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The Chair and Members of
Employment and General Committee

12 January 2018

Dear Councillor,

Please attend a meeting of the EMPLOYMENT AND GENERAL COMMITTEE to be held on MONDAY, 22 JANUARY 2018 at 10.00 am in Committee Room 2, Town Hall, Rose Hill, Chesterfield, the agenda for which is set out below.

AGENDA

Part 1(Public Information)

1. Declarations of Members' and Officers' Interests relating to Items on the Agenda
2. Apologies for Absence
3. Minutes (Pages 3 - 8)
4. Restructuring, Redeployment and Redundancy Policy (Pages 9 - 54)
5. Calculation of Tax Base 'Collection Fund' 2018/19 (Pages 55 - 62)
6. Non Domestic Rates Estimates 2018/19
- Report to follow
7. Local Government Act 1972 - Exclusion of the Public

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To move "That under Section 100(A)(4) of the Local Government Act 1972 the public be excluded from the meeting for the following items of business on the grounds that they involve the likely disclosure of exempt information as defined in Paragraph 3 of Part 1 of Schedule 12A of the Act".

8. Contracting existing vacant hours at both sports centres (Pages 63 - 70)
9. Minutes of Employer/Trade Union Committee (Pages 71 - 76)

Yours sincerely,

A handwritten signature in black ink, appearing to be 'Randy', written in a cursive style.

Local Government and Regulatory Law Manager and Monitoring Officer

EMPLOYMENT AND GENERAL COMMITTEE**Monday, 4th December, 2017**

Present:-

Councillor Burrows (Chair)

Councillors Simmons
Blank

Councillors J Innes

*Matters dealt with under the Delegation Scheme

**26 DECLARATIONS OF MEMBERS' AND OFFICERS' INTERESTS
RELATING TO ITEMS ON THE AGENDA**

No declarations of interest were received.

27 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Davenport and Wall.

28 MINUTES**RESOLVED –**

That the Minutes of the Meeting of the Committee held on 9 October, 2017 be approved as a correct record and signed by the Chair.

29 INNOVATION CENTRES APPRENTICE POSTS

The Development and Growth Manager submitted a report seeking approval to formalise apprenticeship posts at Tapton and Dunston Innovation Centres. These posts would reflect the new Chesterfield Borough Council Apprentice Policy and to establish revised costs of the post within the Innovation Centres budget.

The Committee was informed that for many years the Tapton and Dunston Innovation Centres had hosted Trainee Clerical Assistant posts. These posts enabled trainees to develop skills and experience in an office

environment alongside studying for a National Vocational Qualification (NVQ).

The cost of the trainee posts had been £6,734 per year in line with the National Apprenticeship wage of £3.50 per hour. However, alterations to the rules and guidance around recruiting apprentices and the new Apprentice Policy would mean increased costs for future recruitment. The new policy set wages through the national minimum for age groups and an increase would occur for all ages.

The trainee posts at both Innovation Centres had become vacant in the summer of 2017 which had resulted in low staffing levels. Businesses located within the innovation Centres pay premium rent for additional services from the administration team which were difficult to deliver with low staffing levels. The report detailed the human resource implications and noted that regular lone working could lead to safety issues as the buildings were open to the public.

The report considered the financial implications of the revised costs for the posts. The cost increase would be between £1,058 and £7,696 per centre depending upon the age of the successful candidates. A budget of £15,392 was requested to replace the existing budget for trainees at the centres which reflected the highest possible cost of an apprentice at each centre. If costs were lower than those quoted due to recruitment of younger candidates the resultant saving would be reported in the budget monitoring process.

***RESOLVED –**

That the revised Innovation Centres staffing costs be noted and factored into revenue budgets.

30 **CONSULTATION ON 2018 REVIEW OF PARLIAMENTARY
CONSTITUENCY BOUNDARIES**

The Electoral Services Manager submitted a report to inform the Committee of the proposals contained in the 2018 boundary review for new parliamentary constituencies in England.

In September 2016 the initial proposals for new parliamentary constituency boundaries had been published by the Boundary Commission for England. These proposals included a reduction in the

number of constituencies from 650 to 600 in the UK and from 533 to 501 for England. Every constituency in England, apart from two specified exceptions, would have an electorate that was no smaller than 71,031 and no larger than 78,507. A 12 week public consultation on the proposals then took place which enabled people to give comments directly to an Assistant Commissioner.

The initial proposals for the East Midlands retained just over 15% of the existing constituencies, the remainder would be new constituencies. There would be a reduction of 11 constituencies down to 10 in Derbyshire. The Boundary Commissions report proposed the inclusion of the Chesterfield Borough ward of Barrow Hill and New Whittington with the Chesterfield constituency. The North East Derbyshire Constituency would disappear and the wards represented by it were allocated between the Derbyshire Dales constituency, a reconfigured Bolsover and Dronfield Constituency and a new proposed constituency of Bolsover and Dronfield.

The revised and current proposals retained the initial proposals for the Chesterfield constituency given the broad level of support. The assistant commissioners considered comments and agreed to review the other Derbyshire constituencies, though the Chesterfield Borough ward of Lowgates and Woodthorpe would move to the revised Bolsover ward.

The report noted the proposals to leave the Chesterfield constituency largely unaltered apart from including an additional Chesterfield Borough Council ward would better represent the administrative area of the borough.

The Boundary Commission would now be consulting on the revised proposals for an 8 week period. The new constituency boundaries were planned to take effect from the next parliamentary election following their acceptance.

***RESOLVED –**

That the secondary proposals for a change to the parliamentary constituency boundaries as they affect Chesterfield Borough be noted and supported.

31 LOCAL GOVERNMENT ACT 1972 - EXCLUSION OF PUBLIC

RESOLVED –

That under Section 100(A)(4) of the Local Government Act 1972 the public be excluded from the meeting for the following items of business on the grounds that they involved the likely disclosure of exempt information as defined in Paragraph 1 of Part 1 of Schedule 12A of the Act.

32 LEASEHOLD AND RIGHT TO BUY OFFICER

The Assistant Director for Housing submitted a report seeking approval to review the staffing structure for the delivery of the Leasehold and Right to Buy (RTB) functions within Housing Services.

