




**Haringey Council**

<b>Report for:</b>	<b>Staffing and Remuneration Committee</b>	<b>Item Number:</b>	
--------------------	--	---------------------	--

<b>Title:</b>	<b>Restructure Policy, Redeployment Policy and Voluntary Procedure – Updated policies</b>
---------------	---

<b>Report Authorised by:</b>	<b>Jacque McGeachie – Assistant Director, Human Resources and SSC</b> 
------------------------------	---

<b>Lead Officer:</b>	<b>Amanda Mays, Interim Head of Workforce Development</b>
----------------------	---

<b>Ward(s) affected:</b>	<b>Report for Key/Non Key Decisions:</b>
<b>None</b>	<b>Non Key</b>

## 1. Describe the issue under consideration

1.1. Following the outcome of the Trade Union consultation 'The Workforce Plan – Implications for Employees' from 16<sup>th</sup> December 2014 to 16<sup>th</sup> February 2015 it was agreed that the Council undertakes a review of the Restructure and Redeployment Policies. The Voluntary Redundancy (VR) Procedure has been reviewed based on recommendations from the Council's legal team.

1.2. This paper summarises the changes made to the policies and the rationale. The revised policies can be seen in full at Appendices A, B and C.



## **2. Background Information**

- 2.1.** A report 'The Workforce Plan – Implications for Employees' was presented to the Staffing and Remuneration Committee on the 16<sup>th</sup> December 2014. The report included an approach to staff consultation in relation to the headcount implications in the Medium Term Financial Strategy (MTFS). Consultation took place until mid February 2015 and feedback from the trade unions highlighted that amendments to the Council's Restructure Policy and Redeployment Policy were required.
- 2.2.** Based on legal advice it was recommended that the VR Procedure requires an update due to changes in job titles, the process of decision making and to tighten the reasons for rejection.
- 2.3.** The Trade Unions have been fully consulted on the development of these three policies and have raised no objections to the final versions attached as appendices to this report.

## **3. Recommendations**

**3.1.** For the Committee to:

- a) Approve the revised Restructure Policy
- b) Approve the revised Redeployment Policy
- c) Approve the revised Voluntary Redundancy Procedure

## **4. Restructure Policy**

- 4.1.** This policy sets out the legal and organisational responsibilities that will be met when restructuring and redundancy is necessary.
- 4.2.** The original Policy was approved by General Purposes Committee on 29 March 2010. It was subsequently updated in 2012 and August 2013 to take account of legislative changes to consultation periods (Trade Union & Labour Relations (Consolidation) Act 1992 – amended April 2013).
- 4.3.** Changes recommended by the Council and the Trade Unions are designed to reflect the ongoing need for a Policy to facilitate change at pace and minimise the impact on affected employees through an organisational restructure.
- 4.4.** Specifically the following points were reviewed and amended.



## **Haringey Council**

- 4.4.1.** Management Guidelines have been incorporated into the Policy and these will no longer be in circulation. This will help managers find all information relating to restructures in one policy.
- 4.4.2.** An appeal procedure has been introduced for employees who are unplaced and therefore selected for compulsory redundancy. The grounds on which to make an appeal eligible are clear. The appeal is to Senior Managers within the Council. Whilst there is no statutory requirement for this step it is seen as best practice and enables employees to challenge whether the Council has followed its own procedures in selection for redundancy and / or whether or not the manager who made the original decision made a decision which a reasonable person could have made.
- 4.4.3.** The option for employees to be included in ring fence or placed in a role at one grade up or one grade down is recommended to be made voluntary. In the past employees have had no choice as to whether they were placed in a role at one grade lower, with no pay protection or consideration given to status, and also no choice as to whether they were capable or willing to work in a role at one grade higher. It is therefore included in the revised policy that employees will be considered at their substantive grade unless they voluntarily agree to be considered at one grade higher or lower.
- 4.4.4.** Currently when employees are assimilated to a role in the new structure they are not required to participate in the restructure process. It is therefore proposed that an 'Assimilation Development Interview' is held to help identify development areas, if any, for the employee in the new structure and to outline the standards required.
- 4.4.5.** Cascading ring fences are still included in the Policy but the aim is to move swiftly through each ring fence and minimise the number of assessments an employee is subject to.
- 4.4.6.** HR will issue on behalf of the Council the HR1 notice to The Insolvency Service. Previously this was a requirement for individual Services to do but this is not practical as they do not have a Council wide overview.
- 4.4.7.** The issue surrounding preferential placement due to Family Leave has been updated following recent developments in Case Law.

