reasoned recommendation should be given. The IDC will:

- consider the findings, report and recommendations of the independent investigator including any new material evidence material to the allegations
- give the officer the opportunity to state their case
- question any witnesses where relevant

The IDC may decide on the following outcomes:

1. No further action should be taken - the officer should be informed and appropriate communication prepared to ensure no damage to the officer's reputation
2. The issue should be resolved informally or through another procedure
3. The case should be referred back to the investigator for further investigation - this should be only when it is absolutely necessary in order to make a decision (for example to investigate any new evidence)
4. To take action short of dismissal (ie to issue a disciplinary sanction) - the officer should be notified of this and given the right of appeal
5. To recommend to Council to dismiss the officer

Where the IDC recommends to dismiss the officer, the Leader and all members of the Cabinet should be informed. This part of the process should be carried out by the

Deputy Chief Executive in conjunction with Democratic Services.

The IDC will inform the officer of the decision and put that recommendation to the Independent Panel along with the Independent Investigator's report and any other necessary material.

The IDC will reconvene once the report from the independent panel is received to consider the recommendation to dismiss. If the recommendations to dismiss do not change, the officer will be informed of the decision at this point and given the right to appeal. This will be to full Council.

Should the IDC decide not to dismiss, other options should be considered (see above IDC outcomes).

Independent Panel

If a recommendation to dismiss is made by the IDC an Independent Panel (IP) will be established comprising of three independent panel members (or at least 2) who are:

- an independent person appointed by the Council who is a local government elector in this borough
- an independent person appointed by the Council for the purpose of the Council members conduct regime under the Localism Act 2011
- an independent person appointed by another Council for the purpose of the Council members conduct regime under the Localism Act 2011

Appropriate training devised by the JNC is available for panel members if required.

The IP will be held in accordance with the Council's Hearing Procedure and will take place at least 20 working days before the meeting of the Council and the timings of the meetings should be set far enough apart so as to ensure that the Panel can perform its role thoroughly, including to produce a report which can be circulated to council members five working days before the Council meeting.

The Panel is **not** a full re-hearing of the case and will not involve the calling of witnesses.

The Panel will be supported by officers who have not attended meetings of the IDC and the agenda/papers agreed by both the Council and the officer.

Both parties should be present or represented (the IDC might be represented by its Chair or other nominated person) at the Panel meeting.

The Panel should review the IDC's recommendation for dismissal and prepare a report for Council. It will:

- receive the IDC recommendations and reasons - presented by the Chair of the IDC
- receive the report from the independent investigator, who will be invited to the IP to provide clarification if required
- receive oral/written representations from the officer, who will be invited to attend

- and invite any response on behalf of the IDC to the points made
- ask questions of either party

The IP will consider all of the evidence and formulate any advice, views or recommendations it wishes to make to Council concerning the dismissal of the officer. A report will be prepared for the IDC / Council. If the Panel disagree with the IDC's recommendations to dismiss, the report should include a clear rationale of the reasons why and the Chair of the Independent Panel should be invited to attend the meeting of the IDC to present the report and answer questions.

Council

As the Standing Orders Regulations require that the council approves the recommendation for dismissal before notice of dismissal is issued, there might be concern about the ability to offer a fair appeal if the whole council was already familiar with the issues and had already taken the decision to dismiss.

The Model Procedure upon which this procedure is based envisages that the principal decision to recommend dismissal is taken by the IDC and the council meeting fulfils the necessary requirement for an additional level of decision making necessary to demonstrate an effective appeal.

Where there is a recommendation to dismiss the Head of Paid Service, S151 Officer or Monitoring Officer, Council must approve the dismissal before notice of dismissal is issued.

A special meeting of Council will be set up by Democratic Services and will take place at least 20 working days after the meeting of the Independent Panel.

The Council meeting serves two purposes:

- To consider whether to approve the IDC recommendation to dismiss
- To act as the appeal mechanism against a dismissal decision

In view of the need for the council to ensure a fair decision-making process, it will need to consider whether members already involved in these, or other, ways should take part in the council meeting having regard to whether their participation in the meeting would give rise to unlawful decision-making or maladministration, due to predetermination or bias. Therefore Members with previous involvement should not take part in the Council deliberations.

This involvement might be as:

- Complainant
- Member of the IDC
- Witness in the investigation and / or hearing
- Member offering public comments on the ongoing disciplinary process

Disciplinary proceedings are usually conducted in meetings from which the public have been excluded, and this practice is commended for council meetings considering the exercise of the function to dismiss the Head of Paid Service, Monitoring Officer or S151 Officer.

Given the thoroughness and independence of the previous stages it will not be appropriate for Council to undertake a full re-hearing of the case. Instead, consideration by the council will take the form of a review of the case and the recommendation to dismiss, and any advice, views or recommendations of the Independent Panel and the meeting will review the case, the recommendations to dismiss and any other evidence/representations. This stage will also act as the officer's appeal against the recommendation to dismiss.

In addition:

- the officer will attend and make representation first as this will effectively be their opportunity to appeal
- the Chair of the IDC will attend and present the recommendation to dismiss/reasons
- the advice, views and recommendations of the Independent Panel will be taken into consideration
- the conclusions from the investigation will be considered

Council will have three options:

- to confirm the dismissal of the officer - this should be communicated to the officer as soon as possible
- to reject the recommendation to dismiss the officer, ie no sanction - this should be communicated to the officer and communications prepared to ensure as far as possible there is no damage to their reputation
- Impose a lesser sanction or refer back to the IDC to determine the lesser sanction

Appeals Committee

Appeal Hearings against disciplinary sanctions short of dismissal imposed by the IDC will be heard by an Appeals Committee which will be politically balanced, include at least one cabinet member and will comprise of at most five elected members who were not members of the IDC.

Its purpose is to hear the officer's representation and review the case (the case and disciplinary sanctions applied by the IDC, the IP findings and the investigation report along with any other evidence relating to the case for example new information, executive objections (if relevant), outcome of any further investigation, etc. They will also conduct any further investigations necessary to enable them to reach a decision.

The Panel may decide:

- to confirm the sanction given
- no sanction should be given - communications should be agreed with the officer to ensure as far as possible no damage to their reputation)
- a lesser sanction should be given

The decision of the Appeals Committee is final.



Classification	Item No.
Open	

Body:	Employment Panel
Date:	24 th January 2022
Title of report:	Chief Officer Job Evaluation Scheme
Report by:	Cllr. Tahir Rafiq, Cabinet Member for HR & Corporate Affairs
Decision Type:	Council
Ward(s) to which report relates	All

Executive Summary:

Bury Council currently employs 37 Chief Officers, paid across 7 pay bands (A-H) with the Chief Executive and Deputy Chief Executive paid outside of these bands. Pay for those in bands A to H ranges from £59,385 to £134,364.

Posts in this cohort are currently evaluated through the Hay Job Evaluation (JE) scheme and paid in accordance with JNC terms and conditions. The Hay JE scheme is not sustainable in the medium-term as only two Council employees are trained in evaluating using this scheme, the provider no longer trains external parties to conduct evaluations, and the rate for externally evaluating the roles using Hay (now owned by Korn Ferry) is £2,500 per role.

This paper sets out a broad proposal for endorsement by Employment Panel to consult staff on a proposal to transition from evaluation under the Hay scheme to the Local Government Association (LGA) scheme. Initial work by the LGA has been undertaken to ensure the applicability of this scheme to our pay structure and map the scores of existing Chief Officer evaluations to the new proposed scheme. – There will be no changes to pay for individuals as a result of this transition.

The LGA are able to offer training to a wider range of Council staff to ensure evaluations can be undertaken within existing capacity going forward.

Recommendation(s)

That the Employment Panel agree the transition of the Council's job evaluation scheme for Chief Officers from the Hay to the LGA scheme, subject to consultation with affected staff.

Key considerations

1. Proposed Approach

- 1.1 The Council's current evaluation method for evaluating the grading of Chief Officers is the Hay scheme; Hay Group was acquired by Korn Ferry in 2015. Since the 2015 acquisition, the opportunity to pay for further evaluators to be trained in the scheme has been removed by Korn Ferry and the cost to have Korn Ferry evaluate posts using this scheme is now £2,500 per role.
- 1.2 Internally the Council has two Hay-trained evaluators, both of whom are Chief Officers, and no internal solution to enable continued application of this scheme outside of the current resource.
- 1.3 The Local Government Association works with several Local Authorities across the UK, including a number within Greater Manchester, and has developed an alternative job evaluation scheme for senior leaders in Local Government. The LGA scheme is the only viable alternative to the Hay scheme, and is increasing in its popularity as the financial challenges of using the Hay scheme become known on a wider level. The scheme values strategic capability and responsibility not merely operational responsibility, staff numbers and direct budget management etc.
- 1.4 A comparison exercise, using a sample of existing job descriptions evaluated using the Hay methodology, and assessing where these roles sit within the LGA framework, was conducted in July 2022. The purpose of this was to establish whether the two schemes were like-for-like in-terms of outcome. Of all 13 roles which were considered, across the full breadth of the current Chief Officer grading structure, each grade outcome was identical to that achieved through the Hay evaluation. This provides reassurance that the move from the Hay to the LGA scheme does not generate any grade outcome differences in and of itself.
- 1.5 It is therefore suggested that the LGA scheme is used for future Chief Officer appointments, with existing CO roles mapped over to the LGA scheme to develop a full points-to-pay line for this group of staff.
- 1.6 The LGA will provide training to 9 internal evaluators, which will include Trade Union representatives who will not, in practice, undertake evaluations but will be trained to ensure their understanding of the scheme and capacity to support individuals in the event of any appeal.
- 1.7 Although there is no legal requirement to consult on the job evaluation scheme used, the proposal is that a period of consultation (30 days) is provided as a sensible mechanism by which feedback on the application of a new scheme could be collated. As part of this the LGA will host an open presentation on the operation of the scheme to Chief Officers. – Given the above evidenced transferability of evaluations across the two schemes, the current (Hay) evaluation approach will continue to be used for new roles until the conclusion of this process.
- 1.8 There is a one-off fee payable to the LGA for their support with this work, including activity to ensure the cross-applicability of the LGA scheme and to train

a cohort of staff of 9 HR staff, the cost of which will be met from existing budgets. As part of this fee the LGA will also provide support in strengthening the Council's policy position on the management of job evaluations which have the potential to move from the NJC scheme to Chief Officer scheme to ensure a robust approach is taken here going forward.

Community impact/links with Community Strategy

A sustainable model to Job Evaluation will assure the Council's ongoing ability to engage Chief Officers at appropriate and fair rates of pay going forwards.

Equality Impact and considerations:

Under section 149 of the Equality Act 2010, the 'general duty' on public authorities is set out as follows:

A public authority must, in the exercise of its functions, have due regard to the need to

- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;*
- (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;*
- (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.*

The public sector equality duty (specific duty) requires us to consider how we can positively contribute to the advancement of equality and good relations, and demonstrate that we are paying 'due regard' in our decision making in the design of policies and in the delivery of services.

Equality Analysis	Please provide a written explanation of the outcome(s) of either conducting an initial or full EA.
An Equality Impact Assessment has been carried out in relation to the proposed changes and no negative impacts have been identified.	

Assessment of Risk:

The following risks apply to the decision:

Risk / opportunity	Mitigation
Consultation at senior level is unsettling and could affect morale at this level.	Reassurance that the two schemes are comparable and that no grade or pay changes will result from this will be provided.

Consultation:

Subject to approval by Employment Panel and endorsement by the Local Government Services Consultation Meeting, a period of 30 days consultation with Chief Officers will begin subject to the changes proposed.

Legal Implications:

It is proposed that there will be consultation regarding the proposed change in scheme, this will provide information to officers and assurance. The scheme operated to evaluate roles is not a contractual matter, Members will note that staff pay will not change as consequence of this decision.

Financial Implications:

There is a one-off fee of £10,500 payable to the LGA for the training of 9 staff and their initial review of the comparability of the two schemes, which will be met from the existing HR budget. However, at a future cost of £2,500 per job evaluation going forward if we were to continue with the Hay scheme this provides value for money and future cost avoidance.

Report Author and Contact Details:

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Background papers:

None

Please include a glossary of terms, abbreviations and acronyms used in this report.