The RTB function historically had been delivered by the Council's legal service. The operating model for processing RTB applications remained unchanged for many years. After a mistake occurred which could have had large financial ramifications for the council a LEAN review was carried out. Since February 2016 the RTB function had been carried out on a temporary basis by the Leasehold Officer within Housing Services. The funding for additional hours had been met directly by the Housing Revenue Account, when the function was carried out in Legal Services the cost for this work would have been carried out by an internal recharge between the two services.

The RTB process has two clear stages. In the first stage, the application stage, the tenant's Right to Buy entitlement would be established. The property would then be valued and the tenant would be issued with an offer notice which confirmed the price and discount entitlement.

Historically the first stage would be carried out by the Legal Service who issued forms to the Housing Service to collect data and be returned. This data would then be reviewed in a very labour intensive process. On a trial basis these duties had been added to the existing role of Leasehold Officer, as this role had complimentary duties to the RTB function.

The trial had been successful: duplication had been eliminated and the process was more efficient. In the second quarter of 2017/18 45 RTB notices had been issued, of which 98% were issued within the 28 day required timescale. Over the same period 42 Section 125 notices had been issued within the required 8 week timescale.

In the second stage, the legal stage, the tenant would confirm they wished to proceed and appoint a solicitor to complete the legal transfer of

ownership. This process had been retained within Legal Services and delivered by the Property, Procurement and Contracts Legal Executive who incorporated RTB work alongside existing duties. Overall around 4.26 hours per week had been saved in staffing time by resourcing the RTB function in this way.

Since February 2016 there had been a demonstrable increase in the volume of RTB enquiries, applications and sales. For 2017, to the end of September, 117 RTB applications had been received with 74 sales completing compared to 152 applications and 85 sales completing in 2016. It was therefore proposed to increase the establishment of the post by a further 7.24 hours per week and the Leasehold and RTB function to be carried out on a whole time full time equivalent basis. This ensured a telephone or enquiry presence for the whole week and allowed for work to be accommodated more flexibly.

The report proposed that the post of Leasehold Officer be deleted and a new post of Leasehold and Right to Buy Officer be established within Housing Services. The Job Evaluation Panel allocated a Grade 6 to the proposed post, which would be the same as the existing Leasehold Officer.

The financial implications of the proposed changes to the function would add an additional days cost to Housing Service's salary budget. Based on 2017/18 salary figures this would be an additional £5,890 per annum and the extra cost could be built into the 2018/19 Housing Revenue Account budget.

The human resources implications of the proposal would be the deletion of the Leasehold Officer post, as such the postholder would be 'at risk'. The postholder would be ring-fenced to apply for the new post of Leasehold and Right to Buy Officer.

***RESOLVED –**

1. That the post of Leasehold Officer be deleted and a new post of Leasehold and Right to Buy Officer be established within Housing Services.
2. That the permanent establishment of the Leasehold and Right to Buy officer be increased by an additional 7.24 hours per week to make this a fulltime equivalent post.

33 MINUTES OF THE COUNCIL HEALTH AND SAFETY COMMITTEE

The Minutes of the meeting of the Council Health and Safety Committee held on 20 October, 2017 and the Corporate Accidents and Work-Related Ill-Health Incidents Report from that meeting were submitted.

RESOLVED –

That the Minutes and the Corporate Accidents and Work-Related Ill-Health Incidents Report be received and noted.

34 MINUTES OF EMPLOYER/TRADE UNION COMMITTEE

The Minutes of the meeting of the Employer/Trade Union Committee held on 25 September, 2017 were submitted.

RESOLVED –

That the Minutes be received and noted.

FOR PUBLICATION

RESTRUCTURING, REDEPLOYMENT AND REDUNDANCY POLICY

MEETING: EMPLOYMENT AND GENERAL COMMITTEE

DATE: 22 January 2018

REPORT BY: KATE HARLEY, HR MANAGER.

1.0 PURPOSE OF REPORT

To provide information regarding the introduction of a revised Restructuring, redeployment and redundancy policy and to recommend for approval.

2.0 BACKGROUND

A programme of policy reviews is on-going and it was felt that the four separate policies for restructuring, redeployment, redundancy and protection of earnings were closely linked and therefore made sense for them to be together in one policy document.

The protection of earnings policy was considered as part of the recent review of pay and reward and changes agreed through a consultative process. The restructuring and redeployment policies have both been revised and updated in light of feedback received during restructures over the last few years.

Trade union colleagues have been consulted on the content of the policies and compromises have been reached throughout.

3.0 PROPOSED PROCEDURE

The revised policy can be found at appendix A.

A full Equality Impact Assessment has been completed and is attached at appendix B.

4.0 EMPLOYER – TRADE UNION COMMITTEE

The proposed policy was submitted to the Employer trade union Committee on 10 January 2018 and was endorsed for submission to Employment and General Committee.

5.0 RECOMMENDATIONS

That the new Restructuring, redeployment and redundancy Policy be approved.

For further information on this report, contact Kate Harley.

Restructuring, Redeployment and Redundancy Policy

(Including **Protection of Earnings**)

Prepared by: Human Resources

Date:

Review:

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Policy statement on Restructuring, Redeployment and Redundancy

1. CBC recognises that change and uncertainty are present at all times but endeavours to do everything reasonably possible to make any changes to employees roles in a timely manner and with full consultation with employees and Trade Unions.
2. To ensure that the process is managed as smoothly as possible and to cause the minimum amount of stress to everyone concerned, CBC aims to complete all restructures within 3 -6 months on any announced restructure from date of approval.
3. Management will consult meaningfully and sensitively with employees and Trade Unions at the earliest opportunity and seek to gain agreement to changes at an early stage whilst being aware of the impact of changes on the morale and wellbeing of employees at all times.
4. Management will endeavour to avoid redundancies, but it must be recognised that in some situations redundancy may be the only alternative once all other options have been eliminated.
5. At all times employees will be able to openly discuss their concerns with management in a confidential environment and have access to relevant training e.g. job application/interview skills and counselling services should they need additional support during this process.

Restructuring

Process to be followed when the need for restructuring is identified

6. Manager drafts proposed preliminary new structure and considers the implications for the team by undertaking an Equalities Impact Assessment, in consultation with HR and Policy team where necessary and gives the staff and Trade Unions early notification of the potential restructure.
7. Manager prepares case to present to CMT detailing the rationale for the restructure, the financial implications for the council and the options to discuss.
8. Manager develops timetable for restructure which includes all consultation, Job Evaluation process, formal approval, interview process, “at risk” meetings and implementation date bearing in mind the commitment to a three month

completion deadline. At this stage manager also undertakes stress risk assessment of the process.

