

Classification Open	Item No.
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Meeting:	Employment Panel
Meeting date:	1 st March 2023
Title of report:	Workforce Policy Review: Phase 2
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, the first phase of a Workforce Policy Review took place in January 2023 with a number of policies were reviewed and agreed by Employment Panel.

This report sets out the next phase of recommendations from this work, following a further review of a number of policies which require review to ensure they are up-to-date and reflective of best practice. Trade Union colleagues have been fully engaged in this work.

Changes are proposed in the following areas:

1. Reservists – A refresh of current policy to strengthen the Council's commitment to supporting reservists in the workforce in alignment with our aspiration for gold accreditation via the Ministry of Defence's (MoD) Defence Employer Recognition Scheme.
2. Secondment – An updated policy including a revision around an individual's right of return to their substantive post in relation to long-term secondments.
3. Voluntary Exits – A review of arrangements and process for Voluntary Early Retirement (with or without severance), Flexible Retirement and Voluntary Severance including a strengthening of the Council's position on the re-employment and re-engagement of former employees who have previously retired and/or are in receipt of a voluntary exit package. In addition, a 3 year full-retirement limit on flexible retirement has been added in for transfer of knowledge and skills prior to retirement.

RECOMMENDATION(S)

That the Employment Panel:

1. Agree the revised Reservists Policy
2. Agree the revised Secondment Policy
3. Agree the new Voluntary Exits 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. Reservists Policy

1.1 Background

- 1.1.1 Bury is a town with a strong military history, being the regimental home of the Lancashire Fusiliers. The Council is committed to supporting our armed forces community and, as part of this work, is working towards gold level accreditation via the MoD's Defence Employer Recognition Scheme.
- 1.1.2 The Council's Reservists Policy sets out how we will support staff who are reservists. The reserve forces include the Royal Naval Reserve, Royal Marines Reserve, Territorial Army and Royal Auxiliary Air Force. The policy brings together in one document the work-life balance initiatives currently available for employees of Bury Council that are particularly relevant for reservists and details the legal requirements placed on employers of reservists.
- 1.1.3 The Council recognises that many of the skills that reservists gain during their training are transferable to the workplace. The Council will assist reservists as far as possible in meeting their obligations.

1.2 Policy Headlines

- 1.2.1 The policy has been reviewed to ensure we continue to meet the standards required of the MoD's Defence Employer Recognition Scheme. Key changes include encouraging employees to declare whether they are ex-forces or a reservist on iTrent Employee Self Service and clarifying the paid time off that reservists can take for training and other reservists' activities each year. In practice, this does not change the volume of paid-leave available. However, the current policy language is unclear and the revised policy confirms access to a total of up to 28 days additional paid leave per year: 10 days for attendance at annual training with Volunteer Reserve forces and up to 18 days in accordance with the Council's commitment to leave for Public Duties.

1.3 The revised policy is appended to this report as Appendix 1.

2 Secondment Policy

2.1 Background

2.1.1 The Council's policy on Secondments has been in place for a number of years. Its aim is to outline the benefits of secondments and identify instances where secondments may be permitted, the process individuals must follow when considering applying for a secondment and the considerations that a manager must take prior to authorising any secondment. The policy also sets out arrangements for employee terms and conditions / contractual arrangements during the secondment and the secondment agreement.

2.2 Policy Headlines

2.2.1 The policy has been refreshed and updated to reflect current legislation and best practice. The key substantive change is to specify that any secondments agreed for a period longer than 12 months will ordinarily require the secondee to release their rights to their substantive role. Individuals will, of course, retain their overarching employment rights and would be subject to the council's redeployment procedure on their return.

2.2.2 For any employee currently on secondment, the existing policy will continue to apply, however, any new secondments from the launch date of the new policy will follow these new arrangements.