Term	Meaning
Hay	Hay – Current Job Evaluation Scheme -
LGA	Local Government Association

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Classification	Item No.
Open	

Meeting:	Employment Panel
Meeting date:	24 th January 2023
Title of report:	Workforce Policy Review: Phase 1
Report by:	Cllr. Tahir Rafiq, Cabinet Member for HR & Corporate Affairs
Decision Type:	Council
Ward(s) to which report relates	All

Executive Summary:

A central component of the Let's Do It 'Well' Transformation Programme is the review of core HR systems, processes and policies to ensure they are fit for purpose, reflective of modern HR practice and align with the organisational culture described by the LET'S values. As part of this work a review of the Council's workforce policy framework is underway.

The first part of this policy review has involved work to address any areas where current policies are either outdated or posing operational challenges, and where there are current gaps in policy provision. Trade Union colleagues have been fully engaged in this work.

This report presents the outcomes of this phase of work and proposes changes in seven areas:

1. Recruitment and Selection – An updated policy to bring this up to date, reflect latest practice and strengthen the focus on inclusion
2. Domestic Violence & Abuse Policy – An updated policy to bring this up to date
3. Staff travel – An update to the Council's approach to the designation of car user status in response to operational challenges caused by current arrangements and to strengthen the focus on the Council's zero carbon aspirations
4. Banking of Leave and Carry Over of Leave Policy – The removal of this policy and, specifically, the 'Banked Leave' arrangements
5. Carry Over of Leave – An amendment to Local Conditions of Service following a review of the Council's current provision
6. Pay Protection – An addition to Local Conditions of Service to confirm the Council's policy position here (a current gap)

7. Redeployment – Amendments to the current policy to bring this up to date and revise the Council's policy position on Suitable Alternative Employment to reflect the latest ACAS guidance.

RECOMMENDATION(S)

That the Employment Panel:

1. Agree the revised Recruitment and Selection Policy
2. Agree the revised Domestic Violence and Abuse Policy
3. Agree the proposed changes to the approach to car user status designation and the required small amend to Section 6 of the Local Conditions of Service.
4. Agree the withdrawal of the Banking of Leave and Carry Over of Leave Policy, including removal of the Banked Leave arrangements, giving employees 5 years to take any leave already banked – with effect from 1st April 2023
5. Agree the proposed revision to the Council's Local Conditions of Service in relation to annual leave, specifically to increase the maximum value of carry forward leave to 5 days, with effect to leave to be carried into the 2024/25 leave year
6. Agree the proposed revision to the Council's Local Conditions of Service to confirm the Council's policy position in relation to pay protection.
7. Agree the proposed amendments to the Council's current Redeployment Policy

Subject to Employment Panel's approval, the new and revised policies will go forward for endorsement via the Trade Union Consultation Meeting and the Council's Corporate Joint Consultative Committee before being published on the Council's intranet pages and communicated to staff.

KEY CONSIDERATIONS

1 Recruitment and Selection Policy

1.1 Background

- 1.1.1 In light of the current challenging recruitment market, external feedback on the Council's recruitment and selection processes and our focus on strengthening the diversity of our workforce, a range of work is ongoing. One key aspect of this is a review and modernisation of the Council's Recruitment and Selection Policy.
- 1.1.2 The current Recruitment and Selection Policy was implemented January 2014 and has been refreshed a number of times, the last time being June 2019.
- 1.1.3 The Policy has been subject to a full review and re-write to reflect best practice and Council priorities.

1.2 Policy Headlines

- 1.2.1 The Recruitment, Selection and Retention Framework is replaced by the Recruitment and Selection Policy. Key changes include:
 - A clearer outline of roles and responsibilities in the recruitment process has been provided
 - Information aligning the policy to the Council's Supported Employment commitments has been included
 - The policy has been aligned with arrangements for engaging external expertise via other routes (e.g. agency staff)
 - Reference to relevant legislation has been updated including: politically restricted posts, data protection, equality act, duty to inform and keeping children safe in education
 - Clarity has been provided on our approach to pre-employment checks for internal moves
 - Information has been added to confirm the Council position on international recruitment
 - Clarification has been included regarding the Council position on DBS checks and DBS renewal expectations
 - Appropriate cross-referencing has been included to Section 1 of the Local Conditions of Service including: notification of vacancies, probation, offers of appointment, medical fitness for appointment and termination of employment.

1.3 The revised policy is attached as appendix 1.

2. Domestic Violence and Abuse Policy

2.1 Background

- 2.1.1 It has been some time since the Council's current policy in this area has been reviewed. Over this period best practice has evolved. Reflective of the Council's

zero tolerance approach to domestic violence and abuse and with the support of colleagues in the Children and Young People's Department the policy has been reviewed.

2.2 Policy Headlines

- 2.2.1 The policy now makes it a requirement that staff members experiencing domestic violence or being involved in a situation whereby the care of their own children is in question by children's services disclose this to the Council.
- 2.2.2 The policy also now states that, as well as disclosing if a staff member is convicted of domestic violence or abuse, they must now also disclose if they have been arrested for such an offence.
- 2.2.3 References to relevant legislation and associated policies and processes have been updated.

2.3 The revised policy is attached as appendix 2.

3. Staff Travel

3.1 Background

- 3.1.1 The Council's current approach to staff travel was last significantly reviewed in 2016. The current scheme assigns all employees into three categories of vehicle user; No Designation, Approved User and Priority User.
- 3.1.2 Each designation attracts a different per mile rate of reimbursement (further modified by car engine size in some cases), and Priority Users also receiving a monthly lump sum payment and paid for car parking permit if town centre based.
- 3.1.3 User designation is set on the basis of individual assessment, with an employee's individual status determined largely by the number of business miles undertaken in the previous calendar year.
- 3.1.4 The current approach presents several challenges organisationally, specifically:
 - The scheme requires the undertaking of a complex annual review of designations for all employees and 12 smaller monthly reviews of employees who have commenced employment or changed role in the previous 6 months. These reviews, require significant officer time, including resource from payroll, HR and senior management in dealing with discretions and appeals.
 - The scheme incentivises employees to undertake and claim as many miles as possible; the greater the mileage undertaken, the more generous the mileage rate and benefits become. This is unsupportive of the Councils carbon reduction strategy.
 - The scheme results in colleagues working together receiving significantly different reimbursement for their vehicle use, leading to perceptions of inequality.

- The requirement for all users to commence employment as a “no designation” user, and on a particularly low per mile rate, acts as a disincentive to employees joining the organisation in roles where relatively high volumes of vehicle use can be expected (e.g. social work, building control). This is particularly important at present given high fuel costs and competitive labour market.
- The process of annual review means roles cannot be promoted as receiving a particular allowance or rate, acting as a further recruitment disincentive.

3.2 Proposal

3.2.1 The proposal is to review and simplify the car user designation scheme, replacing it with a designation scheme based on assessment of roles (rather than individuals) that is clear, consistent, and more supportive of organisational priorities.

3.2.2 The proposed scheme retains the three tiers of designation and associated payment rates but, instead of an annual process of designation based on the mileage levels of individuals, replaces this with role-based designation linked to the nature of roles and business need.

3.2.2 In summary, the proposal is to utilise the below revised descriptors for the three car-user statuses:

3.2.3 Priority User

Priority User status will be applied to specific posts where it is essential for the employee to have a motor vehicle at their disposal whenever required, with fully comprehensive insurance which covers business use, in order to undertake that role.

Employees designated as Priority Users will be obliged to have a suitably insured vehicle available to them, to undertake the essential ‘driving for work’ training, and to make use of their vehicle when required to perform their duties.

Employees designated as Priority Users must still assess whether any proposed journey is necessary, whether there are viable alternatives to undertaking the journey (e.g. online meetings, the use of online mapping etc) and if use of a private vehicle represents the cheapest or only viable option.

Employees designated Priority Users will receive:

- An annual lump sum (subject to tax) of an amount as specified in Local Conditions of Service, paid in monthly instalments
- A per mile rate as specified in Local Conditions of Service for each business mile undertaken.
- A car parking permit at no cost to themselves (if based in a Town Centre location)

3.2.4 Approved Users

Approved User status will be applied to posts which are assessed as highly likely to require the use of a motor vehicle for the effective delivery of their role, but where its use is not essential to the delivery of their day-to-day duties.

Approved users will should only undertake journeys using a private vehicle where:

- (i) The journey is essential in order to undertake Council business and
- (ii) Where alternative options are not viable (e.g. online meetings, the use of online mapping and street views) and
- (iii) Car travel represents the cheapest or only viable option.

Where employees do have a vehicle available, with fully comprehensive insurance which covers business use, have undertaken the essential 'driving for work' training and it is assessed as appropriate for them to undertake journeys in this vehicle in the course of their duties, then they will receive a per mile rate as specified in Local Conditions of Service for each business mile undertaken.

3.2.5 **No Designation**

Other employees who ordinarily do not require a motor vehicle to perform their role may, in some limited and specific circumstances, undertake mileage for business purposes. In these circumstances users should only undertake journeys using a private vehicle where:

- (i) The journey is essential in order to undertake Council business and
- (ii) Where alternative options are not viable (e.g. online meetings, the use of online mapping and street views) and
- (iii) Car travel represents the cheapest or only viable option.

Where employees do have a vehicle available, with fully comprehensive insurance which covers business use, have undertaken the essential 'driving for work' training, and it is assessed as appropriate for them to undertake journeys in this vehicle in the course of their duties, then they will receive a per mile rate as specified in Local Conditions of Service for each business mile undertaken.

3.2.6 The proposal is that the determination of Car User Status to a post is made by the Head of Human Resources, in consultation with the relevant Executive Director and the recognised Trade Unions. This determination will take into all relevant factors including:

- The overall number of business miles typically undertaken in the role
- The frequency of business journeys undertaken in the role
- Any requirement to regularly transport other people or equipment
- The practicality of undertaking the work using public transport or alternatives methods (video calls etc)
- Any specific relevant health & safety considerations, as identified through formal risk assessment.

3.2.7 Determination of User Status will not include consideration of the overall remuneration or broader market position of the post.

- 3.2.8 Once assigned, the user designation of posts will only be reviewed where there is clear evidence of a significant change in the requirements of the post in relation to the above criteria.
- 3.2.9 Whilst the initial process of designation will require some significant analysis and review work by HR colleagues, once effective, this approach will be much more streamlined to manage.
- 3.2.10 The intention is that all staff will be reviewed under these new criteria by the end of the financial year with new designations in place by 1 April 2023. Initial analysis has already been undertaken and this indicates that the approach proposed will not have any material affect on the cost of the Council's scheme but will be significantly fairer and easier to maintain.
- 3.2.11 There is no proposal to amend any other provisions of the policy, such as the approach to protecting allowances for individuals whose status changes.
- 3.3 **This approach is consistent with the current Local Conditions of Service provision in relation to Staff Travel (Section 6), with the exception of paragraph 9. E which states that the process of review will be 'Annual' and the proposal is therefore to remove that word from the document.**
- 3.3.1 The detail of the scheme is set out in the associated guidance documents and these will be updated over the coming weeks in partnership with Trade Union colleagues, prior to the proposed review of all roles in line with the new criteria before the 2223/24 financial year.

4 Policy on Banked Leave and Carry Over of Leave

4.1 Background

- 4.1.1 The Council's Banking of Leave and Carry Over of Leave policy allows employees to 'bank' up to 5 days unused leave each year and build up to a maximum of 25 days 'in the bank' for use in future years. It also allows employees to carry over 3 days unused leave at the end of each leave year for use in the following year. Carry over of leave arrangements are also detailed in Local Conditions of Service Section 4 Paragraph 6.
- 4.1.2 The practice of 'Banking Leave' is not common in other Local Authorities and, in practice, causes operational issues in Departments. This practice was suspended during the Covid pandemic.
- 4.1.3 A review of leave carry forward arrangements in other local authorities has identified that general practice is for a maximum of 5 as opposed to 3 days carry forward to be permitted.

4.2 Proposal

- 4.2.1 The proposal is to remove this policy permanently with effect from 1st April 2023. Employees who have already banked leave will be enabled to draw this down within a set timeframe of 5 years from that date.

- 4.2.2 Local Conditions of Service Section 4 Paragraph 6 will be amended to reflect that employs can carry forward 5 as opposed to 3 days leave, with effect from 1st April 2023 (i.e. leave carried forward into the 2024/25 leave year). – This increase aligns with general local authority practice and, in part, compensates for the withdrawal of banked leave.