9. Manager arranges informal meeting with Trade Unions to discuss proposals and timetable for consultation with staff taking into account feedback provided.
10. Manager writes draft report for Cabinet and Employment & General Committee and briefs Portfolio Holder(s).
11. Manager considers new posts and writes job descriptions and person specifications for each role consulting with HR Officer and Trade Union to arrange job evaluation process (this can be done whilst consultation ongoing).
12. Manager consults with staff presenting the initial proposals for change and seeking their views on the changes, inviting HR and TU to the meeting. During the meeting the manager should cover:-
 - a. The proposed new structure
 - b. The reason for the changes
 - c. The timetable for the restructure including deadlines for comments and feedback
 - d. Invite comments on the structure, job descriptions and report
 - e. Timetable for meeting with those staff immediately affected and potentially at risk
13. Having received and dealt with any comments from staff and making changes where appropriate, the manager in conjunction with HR draws up a list of current and new posts (see paragraph 18) and completes the assimilation and ring fencing matrix identifying employees who are:-
 - a. Can be assimilated (see paragraph 19)
 - b. At risk – ring-fenced
 - c. At risk – no alternative vacancies
 - d. No change
 - e. Temporary employees whose contracts are due to end
 - f. Agency staff to be released

Manager completes assimilation and ring fencing matrix and meets with TU to formally sign off the document, agreeing approach to any anomalies e.g. staff acting-up etc. NB. Staff on secondment into the affected team are not considered part of the team for restructure purposes as they have a substantive post elsewhere in the council.

14. If further consultation is needed with staff, arrange this inviting HR and TU, if the consultation period is over or not needed then manager writes final report for WBR and Joint Cabinet and Employment and General Committee.

15. Following the decision of Joint Cabinet and General Committee referred to above the manager:-

- a. Inform employees
- b. Arrange a meeting with HR and TU's to discuss implementation and protocol re: further process consultation, interviews and any assimilations
- c. Review timetable
- d. Write to employees advising them of their status i.e. assimilated, at risk, displaced, not affected including information regarding jobs they can apply for where appropriate and deadline for applications including support options and policies available (stress policy, application form and interview advice)
- e. Provide advice and support on applications and interview techniques (with support from HR) if appropriate and proactively remind employees of sources of external support (arranging individual stress risk assessments for staff where appropriate)
- f. Arrange interviews considering the composition of the panel (seek advice from HR if necessary) interviewing from the top down
- g. Be prepared to provide post-interview support and counselling for unsuccessful candidates

16. Once posts filled identify if anyone is still at risk and if so arrange "at risk" meetings and for staff to be put on the redeployment list including completion of skills audits by the individual and line manager.

17. Implement the new structure taking into account any transitional arrangements needed, training needs identified and ensuring new contracts are issued where necessary.

Process for employees displaced by restructuring

18. In order to facilitate a restructure, existing employees will be assimilated to the posts in the new structure most akin to their existing position in the current structure. This will be based on their current job description (if the current job description does not reflect current role, this needs updating before assimilation can be undertaken). Assimilation will be conducted within the following principles:

- a. Management at CMT level (or their nominated manager), in liaison with HR and Trade Union will undertake a review process to be conducted in stages commencing with higher graded posts. This may create vacancies that can be managed effectively at lower graded levels to reduce possible displacements.
- b. Each of the steps at paragraph 19 below will be conducted at each stage. It may be possible for some steps / stages to be progressed simultaneously
- c. There are **5 stages** to the process which must be undertaken in the following order:-
 - i. Straight assimilation of 70% roles; **then**
 - ii. Interviews for those remaining employees at risk within the affected teams and “ring fenced” to apply for roles; **then**
 - iii. Those not successful at interview are considered displaced and are put “at risk”. Any unfilled vacancies from the restructure will be advertised internally within the service¹ for those at risk.
 - iv. Vacancies that are still not filled at step iii above are advertised internally for all staff to apply for.
 - v. Remaining vacancies advertised externally

19. Key principles for assimilation (refer to flowchart page 8/9):-

Roles which meet the 70% test

1. Where at least **70%** of a person’s job is agreed as subsumed into the new post (the 70% rule), the new post is of the same grade as the existing grade or equivalent salary² and only one employee meets the 70% rule a ‘**straight assimilation**’ can take place without interview. (70% has been decided upon, as this was the agreed criterion used in the Local Government (Unitary Authorities) Reorganisation of 1996).
2. “**Straight Assimilation** without an interview”: Where the 70% rule applies **AND** there is no change in grade **AND** there are sufficient posts for people.

¹ The term ‘service’ for the purpose of restructures means those teams of people affected by the restructure only

² * **Equivalent Salary:** i.e. in the case of Craftworkers is defined as the gross wage in respect of hourly paid employees excluding non-contractual overtime and other additional payments such as honoraria.