2.3 The revised policy is appended to this report as Appendix 2.

3. Voluntary Exits Policy

3.1 Background

3.1.1 The existing arrangements for voluntary exits were last updated some time ago and are in need of review. They set out the process and criteria for employees wishing to retire early (with or without severance), take flexible retirement and access voluntary severance.

3.1.2 The current Voluntary Early Retirement Guide was last updated in 2015 and details the requirements that need to be met in order for employees to retire voluntarily before normal retirement age on the grounds of efficiency of the service or severance - subject to approval of application. It also details the procedure for applying for VER (efficiency or Efficiency with Severance).

3.1.3 The current Flexible Retirement Policy gives members with at least 3 months membership of the Local Government Pension Scheme (LGPS) the option to start receiving the pension benefits from their current membership from an earlier age (currently 55 years and over, as per the LGPS regulations). The option allows employees to continue working (with no end date), subject to a reduction in their working hours or grade. The option also gives employees an opportunity to

prepare for retirement by 'stepping down' into a less demanding and lower paid role. The policy also details the process and pension implications.

- 3.1.4 The Council's Voluntary Severance arrangements enable employees of any age to leave voluntarily with a severance payment on the grounds of redundancy or efficiency of the service, subject to approval of application.

3.2 Policy Headlines

- 3.2.1 All policies and processes and documents have been refreshed and merged into a new Voluntary Exits Policy. – The majority of detail in relation to the application of voluntary exits remains unchanged. However, there are a small number of amendments.
 - 3.2.2 The key change in relation to Flexible Retirement is that applications will now require the actual retirement date to be specified at the point of application/before the flexible retirement is agreed. Applications will only be approved for flexible retirement with dates for full retirement set within 3 years. This proposal has been developed following a review of similar policies in other Local Authorities and taking account of the need to support flexibility for individuals and maximise the opportunity for effective hand-over and skills transfer alongside the need to enable longer term workforce planning.
 - 3.2.3 The revised policy is also clear that Business Cases for both Flexible Retirement and Voluntary Early Retirement must result in the salary savings (inclusive of oncosts) paying back any costs over a 3 year period.
 - 3.2.4 The policy also confirms that a former employee who either accessed early or flexible retirement from Bury Council or received a voluntary severance payment– will not be re-engaged in normal circumstances, at any point, without the approval of the Director of People and Inclusion and Cabinet Member for HR and Corporate Affairs. This provision includes engagement via Agency or a contract for services. However, it excludes engagement to support the Local Authority's role in relation to Elections because of the need to ensure sufficient and capable staffing in this area.
- 3.3 The updated policy is appended to this report as Appendix 3.

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:

These policies update and provide consolidated guidance to Employees. The recommended policies are updated and meet current legislative requirements. As with all policies they will be subject to a periodic review.

The Reservists Policy is sets out the Council's legislative responsibilities and aligns with the Ministry of Defence Employer Handbook.

The revised Secondment Policy sets out clearly the responsibilities of both the Employer and Employee in relation to secondments. Members will note that secondment does not terminate an employee's contract of employment and is now commonly used in modern workplaces.

The new Voluntary Exits Policy combines and clarifies the Council's policies in relation to Voluntary Early Retirement (Efficiency and Severance), flexible retirement and voluntary redundancy.

Financial Implications:

The review and clarification within the reservists policy does not result in any additional costs over and above those that were already in existence. It merely, makes clear the paid leave allowable.

There are no financial implications of the secondment policy.

There are no direct financial impacts of the updates to the voluntary exits policy but the policy does make clear the need for a business case to be produced by the service with a pay back period of less than three years where there is a cost incurred in agreeing a voluntary exit for a member of staff.

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Background papers: None

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

Term	Meaning
MoD	Ministry of Defence
VER	Voluntary Early Retirement
VS	Voluntary Severance

Appendix 1: Reservists Policy (see separate attachment)

Appendix 2: Secondment Policy (see separate attachment)

Appendix 3: Voluntary Exits (see separate attachment)