3.3 The revised Local Conditions of Service Section 4 Paragraph 6 is attached as appendix 3.

5. Pay Protection

5.1 Background

- 5.1.1 The Council currently does not have a formal policy on pay protection, although established common practice arrangements are in place.

- 5.1.1 These current arrangements differ in nature in terms of pay protection in a redeployment situation and following the downgrading of a post. In order to ensure clear, consistent arrangements are in place the proposal is to add a paragraph confirming the Council's pay protection policy position to Local Conditions of Service Section 3 (Paragraph 12).

- 5.1.2 The current arrangements are complex but, in summary:

- The length of protection is determined on the basis of % loss in earnings: up to 19% 1 year, 20-39% 2 years and 40%+ 3 years.
- The protected amount following a down grade through a revised job evaluation and/or restructure is based on 100% for year 1, 75% for year 2 and 50% year 3.
- The protection following redeployment is capped at one grade.

- 5.1.3 As well as being complex and not codified in policy current arrangements are potentially inequitable given the different spans in value and Spinal Column Points (SCPs) across the Council's 28 grades.

5.2 Proposal

- 5.2.1 The proposal is to move to a Pay protection policy based on a maximum protection of 6 SCPs, for a period of 12 months from the date the change took place. Where the loss in salary is 20% or more, pay protection will remain in place for a further 12 months at 50% of the value protected.

- 5.2.2 The 6 SCP cap reflects the average grade breadth of 3.36 SCPs across the Council's grading structure and makes the policy fairer to all employees, including those in grades with only 1 or 2 SCPs.

- 5.2.3 The pay protection arrangements will apply in the following circumstances:

- An employee is redeployed into a lower graded post as a result of becoming 'at risk' of redundancy and as an alternative to redundancy or due to reasons relating to ill health or disability as recommended by the Occupational Health Physician
- An employee's grade reduces as a result of a re-evaluation of their job description due to a restructure or other reason

5.2.4 Protection will not apply in the following circumstances:

- Redeployment on the grounds of discipline or capability
- Redeployment following the end of a fixed term contract
- Voluntary application and appointment to a lower graded position

5.2.5 Contractual payments are not protected unless the role is continuing and they still apply, for example matrix payments, contractual overtime, standby/on call payments, first aid allowances etc.

5.2.6 Temporary payments are not protected. For example, honorarium and acting up payments, additional hours etc.

5.2.7 Hours of work are not protected. For example, if an employee currently works 37 hours and is redeployed into a post of 20 hours, the amount of protection paid will be based on 20 hours not 37 hours.

5.2.8 Protection will cease or reduce if the employee applies for and accepts a new post (lower, the same grade or higher than the protected grade).

5.2.9 Any annual pay awards will reduce the amount of protection paid.

5.3 The proposed text to be added to the Local Conditions of Service Section 3 - Paragraph 12 is attached as appendix 4.

6. Redeployment

6.1 Background

6.1.1 The existing Redeployment Policy was last updated in November 2017 and requires revisions to ensure references are up-to-date throughout.

6.1.2 The references within the policy to the identification of suitable alternative employment (sae) in the event of a redundancy situation are, in particular, not reflective of the latest ACAS guidance in this area. Given the Council's differential span with grades, as noted elsewhere, the current policy position place perhaps too high a reliance on grade differential as a criterion.

6.2 Proposal

6.2.1 Changes have been made throughout the policy to ensure references are up to date

- 6.2.2 The section detailing the Council's approach to finding suitable alternative employment in a redundancy situation has been updated to reflect the latest ACAS guidance, in discussion with Trade Union colleagues.
- 6.3 **The updated policy is appended as appendix 5.** (Note, the main area of change relates to Section 6.1).

Community impact/links with Community Strategy

A modern and effective employee policy framework is essential to ensuring the effective operation of the organisation and, in turn the delivery of our commitment to the Community Strategy.

Equality Impact and considerations:

Under section 149 of the Equality Act 2010, the 'general duty' on public authorities is set out as follows:

A public authority must, in the exercise of its functions, have due regard to the need to -

- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;*
- (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;*
- (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.*

The public sector equality duty (specific duty) requires us to consider how we can positively contribute to the advancement of equality and good relations, and demonstrate that we are paying 'due regard' in our decision making in the design of policies and in the delivery of services.

Equality Analysis	Please provide a written explanation of the outcome(s) of either conducting an initial or full EA.
An Equality Impact Assessment has been carried out in relation to the proposed changes and no negative impacts have been identified.	

Assessment of Risk:

The following risks apply to the decision:

Risk / opportunity	Mitigation
Trade Union objection to policy changes	Prior discussions have taken place with Unison

Consultation:

The proposed changes have been developed in partnership with the Trade Unions

Legal Implications:

This report recommends a number of HR policy changes, this now forms the first stage of a series of policy reviews as an employer it is good practice to review all policies on a regular basis. The policies set out in this report with the exception of the local conditions of service are not contractual. The report sets out the nature and detail of the proposed changes. As with all changes if they are approved by Members it will be essential that the changes are clearly communicated to all staff members.

Financial Implications:

There are no financial implications as a consequence of the update to the recruitment and selection policy, the domestic violence and abuse policy and the policy of banked leave and the carry-over of leave.

It is not anticipated that the changes to the staff travel and car user designation process will have a material financial impact but it will streamline the process and add certainty to post holders and should aid recruitment to posts which will be designated as priority users.

Any financial implications as a consequence of implementing a standard approach to pay protection will be calculated on a case-by-case basis and will be borne by the service in the same way any other changes to pay would be. This is the same for the redeployment policy.

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Background papers: None

Please include a glossary of terms, abbreviations and acronyms used in this report.

Term	Meaning
SCP	Spinal Column Point

Appendix 1: Recruitment and Selection Policy (see separate attachment)

Appendix 2: Domestic Violence and Abuse Policy (see separate attachment)

Appendix 5: Redeployment Policy (see separate attachment)

Appendix 3: Local Conditions of Service, Section 4 (Hours and Leave)

Proposed revision to part 6: 'Carry over of Leave'

Carry Over of Leave

- (a) Employees wishing to carry over up to and including 5 days leave (a normal working week for part time employees) at the end of the leave year may do so without approval.
- (b) Requests to carry forward in excess of 5 days will need the approval of the Director or their representative. Requests will not normally be agreed other than in exceptional circumstances (e.g. workload preventing holidays from having been taken or requests to take long visits abroad). Any requests will also be subject to the exigencies of the Service and by mutual agreement.
- (c) Any requests to carry over leave due to maternity/adoption or parental leave should be dealt with in accordance with the appropriate policy, procedure or guidance – see paragraph 22.

Appendix 4: Local Conditions of Service, Section 3 (Salary and Grading Provisions)

Proposed new part 12: 'Pay Protection'

Pay Protection

Pay protection will be based on a maximum of 6 spinal column points (scp's) higher than the maximum of the new grade for a period of 12 months from the date the change took place.

Where the loss in salary (based on the employee's current SCP and the effect of dropping to the maximum SCP of the new grade) is 20% or more, pay protection will remain in place for a further 12 months at 50% of the value protected.

Pay protection arrangements will apply in the following circumstances:

- An employee is redeployed into a lower graded post as a result of becoming 'at risk' of redundancy and as an alternative to redundancy or due to reasons relating to ill health or disability as recommended by the Occupational Health Physician
- An employee's grade reduces as a result of a re-evaluation of their job description due to a restructure or other reason

Pay protection will not apply in the following circumstances:

- Redeployment on the grounds of discipline or capability
- Redeployment following the end of a fixed term contract
- Voluntary application and appointment to a lower graded position

Contractual payments are not protected unless the role is continuing and they still apply – for example matrix payments, contractual overtime, standby/on call payments, first aid allowances etc.

Temporary payments, for example honorarium, acting up payments, additional hours etc. are not protected.

Hours of work are not protected – for example, if an employee currently works 37 hours and is redeployed into a post of 20 hours, the amount of protection paid will be based on 20 hours not 37 hours.

Protection will cease or reduce during the 12-month period if the employee applies for and accepts a new post (lower, the same grade or higher than the protected grade).

Any annual pay awards will reduce the amount of protection payment.

Recruitment & Selection Policy

This document is recommended for adoption by School Governing Bodies, subject to suitable amendment.

Document Control

Title	Bury Council – Recruitment & Selection Policy
Document Type	Workforce Policy
Author	HR Operations Manager
Owner	HR Service
Subject	Recruitment & Selection
Date Created	January 2023
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Review Date	

Contents

1. Introduction	3
2. Aims	3
3. Scope	3
4. Responsibilities	3
5. Types of Recruitment	4
6. Employment Legislation.....	6
7. The Process of Recruitment and Selection	8
8. Offers of Appointment	9
9. Pre-employment Checks	9
10. Expenses	12
11. Probation.....	12
12. Leavers and References	13

1. Introduction

The Recruitment and Selection Policy outlines Bury Council's policy and approach to the recruitment and selection of all employees to the Council. This includes external and internal appointments, transfers, fixed term contracts, external expertise, and senior recruitment.

This policy should be read in conjunction with the Recruitment and Selection Guidance.

All recruitment should be carried out in accordance with the Council's approval process.

2. Aims

The Council's aim is to ensure that all appointments are made in a fair and consistent manner. No bias should be shown at any part of the procedure and full regard will be given to all legal requirements throughout the recruitment process, including employment law, equalities legislation and GDPR. The recruitment and selection process aims to promote equal opportunities and a positive image of the Council.

A skilled, diverse, efficient, and effective workforce is crucial to the Council's success in delivering excellent quality services. Therefore, the Council aims to attract, appoint, and retain the best candidates for jobs, and build a high-quality workforce that will achieve the objectives of the Council.

Efficient and effective recruitment should minimise the use and cost of engaging temporary Agency workers and consultancy spend

All services are required to follow the policy and recruitment procedure to achieve consistency of practice across the Council.

Although a candidate may be rejected for an appointment, it is important that they retain a favourable impression of the Council. It is essential that a high-quality recruitment experience provides a high standard of customer care and treats all applicants with dignity and respect.

3. Scope

This policy is for Bury Council employees. It is recommended for adoption by School Governing Bodies, subject to suitable amendment.

4. Responsibilities

- 4.1 **Recruiting managers** are responsible for the oversight of each recruitment campaign and ensuring all recruitment is carried out in accordance with the recruitment and selection policy and guidance.

- 4.2 **The Human Resources (HR) Service** will provide support and professional advice at all stages of the process. HR are also responsible for the administration of pre-employment checks and contractual documentation, arranging suitable guidance for recruiters and selectors, monitoring the implementation of the policy and procedure across the Council.
- 4.3 **Chief Officers and Heads of Service** are responsible for ensuring that the policy and procedure is fully implemented in their departments and that those involved in recruitment have received the required guidance/training. Chief Officers and Heads of Service are also responsible for taking appropriate action regarding complaints made in connection with recruitment and selection, in line with the Council's Complaints procedure.
- 4.4 All parties involved in any aspect of the recruitment and selection of employees have a duty to act fairly and appropriately.

5. Types of Recruitment

5.1 Supported Employment

- 5.1.1 Bury Council aims to provide support and employment opportunities to assist people to find and sustain work that they can, and more importantly, want to do.

The Council has a specific *Supported Employment Offer* which identifies a range of opportunities and initiatives to support individuals to access work experience and paid employment with the Council. The *Supported Employment Offer* is open to all members of the community, but recognises the following groups which require particular consideration and support

- Young people
- People with disabilities
- Children in care/care leavers
- Veterans
- Communities Experiencing Racial Inequality

- 5.1.2 The Council's approach is based on identifying creative and meaningful options which will assist people to improve their employability and support them to independently sustain employment. Wherever possible, The Council will take a personalised approach, understanding that every member of our community has their own unique skills, talents, needs and aspirations. The Council intends to empower people to achieve their ambitions and reach their potential.

- 5.1.3 The Council's *Supported Employment Offer* includes:

- Apprenticeships
- Work experience placements
- Supported work experience placements
- Supported internships

5.1.4 More information is available from the HR Service.

5.2 **Permanent Appointments**

A permanent appointment refers to the continued employment of an individual, with no defined or expected end-date. The continuation of this contract of employment is subject to the passing of a probationary period and ongoing satisfactory performance. When recruiting on this basis, the process outlined in section 7 should be followed.