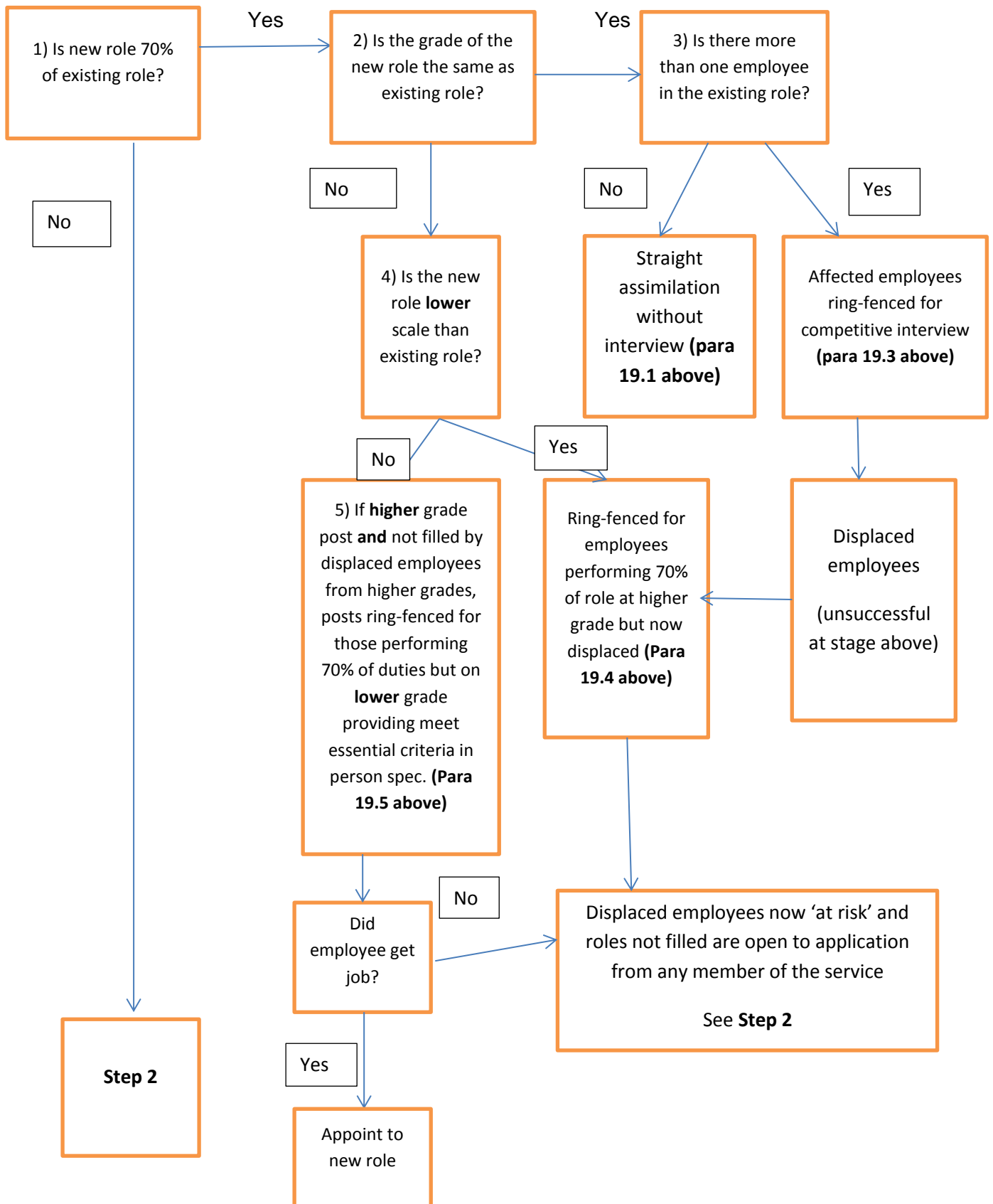
3. Where there are two or more employees on the same grade or equivalent salary who have a **70%** claim on one available post, “straight assimilation” cannot take place and these employees will be “ring fenced” for competitive application.
4. Where the post has been evaluated at a **lower** grade or equivalent salary than the original post, the post will initially be ring-fenced for application for displaced employees to apply for if they are substantively performing **70%** of the duties contained in the job description of the original post but on a higher grade, providing they meet the essential criteria in the person specification (or could do with reasonable training – to be assessed in liaison with HR and union).
5. Where a post has been evaluated at a **higher** grade (or equivalent salary than the original post) and they have not been filled by displaced employees, the posts will initially be “ring fenced” for displaced employees who are substantively performing **70%** of the duties contained in the job description of the original post, but on a lower grade, providing they meet the essential criteria in the person specification (or could do with reasonable training).
6. Thereafter the posts will be open to application from any member of the service. Normal recruitment procedures will be applied i.e. applicants will only be shortlisted for interview on the basis of meeting the essential criteria in the person specification for the post.
7. **NB.** In any situation where an employee has been acting up for a continuous period of 2 years, they will be treated as being in the higher grade for the purposes of assimilation/ring-fencing under the 70% rule.

No 70%

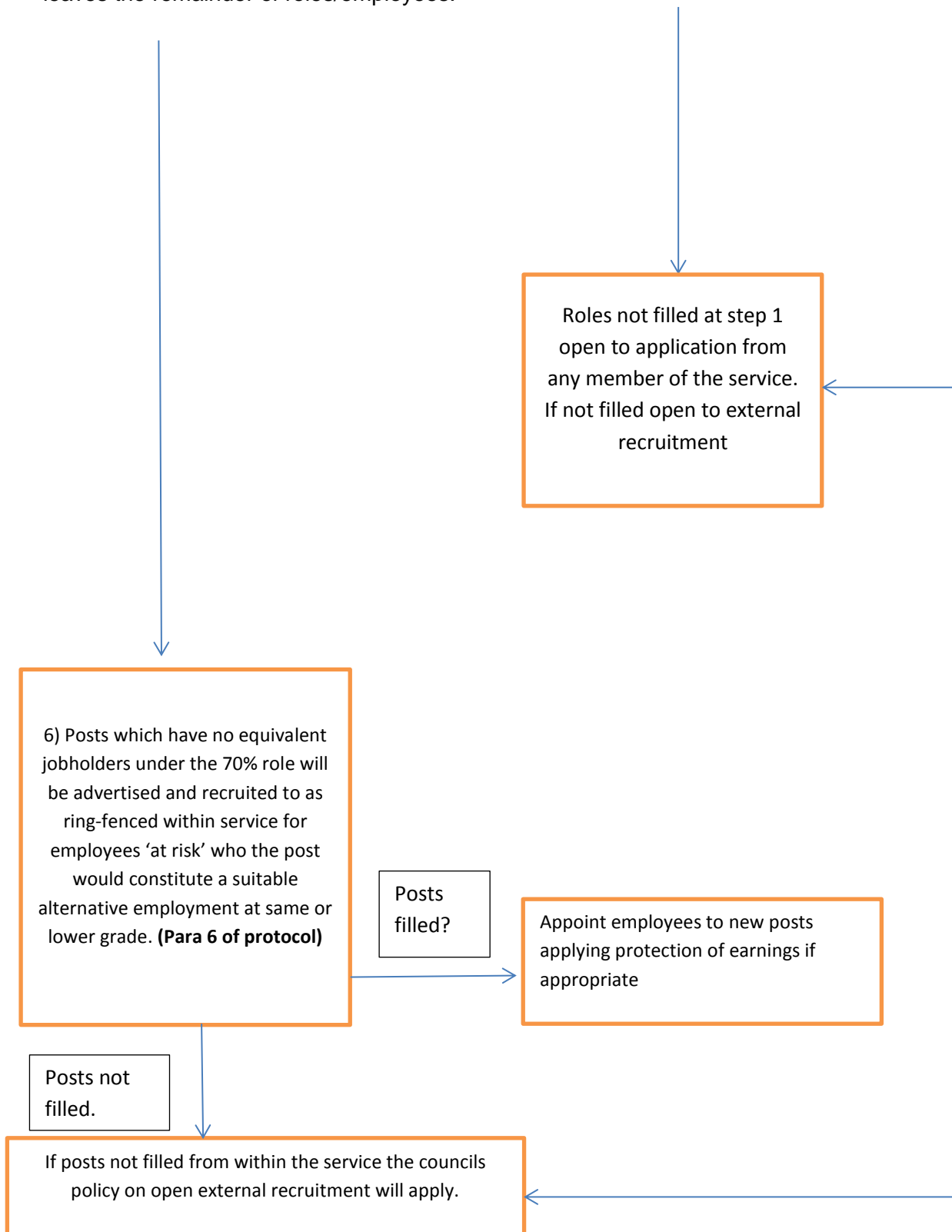
8. Posts which have no equivalent job holder(s) under the **70% rule** will be advertised and recruited to on the basis of “ring fencing” within the service. This will initially be to those employees who are “at risk” and for whom the post would constitute either a “suitable alternative employment” i.e. the post is the same grade as the employees substantive grade or a down-grading under which circumstances, if successful, the council’s **Protection of Earnings Policy** (page 13) would be applied for a limited time. In either case applicants must meet the requirements of the Person Specification (or could do so with reasonable training). Following this any remaining posts would be ring fenced for any applicants from within the service and subject to meeting the requirements of the person specification.