## **5. Redeployment Policy**

- 5.1.** This policy sets out responsibilities that the council has in seeking suitable alternative employment for an employee whose post is made redundant through a reduction in posts or an organisation restructure. It will also be used to seek suitable alternative roles when an employee is unable to perform their duties due to



## **Haringey Council**

ill health or disability, is reengaged following a Tribunal Order, has an end to their fixed term contract or when a supernumerary employee's work has ceased.

- 5.2.** The existing policy was approved by General Purposes Committee on 29 March 2010, amended by the General Purposes Committee on the 28 October 2010. This version was amended on 26 June 2012 due to legislative changes.
- 5.3.** The scope of the policy has been amended. It removes from scope re-instatements from Member Appeals and relegations following a disciplinary, capability or for any other reason under Council procedures. These Redeployments should be managed within the Service. It has clarified redeployment for staff on fixed term contracts and re-engagement orders from Employment Tribunals.
- 5.4.** As per the Restructure Policy amendments placement at one grade up / one grade down from an employee's substantive grade has become voluntary.
- 5.5.** The Assessment Period has been renamed Trial Period and is now in line with statutory obligations, where it is the employee's right to try out the job and not lose entitlement to a redundancy payment.
- 5.6.** Reference is made to the new My Career process and the support of the My Career team. This includes more emphasis on individual's taking ownership of job seeking opportunities.
- 5.7.** The issue surrounding preferential placement due to Family Leave requires has been updated following recent developments in Case Law.

## **6. Voluntary Redundancy Procedure**

- 6.1.** This procedure sets out the steps to be followed to manage Voluntary Redundancy within the Council.
- 6.2.** The current procedure has no version history available but is dated September 2011.
- 6.3.** The Procedure has been modified in terms of process and job titles.
- 6.4.** The following minor changes have also been made:
  - 6.4.1** The role of the Workforce Programme Board is clarified and included as a recommending body for redundancy decisions with a Council wide overview.
  - 6.4.2** The Approval Panel is the AD Human Resources and the Section 151 Officer.



## **Haringey Council**

- 6.4.3** Employees are asked to calculate their compensation payment before making a request to leave to ensure they understand the terms they may be entitled to. It has also included the need for the employee to discuss their request with their manager. This is to ensure any applications made are genuine and more likely to be progressed.
- 6.4.4** Whilst the Council deferred requests in the last campaign this was not written into the procedure and this has been added for clarity.
- 6.4.5** The opportunity to request a redundancy via a 'bump' is now included.
- 6.4.6** Added in a criterion to reject the VR on unspecified grounds. This gives the panel the power to refuse a request if unanticipated circumstances justifying a refusal apply.
- 6.4.7** It has strengthened the comment regarding the discretion of the panel to approve the request if there are significant benefits that would flow from the termination

## **7 Comments of the Chief Finance Officer & Financial Implications**

The Chief Finance Officer has been consulted over the contents of this report and has no specific financial implications to raise. Clearly the application of any one of these policies may have financial implications which will need to be highlighted and resolved at that particular time.

## **8 Comments of the Assistant Director Corporate Governance and Legal Implications**

The amendments to the policies are intended to improve on the current arrangements for restructure, redeployment and voluntary redundancy and which are in compliance with the Council's statutory obligation under the Employment Rights Act and the Trade Union and Labour Relations (Consolidation) Act 1992.

## **9 Equalities and Community Cohesion Comments**

Council Policies apply to all Council employees, except all staff appointed by schools operating under the Local Management of Schools, who have their own procedures. Policies and procedures will be varied for certain senior staff to ensure compliance with local government law and JNC conditions of service for Chief Executives and Chief Officers.

We are working towards making sure that all our employment policies are of the highest possible quality to enable equality, equity and consistency in working practices.



**Haringey Council**

Equality impact assessments will be carried out to monitor the effectiveness of the implementation of HR policies where there is enough data to do so.

**10 Head of Procurement Comments**

*Not applicable*

**11 Policy Implication**

The Trade Unions have raised a point of concern regarding the contractual status of all Haringey Council HR policies. The HR team is currently in discussion with them and our legal team about the status and which of the Council policies are considered contractual. This may mean that these three policies need clarification about this and they would be resubmitted for approval subject to the outcome of this.

**12 Use of Appendices**

Appendix A – Restructure Policy  
Appendix B – Redeployment policy  
Appendix C – Voluntary Redundancy Procedure

**13 Local Government (Access to Information) Act 1985**



**Haringey Council**

**Appendix A – Restructure Policy**

**Appendix B – Redeployment policy**

**Appendix C – Voluntary Redundancy Procedure**