5.3 **Fixed Term Contracts**

5.3.1 Fixed term contracts will normally be used in the following instances:

- When it is linked to specific funding and will end when the funding ceases
- When it is to cover a peak in workload and will last for a specified period of time or on a specified end date
- When it will end when a specified piece of work, task or project has been completed
- When it will end on the occurrence or non-occurrence of a specified event i.e., return of a substantive postholder from maternity leave

5.3.2 When recruiting on this basis, the process outlined in section 7 should be followed.

5.3.3 Adverts and contractual documentation, must outline the reason for the temporary appointment and also the expected end date.

5.3.4 Please refer to the Fixed term contract policy - Bury Council Intranet for further information or contact the HR Service.

5.4 **External Expertise including Agency, Consultants & IR35 Workers**

5.4.1 Where it has been agreed that there is a need for a temporary resource, which cannot be filled internally, this appointment should not ordinarily exceed 12 months.

5.4.2 If the requirement for this resource exceeds 12 months, there will normally be an expectation that approval is sought to fill the position on a permanent or fixed term basis.

5.4.3 Please refer to the Guidance for Appointing External Expertise or contact HR for further information.

5.5 **Senior Recruitment**

Senior recruitment refers to Chief Officers and Deputy Chief Officers. Recruitment at this level is overseen by the Employment Panel and the rules around the process are set out in the Council's Constitution.

Further information is available from the HR Service.

6. Employment Legislation

6.1 Politically Restricted Posts

- 6.1.1 The council must maintain and report on the number of posts which are 'politically restricted'.
- 6.1.2 Employees in politically restricted posts are prevented in having any active political role either in or outside of work.
- 6.1.3 Politically restricted posts fall into two categories: 'specified posts' and 'sensitive posts'. Employees in "Specified Posts" are politically restricted without rights of appeal for exemption to the local authority's standards committee. Employees in "Sensitive Posts" can appeal to the local standards committee to be exempted from the list, on the grounds that Bury Council has wrongly applied the criteria.
- 6.1.4 Please refer to the Politically Restricted Posts Guidance, including a full list of posts to which this criteria applies. For further support please visit [Politically restricted posts - Bury Council Intranet](#) or contact the HR Service.

6.2 General Data Protection Regulation

- 6.2.1 The Council will only seek to obtain information which is relevant to the recruitment and selection exercise.
- 6.2.2 Individuals will be informed, when submitting an application that the information collected is for recruitment, equality and diversity monitoring purposes and to meet other statutory requirements such as the right to work. Equality data will be retained for monitoring purposes only.
- 6.2.3 Applicants will be informed that their information may be shared internally for the purposes of the recruitment exercise. This includes members of HR and the recruitment selection panel. The data may be shared with external third parties if a specialist or expert is participating in the recruitment selection process, such parties who will be expected to comply with the Council's GDPR policies.
- 6.2.4 The security of an applicant's data is taken seriously. The data of appointed candidates will be held on their personal file for the duration of the employment with the Council and in line with the Council's data retention period. Recruitment papers for unsuccessful candidates will be retained for six months after the conclusion of the recruitment process.
- 6.2.5 Further information can be found in the Council's HR Privacy Notice.

6.3 Equality Act

- 6.3.1 The Council will ensure that people from all sections of the community have genuine equal opportunities to gain employment with the Council

in all its service areas and, if employed, to progress within the Council. Job applicants will be required to complete an Equalities Monitoring Form to enable HR to keep equalities monitoring data and make reasonable adjustments for applicants. Recruiting managers will not see these forms.

- 6.3.2 The Council seeks to employ on merit, a workforce which reflects the diverse community at large because the individual contribution of people irrespective of their age, disability, sex, gender reassignment, marriage or civil partnership, race, religion or belief, carers, sexual orientation, pregnancy and maternity, military veterans, socio-economically vulnerable and our looked after children and care leavers.
- 6.3.3 This policy aims to provide a framework within which managers can objectively set and assess the skills, abilities, knowledge, experience, or other valid job-related criteria for each post. This objective approach helps to eliminate bias and enables selectors to appoint the most suitable candidate for a post.
- 6.3.4 Positive Action will be taken where it is appropriate to build a workforce representative of the community.

6.4 Rehabilitation of Offenders Act 1974

- 6.4.1 It is unlawful for a candidate's previous criminal conviction(s) (once spent) to be considered for recruitment/promotion purposes other than in respect of appointments to specific posts outlined in the provisions of the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 (amended in 1986).
- 6.4.2 In respect of such posts, convictions which would otherwise be spent under the terms of the Rehabilitation of Offenders Act 1974 may be considered in deciding whether to engage an applicant. Information must be kept in strict confidence and due consideration should be given to the reason, date, repetitiveness of any conviction in relation to the post for which they have applied.
- 6.4.3 For further information please refer to the supporting Rehabilitation of Offenders Act guidance <http://intranet/index.aspx?articleid=12599> or contact HR.

6.5 Keeping children safe in education

When recruiting employees who will work with children under the age of eighteen based in Schools and Colleges, this must be carried out in accordance with the statutory guidance 'Keeping Children Safe in Education'. Please refer to the latest guidance on the Government website [Keeping children safe in education - GOV.UK \(www.gov.uk\)](http://www.gov.uk/government/uploads/system/uploads/attachment_data/file/332669/Keeping-children-safe-in-education-2016.pdf)

7. The Process of Recruitment and Selection

- 7.1 Whenever an established position falls vacant, the Chief Executive shall make all necessary arrangements for the filling of the position in accordance with procedures determined by the Council from time to time.
- 7.2 Before recruiting for a new employee, any employees who are seeking redeployment or who require suitable alternative employment as part of a management of change process should be considered. Managers should always consider whether replacing the role is the best option or whether they could consider maximising the skills and experience of the existing workforce.
- 7.3 The process for recruiting and selecting employees (permanent/fixed term) comprises of the following stages.
- Analyse the vacancy and update the job description and person specification if required
 - Obtain authorisation for Job Evaluation (if substantial changes are required)
 - Consider if a secondment or Fixed term contract is a suitable option
 - Obtain the relevant approval to recruit
 - Advertise the post in line with the redeployment procedure.
 - Advertise the post internal/external.
 - Prepare the assessment process.
 - Select the assessment panel.
 - Shortlist suitable candidates to be assessed.
 - Send out assessment invites.
 - Conduct interviews/assessments.
 - Make decision and provide evidence to support it.
 - Manager makes verbal offer to the successful candidate.
 - Send out offer pack.
 - Send out reject letters.
 - Respond to any requests for feedback.
 - Seek references and other pre-employment checks
 - Agree start date.
 - Contracts issued
- 7.4 **Advertising the post**
- 7.4.1. All posts will be advertised to redeployees first and will then be advertised more widely if necessary. Hiring manager should make the determination whether to advertise the post internally, externally, or both internally and externally, subject to appropriate approvals.

7.4.2 It may be appropriate to advertise all jobs internally during a period of change management if several staff are at risk of being made surplus at their current grade.

7.4.3 All posts which are advertised externally will be placed on GreaterJobs which provide a mechanism whereby candidates can make their application.

7.4.4 Adverts can also be advertised on external websites if appropriate.

7.5 Selection process:

7.5.1 Any and all appointments will be subject to a formal assessment process which may include a competency based interview or working interview for example.

7.5.2 Managers will receive guidance on how to shortlist, plan assessments (including interviews), frame questions, conduct interviews and evaluate candidate performance and all selection processes should be undertaken in a manner consistent with this process.

7.5.3 It is essential that, insofar as is possible, a diverse group of individuals are involved as part of the selection process and / or interview panel.

7.5.4 The Council will guarantee an interview for the following who meet all essential criteria:

- Disabled people
- Looked after children
- Armed forces personnel including reservist and veterans
- Carers of adults or disabled children

8. Offers of Appointment

Offers of Appointment must be made subject to the individual's entitlement to work in the UK, medical clearance and, where appropriate, a DBS check.

If an employee of the Council is promoted or transfers to another position, they shall be notified of their appointment and the effective date, which shall not normally be later than 28 days after the date of interview, unless the normal notice period is required. Employees moving into a new position at a higher grade will commence their role at the lowest SCP for the Grade. Employees may still be subject to some pre-employment checks, depending on the requirements of the role.

9. Pre-employment Checks

The Council will comply with legislation when completing checks on candidates prior to employment.

9.1 Right to Work:

All applicants will be asked to provide the necessary documents to provide evidence of their right to work in the UK.

The Council welcomes applications from candidates who live outside of the UK and do not have the right to work in the UK without an appropriate Visa.

The process of appointment for overseas candidates is longer than those with the right to work in the UK, due to the requirement for a certificate of sponsorship and subsequent visa application by the candidate.

For more information relating to recruiting candidates from overseas, please contact HR.

9.2 **References**

References should be sought to validate at least three years of previous employment and/or education. Ideally references would cover two employers (where possible), one of which would be their present or last employer. Following a reference being obtained, it is the responsibility of the manager to contact the referees and validate their accuracy.

9.3 **Disclosure and Barring Service (DBS) checks:**

9.3.1 DBS checks will be carried out for employees who are offered roles which will involve working in close proximity to children and vulnerable adults. The roles which are checked will be in accordance with the current government guidance.

9.3.2 There are varying types of DBS checks which can be required, dependent upon the role the employee is in. The types of check are as follows:

- Basic check, which shows unspent convictions and conditional cautions
- Enhanced check, which shows the same as a basic check plus any information held by local police that's considered relevant to the role
- Enhanced check with a check of the barred lists, which shows the same as an enhanced check plus whether the applicant is on the adults' barred list, children's barred list or both

9.3.4 More information can be accessed via the Government's DBS eligibility tool at <https://www.gov.uk/find-out-dbs-check>. If you require further advice please contact HR.

9.3.5 New starters should not normally be given an agreed start date without the appropriate DBS clearance in place. Only in exceptional circumstances where an urgent start date is essential, following a risk assessment and in agreement with the Lead Signatory for DBS, may new starters commence in their post on restricted duties. In these

circumstances no regulated activity should be undertaken without supervision.

9.3.6 When the DBS is issued a copy will be sent to the candidate and not to the employer. If the certificate contains details of a conviction, the Council will receive notification. Upon receipt of this limited information the candidate should be asked to provide details of the content of their DBS to the recruiting manager. In the event that a DBS contains details of a conviction that has implications on the employee's ability to perform their role, the recruiting manager should make contact with the HR Business Partner to discuss the contents. Following a risk assessment and in agreement with the lead Signatory for DBS, the offer of appointment may be withdrawn.

9.3.7 DBS Update Service

Some candidates may be signed up to the DBS update service, which allows applicants to keep their DBS certificates up to date and for employers to check a DBS certificate. The Council must obtain consent from the individual before carrying out a check.

A subscription to the update service lasts for a year, so if an employee is registered then the Council will complete a check on an annual basis.

9.3.8 DBS renewal

Following appointment, employees whose role requires a DBS check, will be expected to undertake a DBS renewal every three years as part of their terms of employment.

As with new DBS applications, renewals may flag that a conviction has been made during the employment. There is an expectation that employees will inform their employer should they be convicted of any offense. If the conviction is shown on a DBS renewal and this has not been previously disclosed to the employer, the manager should make contact with HR to discuss the implications of this conviction upon the ongoing employment of the individual.

9.7 Professional Membership Checks

Some posts require subscription to a particular professional membership as part of the requirement of the job. This should be outlined in the job description and candidates will be asked to provide evidence of this during their pre-employment checks.

9.8 Medical checks:

9.8.1 The initial offer of appointment shall be subject to the Council's medical requirements having been met. Medical requirements may differ depending on the role itself and, where appropriate, a pre-employment medical assessment may be required. Checks before confirming the

offer of employment are only permissible if there is a legal requirement, e.g. eye tests for commercial drivers. Prior consent is required and checks must not discriminate i.e. all applicants must be checked for these safety-critical medical requirements.

9.8.2 Completed medical enquiry forms shall be processed in such a way that the confidentiality of any information regarding the medical fitness of an individual employee is safeguarded.

9.8.3 The Council shall reimburse any employee, who is required as a condition of employment to have any vaccination or a chest x-ray, any costs incurred.

9.9 **Qualifications:**

The qualifications of a candidate for appointment to a position with the Council shall be assessed by the interview panel at the following stages:

- Short-listing Stage – assessment against the set essential/desirable qualification criteria for the job.
- Interview Stage – verification by production of documentary evidence of successful completion by the candidate prior to or at the interview.