9. The “**two grade rule**” will be applied to any redeployment that attracts protection of earnings. This means for example that if an employee is currently on scale 8 and secures a grade 6 post this will attract protection of earnings but if a post at scale at 5 is secured, no protection will apply.
10. Where a vacant post is not filled from within the service the council’s policy on open internal/external recruitment will apply.
11. Employees who are identified as still “at risk” following the steps above will be counselled by HR and their manager on a one-to-one basis to identify options for their future employment, including application of the Council’s **Redeployment Policy and Procedures** (see paragraph 20 below)
12. Every effort will be made to find “suitable alternative employment” however it is in an employee’s best interests to proactively seek advice and guidance at an early stage to improve their interviewing and job application techniques. Performance at interview is vital to securing the new role and employees must not assume their past work performance will stand them in good stead. Those employees expressing interest in a vacancy elsewhere in the council will be interviewed for that position before consideration is given to other applicants.
13. Early retirement and/or redundancy will be considered for those not redeployed or assimilated.
14. Salary protection will be applied as per the council’s **Protection of Earnings Policy** (see page 13)

Step 1 – decide which roles are **70%** or more of the new role and deal with these roles/people first, following steps 1-5 below:-



Step 2 – once those roles where 70% applies have been worked through at **Step 1** this leaves the remainder of roles/employees.



Redeployment Policy and Procedure

Management responsibilities

20. Employees not successfully assimilated following a restructure, and therefore at risk of redundancy, will have the option of seeking redeployment. Every effort will be made to find suitable alternative employment for employees displaced as part of a restructure with the aim of avoiding compulsory redundancy.
21. This procedure will also be used to achieve redeployment of employees who are no longer able to permanently or temporarily undertake the full range of the duties and responsibilities of their posts on medical grounds and whose continued employment is under threat for reasons of medical capability.
22. The Council recognises its responsibilities under the Equality Act 2010 to make “reasonable adjustments” to the working arrangements of eligible employees where possible.
23. Where it is identified through restructure that an employee or group of employees are “at risk” of being made redundant, management will take the following actions:-
 - a. Arrange for the employees concerned to be interviewed in order to compile a full record of the experience, knowledge, skills and qualifications that the employee holds (this can be from other careers/experience outside CBC).
 - b. Liaise with HR in order that a search can be conducted for suitable redeployment opportunities throughout the council
 - c. Establish a regular communication channel with the Trade Union to support the smooth delivery of the overall process and support employee welfare.
 - d. Provide assistance to employees as required i.e.:-
 - i. In the preparation of application forms and/ or C.V's
 - ii. In developing interview skills (e.g. by providing mock interviews)
 - iii. In identifying and providing time off to attend training courses as appropriate
 - iv. In arranging counselling or welfare support for employees
 - v. In providing advice on Voluntary Redundancy and Voluntary Early Retirement schemes
 - e. Management must consider the needs of individual employees affected and should liaise with HR to seek advice and support.

- f. Where an individual is dismissed by virtue of redundancy or capability, they will be subject to the statutory provisions relating to the minimum periods of notice relative to their length of continuous service. E.g. 1 week for every year of service to a maximum of 12 weeks.
- g. Where an employee has been found to be permanently incapable of undertaking the duties and responsibilities of their substantive post through ill health, the council will undertake to seek redeployment opportunities to a suitable alternative post within the council for a minimum period of twelve weeks.
- h. This period may run concurrently with the formal notice period of termination of employment.

Employee responsibilities

24. An employee who is identified as potentially redundant through restructure or at risk of dismissal through medical incapability has a shared responsibility with the council to seek and identify possible redeployment opportunities. To ensure these opportunities are maximised employees are expected to adopt a reasonable and flexible approach when considering alternative employment options.

Redeployment procedure

- 25. HR will in consultation with the employee and any agreed representation, identify a range of alternative employment options and any further support needed.
- 26. HR will have the discretion to withhold specific requests to advertise a vacant post where they are able to match the duties of the post with an employee requiring redeployment.
- 27. HR will discuss the vacancy with the relevant manager and arrange for the employee to receive priority consideration, and if appropriate an interview in advance of any advertisement being processed. HR may attend any interview.
- 28. If no appointment results from the interview, the relevant manager must give the reasons in writing to HR and if HR are satisfied with the explanation the vacancy will be released for advertising in the normal way. If HR are in any doubt the matter will be considered further by the Chief Executive. The views of the employee's Trade Union shall also be taken into account before any decision is taken.

29. Copies of all internal CBC vacancy sheets will contain a statement to the effect that established employees under notice of redundancy will receive priority consideration over all other candidates (does not apply to posts on promotion). HR will ensure that employees at risk will receive a personal copy of any vacancy sheet during the period of their notice.
30. When an employee subject to this procedure identifies an alternative post on the vacancy sheet that they consider suitable, they will contact HR. If following discussion HR are satisfied that the duties would appear suitable, a priority interview will be arranged and HR may attend the interview.

Suitable alternative employment

31. CBC has a statutory duty in redundancy situations to consider whether suitable alternative employment exists and if so offer such employment subject to the statutory trial period of four weeks in the new job.
32. The four week trial period may be extended for retraining purposes by written agreement. Should management or the employee wish to end the trial before the end of the four weeks for a reason connected with the new job, the employee may preserve any right of a redundancy payment under the old contract.
33. If no suitable alternative employment is identified and the employee accepts redeployment to a post that results in a reduction in contractual pay, the provisions of the Protection of Earnings policy will apply (see paragraph 39 below)
34. In certain circumstances an employee may be retained in a temporary capacity until a permanent vacancy arises. This would be time limited, but may be appropriate where vacancies arise regularly. In these circumstances the employee would retain their established status.
35. Employees who refuse an offer of suitable alternative employment shall be deemed as disqualified from this procedure and may lose their entitlement to redundancy pay.
36. All offers will be made in writing and be subject to the requirements of the appropriate legislation with regard to trial periods.
37. Any redeployment under this policy must be to an established post.
38. Employees on fixed term contracts, temporary contracts or specific task contracts with less than 2 year's continuous service, whilst not being eligible

for consideration under this procedure shall nevertheless be subject to the relevant dismissal procedures and the appropriate contractual notice issues.

Protection of Earnings Policy

39. The Council's Protection of Earnings policy will apply to those employees redeployed into suitable alternative employment as a result of either restructure, redundancy or reasonable adjustments made as a result of a disability under the Equality Act 2010.
40. An employee who accepts an offer of re-deployment where protection of earnings applies, will have their pay frozen at their current rate for 18 months from the date that they accept and take up the post.
41. Pay excludes non-contractual and incidental allowances attached to the previous post. Where variable hours are worked (and/or pay is variable) the protection will be based on a 13-week average.
42. The terms and conditions of employment which are not remuneration will be those of the new post except holiday entitlement which an employee will retain from their original post for the period of the protection. Upon conclusion of the 18 month period of protection, remuneration at the top of the incremental range for the new post will apply.
43. During the period when an employee is in receipt of a protected salary in accordance with this policy, they will continue to enjoy the full benefits of the Council's Redeployment Procedures with a view to redeployment into a post more commensurate with the level of protected earnings. Priority consideration arrangements will not apply to posts that constitute promotion.
44. The provisions of the Protection of Earnings Policy or entitlement to redundancy pay will be withdrawn in the circumstances where an employee unreasonably refuses an offer of appointment to a post at a higher level that reduces the level of protection, or an offer of suitable alternative employment in accordance with the tests provided in ACAS advice and relevant case law.
45. In circumstances where an element of protection continues, the protection will be deemed to have commenced from the original date of application of the Protection of Earnings Policy and will run for a period of 18 months from that date.

46. Protection of Earnings will not apply in cases of redeployment resulting from Performance Capability issues or Disciplinary decisions and may not be appropriate in ill health capability cases.
47. Once an employee's pay in their re-deployed post matches that of their original post, they will not be subject to any preferential redeployment provisions other than entitlement to annual leave.
48. In the unlikely event that an individual in receipt of pay protection is subject to a further restructure within the 18 month period, the pay protection period will be recommenced from the date of the new appointment. The new pay protection will be paid on the basis of the new rate of pay applicable to the post the individual is moving from. E.g. On restructure employee moves from scale 10 to scale 8 and pay is frozen at scale 10 for 18 months. 12 months later the individual is subject to another restructure and is moved into a scale 7 post. The new rate of pay protection would be paid at scale 8 for 18 months.

Redundancy Policy and Procedure

Introduction

49. The Council accepts its responsibilities as a single employer and acknowledges that the successful handling of redundancy and redeployment implicitly requires the active support, participation and co-operation of all parties including management, trade unions and employees.
50. The Council will take all reasonable steps to avoid the necessity for compulsory redundancies. However, realistically there can be no guarantee that the possibility of compulsory redundancies will never arise.

The Statutory Definition is that employees are dismissed due to redundancy when:

- the employer has ceased, or intends to cease, to carry on the business for the purposes of which the employee was so employed; or
- the employer has ceased, or intends to cease, to carry on the business in the place where the employee was so employed; or
- the requirements of the business for employees to carry out work of a particular kind has ceased or diminished or are expected to cease or diminish; or
- the requirements of the business for the employees to carry out work of a particular kind, in the place where they were so employed, has ceased or diminished or are expected to cease or diminish.

51. Redundancy is a dismissal defined in law as “not related to the individual” and therefore this process must not be used where there are issues relating to an individual in respect of performance or conduct and these issues should be dealt with through the Disciplinary or Capability policies.
52. Terminating 20 or more contracts in order to change terms and conditions (dismissal and re-engagement) is likely to trigger the requirement to consult and the following process should be followed.

Consultation

53. Chesterfield Borough Council is committed to consulting with relevant recognised trade unions, employee representatives and individual employees as soon as practicable and keeping them informed as fully as possible. To ensure the validity of the consultative exercise, consultation will commence at the time when the possible declaring of redundancies becomes a proposal, not a final decision. Responsibility for consultation lies with the relevant managers, supported by SLT and HR as appropriate.
54. The statutory minimum time-scales for consultation with the trade unions are:
1. At least 30 days before the first dismissal takes effect if 20 to 99 employees are to be made redundant at one establishment over a period of 90 days or less
 2. At least 45 days before the first dismissal takes effect if 100 or more employees are to be made redundant at one establishment over a period of 90 days or less
55. Where redundancies involve less than 20 employees, in accordance with good practice, the council will apply the 30 days consultation period as a minimum.
56. Proposed redundancies of 20 or more employees at one establishment in a 90 day period must be notified to the Secretary of State for Business, Innovation and Skills on Form HR1 available here www.insolvency.gov.uk. A copy of the Form HR1 should also be given to the trade unions as part of the consultation documentation.

Statutory requirements for the provision of information

57. In proposing redundancies the council has a statutory duty under Section 188 of the Trade Union and Labour Relations (Consolidation) Act 1992 to provide the following information to recognised Trade Unions, in writing:
- The reasons for the proposed redundancies
 - The number and category of employees whom it is proposed to dismiss as redundant.

- The total number of employees of that category employed at that establishment
- The proposed method of selection for redundancy
- The proposed methods of effecting the dismissals with due regard to the redundancy procedure and including the time-scale over which dismissals will take place. (A Redundancy Timetable Framework is attached at *Appendix 1*)
- The method of calculation of the amount of any redundancy payment.