10. Expenses

10.1 **Expenses of Candidates for Appointment**

Candidates may be able to claim expenses for interviews in line with the cheapest method of travel outlined in the Council's financial provisions within Local Conditions of Service.

10.2 **Relocation – Excess Travel Expenses**

If an employee is relocated, they can claim excess travel expenses for their journey from and to their new place of work in accordance with Local Conditions of Service.

10.3 **Relocation Package for New Employees**

10.3.1 The Council will pay removal expenses (refer to Local Conditions of Service and financial table for details) to employees joining the Council if the new employee moves from outside a radius of ten miles to within a 10mile radius of their new workplace.

11. Probation

11.1 The probationary period for all new entrants to Bury Council shall be twelve weeks. At the end of that period, the employee shall be notified that they are to be transferred to permanent employment.

11.2 If, however, at the end of twelve weeks, the work of the employee on probation is considered unsatisfactory by the manager (in conjunction with

HR), the probationary period can be extended up to twenty weeks and a decision will then be made as to whether employment is made permanent or terminated.

- 11.3 Further information can be found on [Probation - Bury Council Intranet](#) and [Conditions of Service - Bury Council Intranet](#)

12. Leavers and References

- 12.1 If an employee wishes to terminate their employment with the Council, they shall submit their notice in writing to their Manager including the effective date of the termination of employment. Their notice will be acknowledged, and the effective date of termination will be confirmed in writing. Details relating to length of notice required is included in your contract of employment.
- 12.2 Following an employee securing employment elsewhere, their prospective new employer may request a reference. This will be completed by HR following consent from the individual and will be an entirely factual reference.
- 12.3 The Council will provide a standard reference which includes confirmation of employment, job title and the dates of employment. Information will be provided in-line with HR Retention periods.
- 12.4 For employees in regulated roles working within social care or education, we will also disclose any live safeguarding or disciplinary sanctions including the reasoning.

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Domestic Violence & Abuse Policy

This document is recommended for adoption by School Governing Bodies, subject to suitable amendment.

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Contents

1. Introduction	3
2. Principles	3
3. Aims	4
4. Legal Obligations	4
5. Definition of Domestic Violence & Abuse	5
6. Impact of Domestic Violence & Abuse on the Workplace	6
7. Individual Support	6
8. Managers & Supervisors	7
9. Recording Information	10
10. Perpetrators	10
11. Links with Other Policies	11
12. Review	12
13. Appendix 1 – Good Practice Guidelines (Supporting Someone Experiencing Domestic Violence & Abuse)	133

1. Introduction

- 1.1 Bury Council is committed to responding sensitively and effectively to those employees needing help and support should they experience domestic violence or abuse. Violence against people is unacceptable and will not be condoned.
- 1.2 This policy is underpinned by a commitment to the principles/procedures of safeguarding children, a duty of care to employees, equality and diversity and the protection of vulnerable adults. All those experiencing or affected by domestic violence or abuse will be treated according to their needs unless the law/safeguarding procedures dictate otherwise.
- 1.3 The Council operates a zero-tolerance approach to domestic violence and any alleged act committed by a council employee which is deemed to be domestic violence related may lead to an allegation of gross misconduct; which carries a maximum disciplinary sanction of dismissal from employment, if subsequently found to be proven.
- 1.4 Any staff member, whose work involves children or vulnerable adult, experiencing domestic violence and/or who are involved in any matter where the care of their own children is in question by children's services **must** disclose this in confidence (for example to their manager, a member of their management team, or HR) as this could conflict with their role at the Council.
- 1.5 The Council is committed to ensuring that staff who work with vulnerable people are able to recognise signs and symptoms of domestic violence. To assist staff in this, training is available through the Community Safety team or via e-learning.

2. Principles

- 2.1 The current Domestic Violence and Abuse Strategy has four priorities:
 - Improving processes - so all victims can access timely and effective information, advice and support
 - Improving partnerships- to work together with a shared vision for the good of the victim
 - Driving Prevention – individuals and communities recognise and understand domestic abuse and live in a culture of healthy relationships
 - A focus on Perpetrators – working to stop harmful behaviours.

This policy sets out the approach of the Council in respect of its own employees experiencing domestic violence or abuse.

- 2.2 Bury Council and its recognised Trade Unions are committed to ensuring support is available to employees who are experiencing or surviving domestic violence or abuse and recognise that anyone can experience or be a survivor of domestic violence or abuse regardless of any protected characteristic, as per the Equality Act 2010.
- 2.3 Bury Council recognises the scope of domestic violence and abuse (see section 5) and that we have a responsibility for the wellbeing of staff; understanding that domestic violence and abuse can have a major impact on individuals, who often hide the circumstances of their situation from others including their children (recognised specifically in the Domestic Abuse Act 2021), colleagues, and family members.
- 2.4 This policy is part of the commitment of Bury Council to family friendly working and seeks to benefit the welfare of individual members of staff, retain valued employees, improve morale and performance and enhance the reputation of the Council as an employer of choice.

3. Aims

This policy aims to:

- Positively assist and support employees who are experiencing or surviving domestic violence and abuse
- Assist managers in supporting staff when incidents of domestic violence and abuse are reported
- Remove fears of stigmatisation at work of members of staff experiencing domestic violence and abuse
- Reduce absences from work resulting from domestic violence and abuse; and assist in improving performance by positively offering practical support to employees who are affected
- Demonstrate the commitment of the Council to challenging the social issue of domestic violence and abuse through our zero-tolerance approach.

4. Legal Obligations

The Council recognises that all employees have a right to feel safe within their working environment. This policy will assist the Council to meet legal obligations by:

- Providing a safe working environment for all employees [Health and Safety at Work Act 1974]
- Acting in accordance with the European Convention on Human Rights [Human Rights Act 1998, articles 2 and 8]
- Providing for the well-being of its citizens [Local Government Act 2000]

- Crime and Disorder Act 1998
- Domestic Violence and Victims Act 2004
- Domestic Abuse Act 2021

5. Definition of Domestic Violence & Abuse

5.1 The Domestic Abuse Act defines domestic abuse as any incident or pattern of incidents, between intimate partners or family members which can encompass but is not limited to:

- Physical or sexual abuse
- Violent or threatening behaviour
- Controlling or coercive behaviour
- Psychological, emotional or other abuse
- Economic abuse
- Acquire, use or maintain money or other property, or;
- Obtain goods or services

This definition has been endorsed by the Bury Domestic Abuse Partnership Board.

5.2 This definition includes so called ‘honour’ based violence, female genital mutilation (FGM) and forced marriage, as well as teenage to parent abuse and elder abuse when committed within the family or by an immediate partner.

5.3 Domestic violence and abuse involves misuse of power and exercise of control by one person over another person; usually within the context of an intimate relationship or within a family. It is rarely a one-off incident. Evidence suggests it is a pattern of abuse and intimidation that becomes more severe over time.

5.4 Domestic violence and abuse occurs in all groups and sections of society and may be experienced differently, due to, and compounded by, race, sexuality, gender re-assignment, disability, age, religion, culture, class, mental health or caring responsibilities.

5.5 Examples of domestic violence/abuse:

- Physical assault or threats of physical assault [such as slapping, pushing, kicking, punching, stabbing or destruction of personal property]
- Sexual assault or threats of sexual assault
- Emotional or psychological abuse [such as intimidation, verbal abuse, humiliation, not allowing friends or relatives to visit]
- Denial of rights or restriction of personal freedom [such as with-holding money or medical help]
- The imposition of social isolation or movement deprivation
- Forced marriage.

6. Impact of Domestic Violence & Abuse on the Workplace

- 6.1 Employees experiencing domestic violence and abuse may receive harassing or repeated phone calls, texts or e-mails, unwelcome notes left on their cars or unplanned and unannounced visits at work. They may also be stalked, physically assaulted or murdered while at, or travelling to and from, work. Colleagues may be followed to or from work, or subject to questioning about the employee's contact details or location.
- 6.2 Perpetrators may be using workplace resources such as time, phones, e-mail or other means to threaten, harass or abuse their current or former partner.
- 6.3 Domestic violence and abuse can greatly impact on an employee's working life. Many of the abused suffer physical injuries, sleep deprivation, low morale, low self-esteem, and heightened anxiety levels, all of which contribute to lateness, absenteeism and poor performance.
- 6.4 Employees experiencing domestic violence and abuse are especially vulnerable whilst they are at work, because once they attempt to leave an abusive partner the workplace can become the only place where they can be located and harmed.
- 6.5 The Council accepts that working from home may present challenges to those experiencing domestic violence and abuse, if the perpetrator of violence is also in the home during those working hours. Working from a Council building is always an option for all staff in this situation.

7. Individual Support

- 7.1 All employees have the right to work in a supportive and confidential environment that does not discriminate against or stigmatise them if they are experiencing domestic violence and abuse. Employees are not obliged to tell anyone at work about their domestic situation but there are a range of people within the workplace that they may find it helpful to talk to, for example; their line manager, HR staff, Trade Union Representatives, Occupational Health or First Contact Officers (for Council employees).

A list of First Contact Officers who have been trained to respond to disclosure can be found via the link below: <http://intranet/index.aspx?articleid=13231>

It is advisable to talk to someone at work if you feel that your personal situation is affecting your work – specific details are not necessary but a joint approach to problem solving to resolve any work issues is essential.

- 7.2 Any member of staff or representative the Council should respond sympathetically, confidentially and effectively to a member of staff who discloses they are experiencing domestic violence and abuse.

- 7.3 Where domestic violence/abuse has been reported, line managers will treat unplanned absences and temporary poor timekeeping sympathetically.
- 7.4 Any confidante will respect the right of staff to make their own decision on the course of action at every stage.

8. Managers & Supervisors

8.1 Possible Indicators of Domestic Violence/Abuse

8.1.1 Managers may be the first to become aware that an employee is experiencing domestic violence and abuse because they have the role of monitoring and investigating sickness, attendance and work performance. Some additional indicators to consider are:

- Uncharacteristically late or high absenteeism rate without explanation
- Inappropriate or excessive clothing
- Repeated injuries or unexplained bruising or explanations that don't fit with the injuries
- Changes in the quality of work performance for no apparent reason
- Receiving repeated upsetting calls/texts/e-mails or being the victim of vandalism/threats
- Member of staff becoming withdrawn or showing changes in personality
- Lack of money
- Obsession with time or avoiding lunch breaks or socialising outside of work
- Needing time off for appointments
- Never having their camera on during Teams calls
- Seeming uneasy and not free to speak openly during Teams calls from home
- Being in the office a lot more or a lot less than previously

The effects of domestic violence and abuse will vary and the examples given are only potential indicators and should not be used alone to identify whether or not someone is a victim of domestic violence or abuse.

8.2. Strategies for Dealing with Disclosure

Managers who become concerned that a member of staff may be experiencing domestic violence or abuse should:

- Be supportive, available and approachable
- Take time to listen, take the employee seriously, use empathy and ensure a non-judgmental approach

- Ask any direct questions with care and sensitivity, reinforcing that as far as possible confidentiality will be respected
- Hold discussions in a private place
- Encourage the employee to seek the advice of other relevant agencies
- Make available a list of resources for victims of domestic violence and abuse. Details can be found via www.bury.gov.uk/domestic violence and <https://theburydirectory.co.uk/search?search=Domestic%20abuse>
- Agree a communication plan with the individual when time off is needed
- Understand that they are not counsellors and are not expected to carry out this function. Counselling is to be left to trained professionals.

More detailed guidance for managers is shown at Appendix 1.

8.3 Maintaining Confidentiality

- 8.3.1 The Council will only involve other agencies; or divulge information with the consent of the person concerned; unless required to do so by law or in accordance with other safeguarding procedures (for example, where there is disclosure of violence and abuse towards a child or vulnerable adult).
- 8.3.2 Managers have a duty to maintain a secure environment for all employees and this may be made easier if colleagues are aware of potential risks. In situations where others may be put at risk, and at the express wish of the member of staff in question, managers can agree with the individual what information can be disclosed. In these circumstances colleagues privy to this information must be reminded that the information is confidential and that there are risks to the member of staff if it is disclosed. (See 7.1).
- 8.3.3 Staff should be reminded of the importance of not divulging an individual's personal details; such as addresses, telephone numbers and shift patterns; to other employees or unknown people requesting the information.

8.4 Providing Support

- 8.4.1 Managers should treat sympathetically distracted behaviour, poor time-keeping and unplanned absences where there is the suggestion that it may be the result of domestic violence and abuse.
- 8.4.2 Line managers may offer employees experiencing domestic violence/abuse a broad range of support. This may include but is not limited to:
- Leave for relevant appointments, including with support agencies, solicitors, to rearrange housing or childcare, and for court appointments
 - Temporary or permanent changes to working times and patterns

- Changes to specific duties, for example to avoid potential contact with an abuser in a customer facing role or if they are a fellow employee
- Redeployment or relocation if requested and deemed appropriate and reasonable
- Getting places on assertiveness training courses
- Using other existing policies including Work Life Balance options
- Access to occupational health interventions, e.g., counselling or anything else through the Employee Assistance Programme.

8.5 Keeping Employees Safe

8.5.1 The Council undertakes to ensure the safety of all employees. The Council will actively provide support to employees to try and minimise the risk to their safety while at work, if they make it known that they are experiencing or surviving domestic violence and abuse.

8.5.2 Managers will take reasonable measures to ensure both the member of staff and others immediate safety and security at work, considerations could include:

- Improving security, changing keypad numbers or reminding staff of any restricted access arrangements which may apply
- Changing duty arrangements such as reception or answering the phone
- Completing a Health and Safety risk assessment
- Changing the layout of the room so that the individual cannot be seen through reception/entrances or through a window
- Changing specific duties, for example to avoid potential contact with an abuser in a customer facing role or if they are a fellow employee
- Agreeing with the person experiencing domestic violence/abuse what to tell colleagues and how they should respond to contact from the abuser. Providing colleagues with a photograph and other relevant details e.g., car make and registration
- Making sure that the systems for recording staff whereabouts are adequate and if work requires going out of the office or working alone consider how to minimise risks
- Considering special arrangements for when a member of staff has to leave work at the end of the day
- Ensuring any incidents are recorded using incident report forms. These reports may be used in court or civil proceedings. Details of all witnesses should be recorded
- Seeking redeployment for a member of staff if they request a change of work site or considering a change of working hours or other temporary measures as an option
- Avoiding requests to work overtime without reasonable notice

- Establishing how to contact the member of staff outside of work; contacting them at home may not be appropriate.

8.5.3 Assessments of safety, risk and management control measures should include all foreseeable risks. A risk of domestic violence and abuse in the workplace is reasonably foreseeable once an employee has raised such an issue with the line manager. This also includes when the employee works at home.

8.5.4 Where the perpetrator and the victim both work for the Council reasonable steps will be taken to stop any abuse. In all cases reasonable steps should be taken to ensure the victim and his or her colleagues are not at risk from the perpetrator entering the workplace.

8.6 Absence

Employee, managers and supervisors are encouraged to first explore paid leave options that can be arranged to help the employee cope with the situation without having to take a formal unpaid leave of absence. Depending on circumstances these options may include:

- Granting leave or arranging temporary flexible working hours so the employee can attend relevant appointments with, for example, support agencies, solicitors, or counsellors, to rearrange housing or childcare, attend court etc.;
- Another option would be to consider adjustments to the sickness triggers under the appropriate policy.

None of the above excludes employees from adhering wherever possible to their employer's absence reporting procedure or policies.

8.7 Support for Managers

A manager who is unsure how to approach domestic violence and abuse related issues can and should take further confidential advice from your HR team.

9. Recording Information

In agreement with the staff member, Managers will record a summary of any discussion together with agreed outcomes. The manager should make arrangements to store this on the employee's personal file in accordance with the Council's obligations as an employer. Access to personal files is restricted and no disclosure of the note will be made without the permission of the employee unless this is for legal or safeguarding reasons.

10. Perpetrators

10.1 Zero Tolerance of Alleged Perpetration

10.1.1 Acts of verbal or physical abuse by employees on or off duty are unacceptable and may impact not only on the employer's employment relationship with those employees but could also damage the reputation and good standing of the employer.

10.1.2 The Council's zero tolerance approach will ensure that there is no collusion with the behaviour of employees who are the perpetrators of domestic violence and abuse. If they are violent and/or abusive against partners (regardless of whether partners are also employees) or are using works property/works time to do this they may face disciplinary action, which, if proven, may constitute gross misconduct and lead to their dismissal.

10.1.3 If you are arrested for a reason linked to domestic violence or abuse, you must notify your employer of this as soon as is reasonably possible. Failure to notify your employer of any arrest / investigation / conviction of any kind may constitute gross misconduct under the Council's disciplinary procedure.

10.2 Dealing with Perpetrators

10.2.1 Conduct outside of work of this nature may breach the Council's Code of Conduct and bring the Council into disrepute. The facts will be investigated as far as possible and may warrant disciplinary action, which, if proven, may constitute gross misconduct and lead to their dismissal.

10.2.2 Employees who are perpetrators of domestic violence and abuse may wish to seek help and support voluntarily. Employees who seek help will be offered assistance in finding local sources of help, through the Community Safety Team and Domestic Abuse Partnership Board.

10.2.3 Information will be made available about perpetrator re-education programmes that are available locally/regionally.

10.2.4 If a member of staff is convicted of a domestic violence or abuse offence by the criminal justice system this may constitute gross misconduct and lead to their dismissal under the Council's Disciplinary procedure.

11. Links with Other Policies

Links with other policies:

- Disciplinary Procedure
- Work-life Balance and Family Friendly Initiatives
- Working Alone in Safety
- Capability
- Attendance Management
- Health and safety

- Alcohol and Substance Misuse

12. Review

This policy will be reviewed in conjunction with the relevant Trade Unions after 3 years or earlier as requested.

13. Appendix 1 – Good Practice Guidelines (Supporting Someone Experiencing Domestic Violence & Abuse)

If a member of staff comes to you and is alleging domestic violence or abuse they should be believed unless there is clear evidence to the contrary.

You should:

- Find a safe place to talk
- Check if they are happy to talk to you or would prefer to speak to someone else; support is also available from Occupational Health and/or First Contact Officers.
- Listen carefully and provide space to talk. Assure them of your confidentiality unless there are child protection issues which must be reported.
- Be sensitive and discuss their fears.
- Accept that what is being said is the truth.
- Keep your personal opinions to yourself, do not be judgmental.
- Remember their options may be limited by a lack of access to resources.
- Ask the member of staff what they want you to do, if anything, and respect their decision.
- Ask the member of staff if they want to report it to the police and/or need to see a GP/Occupational Health for medical attention – again this is their choice. If the person is injured they should be encouraged to do this and have any injuries assessed and documented with their consent
- Give information [not advice].
- Be prepared to offer the same standard of support on all occasions no matter how many times the same member of staff comes forward. Because of the persistent nature of domestic violence and abuse victims often find it very difficult to leave abusive relationships.
- Assist them in making contact with agencies that may be able to help . Details can be found via www.bury.gov.uk/domestic violence and <https://theburydirectory.co.uk/search?search=Domestic%20abuse>

More information can be found through the First Contact Officers for Domestic Violence and Abuse. A full list of First Contact Officers is available on the intranet [here](#).

You Should Not:

- Expect too much – they may not want you to do anything other than listen.
- Mislead the individual into thinking you can do more than you can realistically do as their manager.
- Give a new address or phone number to anyone, including payroll or put their new details on any documents other people may have access to.
- Set pre-conditions for supporting them; rush them to make a decision to force them to take action.
- Act as a go-between.

Remember:

- Offering basic information about services is helpful whether they are used immediately or not. Victims need a link to the larger community, and may be unaware that they need or deserve these services as they probably minimize the abuse.
- Pressuring the victim to leave the abuser is not helpful. Violence usually escalates after an attempt to leave. Leaving the situation is a step that should be carefully planned after support and must be taken at the victim's pace.
- Admitting the abuse is happening is the first step to stopping it.

Redeployment Procedure

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	Page
1. Aim.....	3
2. Definition	3
3. Scope.....	3
4. Principles.....	4
5. Approach.....	4
6. Detailed Guidance	7
6.1 Suitable Alternative Employment	7
6.1.1 Redundancy Situation.....	7
6.1.2 Non-Redundancy Situation	8
6.2 Apprentices	8
6.3 Advertising Vacancies and the Selection Process	8
6.4 Trial Periods.....	10
6.4.1 Priority 1 - Employees under notice of redundancy	10
6.4.2 Priority 1 - Other Priority 1 employees (Employees on the redeployment list due to reasons of health, disability, capability or ending of a fixed term contract), Priority 2 and Priority 3 employees	11
6.5 Salary Protection.....	12
7. Evaluation and Measures of Success	13
Appendix 1 Pre-Redeployment Checklist	14
Appendix 2 Redeployment Form.....	16
Appendix 3 Expression of Interest Form.....	22
Appendix 4 Trial Period Record Sheet – 4 week trial	24
Appendix 5 Trial Period Record Sheet – 12 week trial	26

1. Aim

- 1.1 Bury Council is committed to the principle of maintaining the highest possible level of job security for its employees and retaining its employees through redeployment to suitable posts wherever possible.
- 1.2 When redeployment is necessary this policy will override the current external/internal advertising policy and place restrictions on external recruitment. Every effort will be made to redeploy employees where possible and consider requests for voluntary redundancy and/or voluntary early retirement and other reasonably practicable measures in order to avoid a compulsory redundancy situation.

2. Definition

- 2.1 Redeployment is a process which aims to reduce the need for redundancies by offering suitable alternative employment where this is available.
- 2.2 The redeployment procedure will be applied in situations where an employee is unable to continue in their current role due to changes as a result of internal and/or external factors, for example where a potential redundancy situation has been identified, for reasons of health, disability, capability, or the ending of a fixed term contract.

3. Scope

- 3.1 This procedure applies to all employees with a minimum 12 months' service; this being with the exception of staff appointed by a Governing Body of a school where separate arrangements are in place. However, where employees are in a potential redundancy situation and have less than these periods of service this procedure will apply.
- 3.2 In respect of temporary members of staff with 12 months' service guidance contained within the Fixed Term Contracts Toolkit should be followed. Follow the attached link:-
<http://intranet/CHttpHandler.ashx?id=13418&p=0>
- 3.3 Employees of Six Town Housing and Persona Care and Support Limited with a minimum of 12 months' service are eligible to be held on the redeployment list but will be considered for redeployment opportunities only after full consideration of Bury Council employees on the redeployment list and Council employees in a period of protection as a result of being detrimentally affected by job evaluation.
- 3.4 The redeployment search period will not normally exceed the employees' statutory or contractual notice period (whichever is the greater).
- 3.5 There are 3 designations of employee on the redeployment list:

Priority 1 Employees under notice of redundancy and those on the redeployment list for reasons of health, disability, capability, or the ending of a fixed term contract in accordance with the Fixed Term Contract Toolkit.

Priority 2 Employees whose posts are subject to a service review that could lead to a reduction in staffing numbers, but are not under notice.

Priority 3 Employees of Six Town Housing and Persona Care and Support Limited

4. Principles

- 4.1 Managers must follow Local Conditions of Service - Appendix A and the Council's Employee Consultation Toolkit where appropriate and, if the consultation exercise is likely to lead to a reduction in staffing numbers in a particular job role/category, those employees potentially affected must be placed on the redeployment list at the start of the consultation process as Priority 2.

<http://intranet.bury.gov.uk/NR/rdonlyres/9302C5FD-8ED6-4008-B441-0543AFE6D33D/0/ConsultationToolkitEmployeesAppendixAOct12.pdf>

Employees will be either moved to Priority 1 when they are under notice or be removed from the list once their continuing employment has been confirmed at the end of the consultation period.

- 4.2 Redeployment may arise for a number of other reasons including ill health, disability, capability, or at the end of a fixed term contract. In these cases prior to employees being put on to the redeployment list the manager and a representative from HR should hold a discussion with the employee to explain the redeployment process and complete the Pre-Redeployment Checklist at Appendix 1.
- 4.3 If the employee is to be considered for redeployment on the grounds of ill-health or disability the manager must ensure that reasonable adjustments to their current role have been considered and are no longer/not viable. Redeployment on medical grounds must always be on the recommendation of Occupational Health.
- 4.4 Managers will keep notes of all discussions and agreements and confirm these in writing to the employee and Trade Union representative if appropriate.

5. Approach

- 5.1 Where an employee is placed on the redeployment list in a potential redundancy situation, follow the procedure below from point 5.2.

Where an employee is on the redeployment list for any other reason, move straight to point 5.3.