Measures to avoid/minimise redundancy

58. To be meaningful, consultation is not just the provision of information but involves inviting comments, views and discussion on ways of:

- Avoiding dismissals
- Reducing the numbers of employees to be dismissed; and
- Mitigating the consequences of the dismissals

59. Consultation must be undertaken with a view to reaching agreement with employee representatives and any counter-proposals should be considered and formally responded to, giving reasons if they are to be rejected.

60. Every effort should be made to reduce the number of redundancies through the following measures:

- natural wastage - wherever, and as soon as possible recruitment to areas at risk should cease, taking into account the need to maintain services;
- temporary employment - recruitment to any potentially suitable vacancy will be under a temporary contract of employment;
- overtime - to be reduced wherever service requirements permit, in favour of employment opportunity;
- Redeployment opportunities should be sought, which may include provision of training/retraining and the introduction of ring-fencing where appropriate.

Selection

61. As initial steps to avoid or reduce compulsory redundancies and in full consultation with the trade unions, the council will, with the exception of

those positions that cannot be covered by other council employees, terminate the contracts of agency workers, consultants, and temporary employees where:

1. the position may provide a suitable redeployment opportunity for the employees at risk, and/or
 2. the termination of these contracts provide financial savings to the council.
62. Requests for voluntary redundancy/early retirement will be considered where volunteers are from the categories of employees affected by the redundancy proposals.
63. All such requests will be considered against the selection criteria set out below. Acceptance of any application will be at the discretion of the relevant CMT manager in consultation with the Human Resources Manager.
64. Where, following efforts to minimise or avoid compulsory redundancies, the need for redundancy remains and there is a choice between potential redundant employees to be made, an objective selection process will be applied. Where a single individual or a whole work group is affected by redundancy, a selection process will not be necessary.

Selection Criteria

65. The following selection criteria should be used, in the order set out using the form at Appendix 2:
- 1) **Needs of the service** - the council must maintain a balanced workforce able to meet service and client needs. Any workforce reductions shall reflect envisaged service delivery requirements.
 - 2) **Specific Skills, Qualifications or experience** - relevant to the needs of the service.
 - 3) **Additional skills and experience** - to be considered as evidence of flexibility which may constitute a relevant service need.
 - 4) **Attendance, discipline and performance records** - only where formal action has been taken under the managing attendance or capability policy, ensuring that all obligations under the Equality Act 2010 are adhered to and no employee is disadvantaged by virtue of disability.
 - 5) **Length of continuous local Government service.**
66. The purpose of selection criteria is to ensure that employees are fairly selected for redundancy. The process should be consistent, objective and

care should be taken to ensure that it is not directly or indirectly discriminatory on the grounds of any protected characteristic under the Equality Act 2010.

67. The most important consideration for the future success of the council is to maintain a balanced workforce after the redundancies have been carried out. Specific skills, flexibility, adaptability and approach to work are likely to be the most relevant considerations. In assessing employees against the selection criteria it is essential that reliable information is available. In this respect the use of skills audit questionnaires may be appropriate in ensuring that information is up to date.

68. Where work performance is used as a criterion there must be objective assessment against a clearly defined performance framework to ensure objectivity. In using attendance or disciplinary records it is essential that the information is accurate and that the reasons and extent of any absences are documented. Advice must be taken from HR/Policy Team in cases where the Equality Act 2010 may apply.

Appeal against Selection

69. An appeal against the manager's decision to select for redundancy must be made in writing to the Chief Executive setting out the grounds of the appeal, within ten working days of the decision. The appeal will be called as soon as reasonably practicable and by mutual agreement and the employee notified of the place, date and time of the appeal hearing, in writing. The appeal will be heard by Members of the Appeals & Regulatory Committee and the employee will be entitled to attend the hearing with their trade union representative or colleague. The Appeals & Regulatory Committee may uphold the appeal, or confirm the original decision and will inform the employee in writing of its decision as soon as is practicable. The decision of the Appeals & Regulatory Committee will be final.

Notice Period

70. Where redundancy is confirmed, an employee will be given written contractual notice of dismissal based upon their length of service with Chesterfield Borough Council (or continuous local government service if longer).

Alternative Employment

71. The Council has a statutory obligation to seek to identify suitable alternative employment where redundancy is confirmed. This will be undertaken on a council-wide basis. The opportunity to offer redeployment will depend upon the availability of suitable vacant posts, budgets, time-scales and the transferability of employees' skills. Any offer of alternative employment made will be subject to a four-week trial period.

72. The provisions of the council's redeployment procedure will apply in such circumstances together with additional support and assistance as appropriate including:

- Assistance with job searches
- Assistance with and training in completing job applications
- Assistance with interview and presentation skills and techniques
- Referral to Occupational Health for counselling, where appropriate

73. Employees under notice of redundancy will have a statutory entitlement to a reasonable amount of paid time off to look for another job, or to arrange training.

Process for individual redundancy

74. Where an individual is selected for redundancy either as a result of a restructure or work coming to an end in a particular area the following process will be followed:-

- a. The manager will write to the individual concerned inviting them to a first consultation meeting giving 5 days notice and right to be accompanied using letter at Appendix 3
- b. At the meeting the manager will explain the reasons that the job role is no longer required and explain to the employee that they are now at risk of redundancy. The manager will confirm the content of the meeting to the employee using letter at Appendix 4.
- c. The individual will be put on to the council redeployment register at this time
- d. The individual will be given 30 days to consider any alternatives to redundancy and suggestions for redeployment
- e. The manager will invite the individual to a second redundancy consultation meeting (after the 30 days have elapsed) to discuss whether any alternatives to redundancy have been found using letter at Appendix 5.
- f. If no alternatives have been found following this second meeting the manager will invite the employee to a dismissal meeting using letter at Appendix 6. The relevant CMT manager should confirm the dismissal in writing to the employee using the letter at Appendix 7.
- g. The employee will have the right to appeal against the dismissal