- 5.2 At the initial consultation in a potential redundancy situation, employees should be informed about the redeployment process and placed on the redeployment list as Priority 2. To do this, the HR Business Partner should forward a list of potentially affected employees and their contact details to HR Policy & Compliance. Whilst an employee is classed as Priority 2, they need not complete the redeployment form (Appendix 2) unless they are interested in being considered for a vacancy.

When employees are put on notice, they move to Priority 1. At this point, the HRBP will meet with employees either individually or as a group to explain in detail the redeployment procedure and process and the support available. Employees will be given 5 working days' written notice of the meeting (unless mutually agreed otherwise), including their right to be

accompanied at the meeting by their Trade Union representative or a work colleague. Policy & Compliance will support this process as necessary.

- 5.3 In all cases HR will issue the redeployment form (Appendix 2) and a copy of this procedure. Employees will be offered assistance in completing the redeployment form and be advised of the support available.
- 5.4 The process of completion of the redeployment form will include discussions around what would be suitable and realistic redeployment options, advice and encouraging the employee to be pro-active in seeking suitable training to enhance their skills and support the redeployment process in the timeframe available.
- 5.5 Where appropriate, agreement will be sought for a referral to Occupational Health for an assessment of the employees' capabilities and any reasonable adjustments that may be required to support their redeployment. Consideration should be given to the need for a Support/Adjustment Agreement.
- 5.6 The HRBP will forward the completed form to Redeployment@bury.gov.uk. The individual will receive a copy of the Authority's redeployment jobs bulletin and will be supported throughout the process.
- 5.7 Once an employee is on the redeployment list they will be regularly issued with the redeployment job bulletin which gives them the opportunity to consider vacancies prior to advertisement. The redeployment job bulletin will include all vacancies suitable for redeployment, excluding those appointed to by a Governing Body of a school where there are separate arrangements in place, and potential job opportunities to facilitate a "bumped redundancy" where there is a skills match and financial viability.
- 5.8 The search for redeployment will normally be for a period not to exceed the employees' statutory or contractual notice period (whichever is the greater).
- 5.9 A HRBP will act as the point of contact and this should be notified to the employee at the outset. It is good practice to maintain a record of contact made with each redeployee.
- 5.10 Individual circumstances will be recognised and a holistic approach to present and previous skills and experience will be taken. To be considered a viable redeployment opportunity a vacancy should either be permanent job opportunity or fixed term for a period in excess of three months.
- 5.11 If an employee has not found alternative employment at the end of the search period either: -
 - i. In cases where an employee is Priority 1 and under notice of redundancy their redundancy will take effect when their notice period expires and a redundancy payment made;
 - ii. In cases of expiry of a fixed term contract the employment will terminate on the cessation of the contract and a redundancy payment made where this is a legal requirement;
 - iii. In cases of redeployment on the grounds of health, disability, or capability a review meeting will take place in line with the Council's Hearing Procedure. The meeting will be

chaired a manager within the employing department accompanied by a HR Business Partner, at which all the information will be considered, and a decision taken. The employee can be accompanied at this meeting by a trade union representative or work colleague and has a right of appeal.

In these circumstances the companion should be allowed to address the meeting in order to:

- Present the employee's case;
- Sum up the employee's case;
- Respond on the employee's behalf to any view expressed at the meeting;
- Confer with the employee during the meeting.

They should be able to participate as fully as possible in the meeting, including asking witnesses questions.

However, the companion cannot answer questions on the employee's behalf, address the meeting if the employee does not wish it, or prevent the management representative from explaining their case.

No other person, for example partner or relative, will be allowed to attend the meeting.

Reasonable adjustments will be observed, in line with the Equality Act 2010.

5.12 In respect of 5.11 (iii) above possible outcomes at this stage may include but are not limited to:

- termination of employment;
- an application for premature retirement;
- an extension to the search for redeployment;
- temporary redeployment to another post whilst redeployment on an indefinite basis is still sought.

5.13 Where redeployment is sought as a result of a Stage 3 Capability Hearing the search for redeployment will run concurrent to the notice period and if no opportunities become available during this time employment will terminate once the notice period expires.

6. Detailed Guidance

6.1 Suitable Alternative Employment (SAE)

6.1.1 Redundancy Situation:

- i) In a redundancy situation the Council has a legal obligation to make every reasonable effort to find suitable alternative employment.
- ii) Suitability depends on:
 - how similar the work is to the employee's current role including seniority
 - the terms and conditions of the role not being less favourable
 - the employee's skills, abilities and circumstances in relation to the role requirements
 - Basic pay (excluding any role specific payments like matrix payments and contractual overtime unless these are relevant to the proposed role – but including benefits like pension), status, hours and location of the role
- iii) SAE will be investigated as far as possible. Situations will be looked at on a case-by-case basis and regular conversations will take place with the employee around roles that may be suitable. If roles are identified, a discussion must be held with the employee to see if they agree they are suitable. Employees will also express an interest in any roles they deem as sae.
- iv) Every effort will be made to reach an agreement on whether or not a role is suitable, however if, following discussions, an employee disagrees, the final decision as to whether the role is suitable will be made by the employer (based on clear HR advice), following a discussion around the circumstances with the relevant Trade Union.
- v) If a role is deemed suitable, it should be offered instead of redundancy. Employees will not have to formally apply for the role, however, if more than one employee is interested in the same role:
 - the role must be offered to any employees interested on maternity leave, adoption leave or shared parental leave
 - for all other employees, a fair process must be followed, for example holding interviews for the role
- vi) If an employee refuses an offer for a suitable alternative role, or turns it down after the trial period, they need to have a valid reason why it's not suitable. Examples of reasons could include:
 - the job is on lower pay
 - health issues stop them from doing the job
 - they have difficulty getting there, for example because of a longer journey, higher cost or lack of public transport
 - it would cause disruption to their family life

If the employee has a valid reason to turn down the job and this is agreed, they will be entitled to redundancy pay. If there is no valid reason for refusal their redundancy payment may be withheld.

- vii) It is accepted that employees under notice of redundancy may wish to be considered for a non-equivalent alternative employment (NEAE) rather than be made redundant, e.g. the post matches their skills but is of a lower grade or has less hours. In cases where the offer of employment made is for one of non-equivalent alternative employment (NEAE) any refusal of the offer will not result in the withholding of any redundancy payment.
- viii) Where an employee under notice of redundancy accepts a temporary post that would not normally attract a redundancy payment on termination (e.g. cover for maternity leave) their redundancy payment can be deferred and paid on termination of that contract as a compensatory payment in line with a compromise agreement, if further redeployment searches are unsuccessful and their employment is terminated. In these cases the employee would return to the redeployment list for their requisite period of notice.

6.1.2 Non Redundancy Situation:

- i) In a redeployment situation that has not arisen due to a redundancy selection process the same principles around SAE will apply. However, employees interested will have to express an interest in any role available.
- ii) In addition, the employee should either meet the minimum requirements of the person specification or be considered able to demonstrate their ability to do so with appropriate training and support during a trial period.

6.2 Apprentices

- i) Apprentices will normally be employed in permanent roles. Where an apprentice is employed on a fixed term contracts, it is recognised that the requisite skills and experience they have obtained during the period of their apprenticeship will be taken into account when considering suitable alternative employment.

6.3 Advertising Vacancies and the Selection Process

- i) Vacancies will be screened for suitability in the following circumstances prior to going on the redeployment bulletin:
 - To ensure compliance with regulation 10 of the Maternity and Parental Leave Regulations 1999 all vacancies will be considered for employees under notice of redundancy who are on maternity shared parental leave or adoption leave **prior to advertising** and discussed, agreed and offered if a SAE
 - If a vacancy is identified as a potential SAE for an employee on notice of redundancy, there should be a discussion with the employee and if appropriate agreed and offered if a SAE.
- ii) All vacancies identified as suitable for redeployment with the exception of those appointed to by a Governing Body of a school where there are separate arrangements in place, will

be circulated to employees on the redeployment list via the redeployment bulletin prior to advertising internally.

To facilitate this, hiring managers, once vacancy approved to fill, will send the full complete paperwork for vacancies to Redeployment@bury.gov.uk for inclusion in the next bulletin.

Policy & Compliance will then issue a jobs bulletin to all employees on the redeployment list each Tuesday (after 5pm) providing that there are vacancies to advertise. It will include all vacancies notified by 4pm on the Tuesday. The deadline for expressions of interest will be the following Tuesday at 12 noon.

On each Tuesday afternoon:

- Any expressions of interest will be passed to the hiring manager
 - Vacancies where there have been no expressions of interest will be passed to the HRTransactionalServices@bury.gov.uk to be advertised
- iii) Employees will be asked to complete an Expression of Interest form (Appendix 3) if they wish to be considered for a post. Expressions of Interest received will be considered by managers in priority order as described below:
- Priority 1** Employees under notice of redundancy and those on the redeployment list for reasons of health, disability, capability, or the ending of a fixed term contract (see fixed Term Contract Toolkit).
- Priority 2** Employees whose posts are subject to a service review that could lead to a reduction in staffing numbers, but are not under notice.
- Priority 3** Employees of Six Town Housing and Persona Care and Support Limited
- iv) On receipt of an Expression of Interest form the manager will conduct a short-listing exercise and call people to interview if they meet the essential criteria. In normal circumstances essential criteria must be met. However, in some cases, where there are no formal qualifications and/or professional experience required (for example the essential criteria states that candidates must have experience of using Microsoft Office packages), managers may consider employees who feel they can demonstrate that they could meet the essential criteria within a reasonable period of training.
- v) There will be a selection process in order to establish whether or not the position is suitable for the employee, taking into account his/her transferrable skills, knowledge, and experience, as well as the terms and conditions of the post. The process should be tailored to the requirements of the job; being a formal panel interview, a working interview, or a more informal discussion. Any of the afore mentioned can be combined with a skills assessment. Where requested support can be provided from HR. HR Business Partners can advise on the content and structure of the questions and any skills assessment as this should not necessarily replicate a normal recruitment process, being more flexible to take account of the nature of the work experience and skills of the redeployees being considered for the vacancy.

- vi) When considering expressions of interest from redeployees with a disability managers should be open to making changes to the job description as a reasonable adjustment and be aware that we are required to take such actions under the Equality Act/Public Sector Duty.

Assumptions should not be made regarding what would be suitable for a redeployee with disabilities; seek advice from the person themselves and where appropriate from Occupational Health.

- vii) The benchmark should be realistic bearing in mind the level and nature of the duties of the post and the knowledge and experience required. The benchmark should be at least 10% below the usual benchmark for that particular job which is (70%) at 60%.
- viii) Redeployment@bury.gov.uk should be notified of the decision whether or not the candidate has been shortlisted and/or offered/not offered the role as a redeployment opportunity. Copies of interview notes and feedback/rationale must also be sent and managers may be asked to justify the decision.
- ix) If more than one employee under notice of redundancy is being offered an interview for a role deemed as SAE then attempts should be made to schedule the interview prior to the expiry of their notice period. However, if this is not possible consideration will be given to extending the notice period (at the expense of the original employing department) to allow the interview to take place.

6.4 Trial Periods

6.4.1 Priority 1 employees under notice of redundancy

- i) Employees under notice of redundancy have a right to a statutory trial period of 4 weeks in an alternative job as either SAE or NEAE.
- ii) Employees offered suitable alternative employment whilst on maternity/shared parental leave/adoption leave have an entitlement to a statutory 4 week trial, which would commence when they start to work in their new job role.
- iii) If an alternative post is secured during the notice period the trial will run concurrent with the notice period and, if it is unsuccessful, the employee would return to the redeployment list for the remainder of their notice period if applicable.
- iv) Whilst on the trial, the employee would remain on the redeployment list at Priority 2. They would return to Priority 1 status if they go back on the redeployment list for any remaining notice period.
- v) The purpose of the statutory trial period is to enable both the employee and the Council to assess the suitability of the post. If a manager deems an employee to be unsuitable for the post during their four-week trial period this will be referred to the Director of People and Inclusion to make a determination. This should be done at least a week before the end of the trial. If agreed, he/she will return to the position they were in prior to the offer of alternative employment. Any challenge to this decision would be through the Council's Grievance Procedure.

- vi) Should an employee consider a job to be unsuitable once they have started their trial he/she should confirm this in writing to the Director of People and Inclusion, detailing the grounds on which he/she believes the post to be unsuitable. This should be done at least a week before the end of the trial. If the employee's case is supported they will return to the same position they were in prior to the offer of alternative employment. However, if their case is rejected and the Council considers this to be an offer of SAE their redundancy payment may be withheld.

The determination of what is suitable and what constitutes an unreasonable refusal is not statutorily defined and hence each case will need to be determined on merit and considered by the Director of People and Inclusion, in conjunction with the relevant Executive Director and the Unison Branch Secretary.

- vii) The four-week trial period can be extended for retraining purposes but this must be agreed and recorded at the outset. The extended trial period will need to be specified in writing, detailing the date on which the trial period ends and setting out the employee's terms and conditions after it ends.
- viii) If the employee works beyond the end of the four-week period or the jointly agreed extended trial period any redundancy entitlement will be lost because the employee will be deemed to have accepted the new employment. At this point the employee would move on to the terms and conditions relating to their new post.
- ix) If the employee successfully obtains a temporary post they will be removed from the redeployment list and be put back on the list for their statutory or contractual notice period (whichever is the greater).
- x) To preserve continuity, the offer of the new job must be made before the redundancy takes effect. If the new job starts no later than four weeks after the original job ended, providing there is no other employment in the intervening period, the employee will be put on leave of absence without pay until they commence in their new role and a redundancy payment will not be made.

Where the termination takes effect on a Friday, Saturday or Sunday, the contract is treated as terminating on the following Monday.

6.4.2 Other Priority 1 employees on the redeployment list due to reasons of health, disability, capability or ending of a fixed term contract; Priority 2, and Priority 3 employees

- i) If the interview panel/manager feels the employee satisfies the essential requirements for the post, the employee will be offered the post subject to a trial period of 4 weeks. Progress within the 4-week period should be clearly documented using the template at Appendix 4. Where appropriate at this stage the manager would be provided with a copy of the Support/Adjustment Agreement and ensure any reasonable adjustments to support the redeployment are in place.
- ii) Where the interview panel/manager feels that the employee does not satisfy the essential requirements of the post but may do so after a reasonable period of training and/or experience (see 6.3 iv), the post may be offered to the employee on an extended trial period of 3 months. Progress within this 3-month period should be clearly documented using the template at Appendix 5.

- iii) In cases where the manager considers that the employee has been unable to show competence in fulfilling the essential job requirements training and support given throughout the trial period must be clearly evidenced. Policy & Compliance should be notified of this at least a week before the trial is due to end and a hearing arranged in line with the Council's hearing procedure (as detailed in paragraph 5.11(iii) above). If, following the hearing, the trial is deemed to be unsuccessful, the employee will become the responsibility of the original employing department and options at paragraph 5.12 considered.
- iv) A redeployment trial will run concurrent to the redeployment search period. In cases where a trial ceases due to unsuitability of either the post or the redeployee the search period will continue for the amount of time remaining in the original search period. At this point the employee may be asked to move to a different team to be supernumerary /undertake basic tasks whilst the search continues. On expiry of the search period a meeting should be arranged where options can be considered as detailed in paragraph 5.11 iii).

6.4.3 During all trial periods, where an employee is redeployed to a post at a lower grade, the employee may be asked to undertake work of a more senior level commensurate with his/her protected salary during their period of salary protection.

6.5.4 During all trial periods, employees must be provided with an induction to the role along with any necessary training needed to fulfil the duties expected.

6.5 Salary Protection

6.5.1 Salary protection will be paid by the employee's original employing department in line with the Council's Salary Protection arrangements outlined in Local Conditions of Service. The original employing department will fund the differential between the protected grade and the grade of the redeployment post for the full period of the protection. They will also fund:

- reasonable initial retraining costs; i.e. to satisfy agreed training needs identified to enable the employee to become competent in fulfilling the essential requirements of the post;
- subsequent redundancy payment and proportionate redundancy payment when an employee takes a temporary contract that would attract a redundancy payment on termination as an alternative to redundancy. In the latter case when a fixed term contract is extended beyond the original end date full redundancy liability would transfer to the new employing department.
- if the substantive employment base is changed as a result of the redeployment, excess travelling costs (not time) will be paid for the agreed protection period and in line with Local Conditions of Service.

6.5.2 Employees should consider the option of redeployment to two part-time posts so they can retain, as near as possible, their present income. Where an employee secures a part time post for fewer hours than they previously worked, they would remain as Priority 1 on the redeployment list in respect of their remaining hours for the remainder of their original notice period where appropriate.

6.5.3 There will be no salary protection where redeployment is on the grounds of capability or disciplinary action or following the end of a fixed term contract.

7. Evaluation and Measures of Success

7.1 Redeployment is not just an alternative to redundancy, but is an opportunity to:

- offer employees new challenges
- increase productivity and performance
- promote a positive culture
- improve employee health and wellbeing
- increase employee engagement and motivation
- enable the Council to be seen as a responsible employer
- reduce redundancy payments
- reduce recruitment and onboarding costs

7.2 Measures of success can be monitored around these areas in the future.

CONFIDENTIAL**Pre-Redeployment Checklist**

Employee Details				
Name				
Job Title				
Department/Team				
Reason for Redeployment				
If redeployment is on medical grounds complete the following sections: -				
Equality Act 2010				
Does the employee have a medical condition that falls under the remit of the Equality Act 2010?	Y		N	
Occupational Health Advice				
Is there any advice from OH or the Independent Medical Practitioner in respect of redeployment?	Y		N	
What was the advice?				
Adjustments/Restrictions				
Summarise the adjustments/restrictions that have been put in place or attach the Support/Adjustment Agreement				
Can these be maintained within substantive role?	Y		N	

If no, please describe why not, using the job description and scenarios/examples from the work environment				
Have the adjustments/restrictions been discussed with the employee?	Y		N	
Has a discussion taken place with the employee about the service being unable to maintain the limitations/restrictions?	Y		N	
Who by?				
Is it possible for the employee to conduct work of a less demanding nature elsewhere in the service?	Y		N	
Industrial Injury				
Has redeployment commenced due to an industrial injury?	Y		N	
Has the injury been found to be the individual's fault or the employers?	Y		N	

Signed	
Job Title	
Date	

REDEPLOYMENT FORM

This form will be used to do a preliminary match your skills and experience to vacancies.

Part A will be retained in Policy & Compliance.

Part B will be forwarded to the recruiting managers to support your Expression of Interest in a job advertised on the redeployment bulletin.

PART A

Forename		Surname	
Contact details			
Home	Work	Mobile	E mail
Please indicate your preferred contact telephone number *			
What is your current	Grade		
	Hours		
	Work Location		
Do you have any restrictions on ability to travel?	Yes		No
Do you have a driving licence?	Yes		No
Are you able to work	Weekends	Yes	No
	Shifts	Yes	No
Reason for redeployment			

Preferences
Outline of the type of work sought, location, hours sought, together with reasons
<i>Type of work related activities which would present difficulties for you together with reasons (Include medical conditions and physical constraints such as travelling distance or access to transport)</i>
Are you willing to retrain? Training options to be explored?

Please ✓ categories of work which you feel are realistic options. This information, along with your salary/grade information, will be used to identify suitable job opportunities

Administrative/clerical	<input type="checkbox"/>	Legal	<input type="checkbox"/>
Apprenticeships	<input type="checkbox"/>	Leisure	<input type="checkbox"/>
Architects	<input type="checkbox"/>	Libraries	<input type="checkbox"/>
Catering/cleaning/domestic	<input type="checkbox"/>	Museums/Galleries/Cultural	<input type="checkbox"/>
Catering	<input type="checkbox"/>	Occupational Health	<input type="checkbox"/>
Chief Officers/Directors	<input type="checkbox"/>	Planning	<input type="checkbox"/>
Communications/Marketing/PR	<input type="checkbox"/>	Policy	<input type="checkbox"/>
Customer Service	<input type="checkbox"/>	Project Management	<input type="checkbox"/>
Democratic Services/Political	<input type="checkbox"/>	Property Management	<input type="checkbox"/>
Education [non-school-based]	<input type="checkbox"/>	Purchasing	<input type="checkbox"/>
Education [school-based]	<input type="checkbox"/>	Regeneration	<input type="checkbox"/>
Engineering	<input type="checkbox"/>	Research/Statistics	<input type="checkbox"/>
Environment	<input type="checkbox"/>	Revenues/Benefits	<input type="checkbox"/>
Finance	<input type="checkbox"/>	School Support Staff	<input type="checkbox"/>
Health and safety/Emergency Planning	<input type="checkbox"/>	Senior Management	<input type="checkbox"/>
Highways/Transport/Traffic	<input type="checkbox"/>	Social Work/Social Care	<input type="checkbox"/>

Housing

Human Resources

ICT

Teachers

Trading Standards

Youth/Community Work

REDEPLOYMENT AGREEMENT

Employee agrees to:

- Attend all interviews for jobs that are identified as suitable
- Attend any training/workshops which have been identified to assist/improve the employee's chance of redeployment
- Attend any training/workshops identified to develop their skills in a redeployed role
- Actively search and identify suitable posts and notify their departmental/corporate HR contact
- Make themselves available for any associated meetings or appointments
- Accept reasonable offers of redeployment
- Be realistic about options
- Be as flexible as possible

Management agrees to:

- Keep in contact with employees
- Send out internal and external bulletins as appropriate
- Identify suitable vacancies
- Provide necessary support and training
- Arrange any interviews
- Assist in completion of application forms as required

Agreement and Consent

I agree to comply with the above and that the details on Part B of this form can be shared with all relevant parties in order to assist in securing redeployment. I understand that in the case of contact details and medical information included in Part A HR will contact me before releasing any information to line managers.

Signed (Employee):

Date

Signed (Departmental HR Officer):

Date

PART B

Details included on Part B will be available to managers who will use this information, alongside your Expression of Interest, to assess your skills and experience against the requirements of their vacancy.

QUALIFICATIONS, EDUCATION AND TRAINING

Apart from giving details of formal education and qualifications, mention any short/non-qualification courses that you may have attended to improve your knowledge and skills, if they are relevant to the job(s) you would like to be considered for

Please list relevant qualifications in date order

Qualification	Date Obtained

Please list relevant training courses

Training Courses	Date

Recent Employment History – please list jobs held in the previous 3 years

Job Title	Dates from/to

Key Knowledge and Skills

--

Continue on a separate sheet if necessary.

Expression of Interest Form



If you want to discuss your suitability for any jobs on the Bulletin before expressing an interest please contact your HR Business Partner or HRSupport@bury.gov.uk

Department:	
Section:	
Name:	
Date submitting expression of interest:	
Date existing contract due to end: (if applicable)	
Ref no for post interested in:	
Post title:	
Grade of post:	
Current grade:	

Please provide details of how you meet the essential requirements of the person specification:

Copy and paste headings from the person specification.

Expressions of Interest must be returned to HR Policy & Compliance by email:
redeploymentbulletin@bury.gov.uk by the specified closing date and time

<i>To be completed by HR Policy & Compliance</i>	
Date received in Policy & Compliance	
Priority Status:	Priority 1/2/3
Date sent to manager:	
Decision:	
Date Policy & Compliance notified of decision:	
Date employee notified of decision:	
Employee appointed	Yes/No

REDEPLOYMENT TRIAL PERIOD RECORD SHEET – 4 Week Trial

Name:
Post:
Start Date:
End of Trial Period:

Goals, Objectives and Targets to be achieved by the end of trial period	Review Meeting Date: (2 nd week of employees employment) Progress made/concerns	Review Meeting Date: (4 th week of employees employment) Progress made/concerns

Signed

Employee

Manager

Employee

Manager

If any goals/objectives have not been met provide details below: -

Goal / Objective	Reason not met

Confirm redeployment to continue Yes/No

Signed

Date

REDEPLOYMENT TRIAL PERIOD RECORD SHEET – 12 Week Trial

Name:
Post:
Start Date:
End of Trial Period:

Goals, Objectives and Targets to be achieved by the end of trial period	Review Meeting Date: (4 th week of employees employment) Progress made/concerns	Review Meeting Date: (8 th week of employees employment) Progress made/concerns	Final Meeting Date: (11 th week of employee employment) Progress made/concerns

Signed

Employee

Employee

Employee

Manager

Manager

Manager

If any goals/objectives have not been met provide details below: -

Goal / Objective	Reason not met

Confirm redeployment to continue Yes/No

Signed

Date