Procedure	Week
1. Trade Union provided with statutory information a. BIS notified on Form "HR1", if appropriate.	0
2. Manager consults with trade unions with a view to reaching agreement as to the potential need for compulsory redundancies, provides statutory information and proposes selection method, if necessary, in accordance with the council's selection criteria.	1
3. Manager considers any responses received from the trade unions as a result of consultation.	3
4. If selection of individuals is necessary	
5. Skills audit and individual selection criteria forms completed, and manager identifies individuals affected by applying selection criteria.	4
6. As soon as reasonably practicable, the manager notifies those individuals, in writing, that they have been provisionally identified as selected for redundancy, copied to the relevant trade unions. This notification will also confirm the right of the individual(s) to make oral/written representation to the manager as to why they should not be selected for redundancy.	6
7. The manager considers any oral/written representation and confirms decision in writing to the individual(s) and relevant trade unions.	
8. If the decision is to confirm the redundancy, dismissal notification is sent to the employee and trade union giving notice in accordance with their contractual notice period and advising of the right of appeal.	8
9. Consultations continue with trade unions on ways to avoid/reduce dismissals or mitigate consequences of dismissal.	
10. Manager commences and continues to search for redeployment opportunities in accordance with the redeployment procedure until end of notice period.	
11. Appeal	
12. An appeal against the decision of the manager must be made in writing to the Chief Executive, within 10 working days of the decision.	10
13. The appeal hearing to be held as soon as reasonably practicable thereafter and by mutual agreement. The employee will be informed of the place, date and time of the appeal hearing in writing.	12
14. Appeal heard by Members of the Appeals & Regulatory Committee.	
15. If appeal is not upheld, the manager writes to the employee confirming date of dismissal.	

16. Dismissal effected.

Selection Criteria Assessment Form

Name	
Manager/Section	
Current Post Title	
Current Grade	
Start Date of Continuous Local Government Service	

Skills	Weighting	Score
Qualifications	Weighting	Score

Experience	Weighting	Score
Additional Skills/Qualifications and Experience	Weighting	Score

Attendance	Weighting	Score

Disciplinary Record	Weighting	Score
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Performance	Weighting	Score

Selection Criteria Assessment Form

Guidance Notes

- ◆ The proposed selection criteria and weightings will be the subject of consultations with the trade unions.
- ◆ The criteria and their relative weightings will be determined by the current and future needs of the business. Weightings will take into account the council’s service delivery requirements and need to maintain a balanced workforce.
- ◆ To achieve a total score for each employee, criteria should be weighted by a factor to reflect its relative importance.
- ◆ Assessments must be objective and supported by documented and verifiable evidence wherever possible. Managers should not allow pre-conceived opinions to influence the assessment process.
- ◆ Detailed notes should be kept at all stages of the assessment process in order that they can be referred to in any appeal.

Dear [Name]

Re: Redundancy Consultation

(Delete/insert reason as appropriate)

As you know the new [service area] staffing structure was approved by Elected Members on [date]. As a consequence of this, your current post as [post title] was deleted from the structure and you were invited to apply for the post of [post title] in accordance with the council's policy on restructuring.

[You chose not to apply for the post in the new structure and this means that you are considered 'displaced' and are now at risk of redundancy.]

Or

[Although you submitted an application for the position of [post title], you were unsuccessful following an interview. This means that you are considered 'displaced' and are now at risk of redundancy.]

I would therefore like invite you to a redundancy consultation meeting to discuss your individual circumstances. This meeting will take place on [date] at [time] at [place]

I will be accompanied at this meeting by [HR Officer]. You are entitled to be accompanied by a colleague or Trade Union representative (but not paid legal representative).

The council's redundancy policy requires that a 30 day redundancy consultation be undertaken with "at risk" employees and this meeting will constitute the start of this consultation period.

During this consultation period, you will be placed on the council's redeployment register and given priority for any suitable alternative posts that may become vacant. I attach for your information a copy of the relevant policy.

If during that 30 day period, we are unable to find a suitable alternative post, then a second consultation meeting will be arranged leading to a subsequent dismissal hearing where a decision will be made on your continued employment with the council.

If you have any queries regarding this letter please do not hesitate to contact me.

Yours sincerely

[Name]
[Post Title]

Dear [Name]

Redundancy Consultation

I refer to the formal redundancy consultation meeting held on [date] where I was accompanied by [HR Officer]. You were accompanied by [person] / [You chose to attend unaccompanied.]

As you know, the report relating to the review of the [service area] structure has been agreed by the Council's Joint Cabinet and Employment and General Committee and that the process of implementing these changes has begun.

During our meeting, I advised you that your post of [post title] is to be deleted from the existing structure and you were invited to apply for the new post of [post title] in accordance with the council's policy on restructuring.

[You chose not to apply for the post in the new structure and this means that you are considered 'displaced' and are now at risk of redundancy.]

Or

[Although you submitted an application for the position of [post title], you were unsuccessful following an interview. This means that you are considered 'displaced' and are now at risk of redundancy.]

In accordance with the council's redundancy policy, you are entitled to a minimum of 30 days redundancy consultation. Our meeting constituted the start of this consultation period.

We discussed the support that we were able to offer you during the consultation period, which includes reasonable paid time off to attend job interviews. In addition, briefing sessions on completing application forms and interview skills training can be arranged on request.

You were advised that with effect from [date] you will be placed on the council's redeployment register for a period of 12 weeks and be given priority consideration for any suitable alternative posts that may become vacant.

I explained that if after the 30 day redundancy consultation period we are unable to find a suitable alternative post, then a second redundancy consultation meeting would be arranged leading to a redundancy dismissal meeting being arranged where a decision will be made on your continued employment with the council.

I hope that I have clearly explained the current position. However, if you would like to discuss the content of this letter, please do not hesitate to contact me
Yours sincerely

[Name]
[Post Title]

Dear [Name]

Re: Redundancy Consultation

(Delete/insert reason as appropriate)

Following the first redundancy consultation meeting held on [date] I would like to invite you to a second redundancy consultation meeting to discuss any further suggestions you may have for the avoidance of redundancy. This meeting will take place on [date] at [time] at [place]

I will be accompanied at this meeting by [HR Officer]. You are entitled to be accompanied by a colleague or Trade Union representative (but not paid legal representative).

If following this meeting we have been unable to find alternative employment for you with the council you will be invited to a formal dismissal hearing.

If you have any queries regarding this letter please do not hesitate to contact me.

Yours sincerely

[Name]

[Post Title]

Invite to dismissal meeting

Appendix 6

Dear [Name]

Re: Redundancy Dismissal Invitation

I refer to the redundancy consultation meetings held on [Date] where I was accompanied by [Name], (HR). You were accompanied by [Person] / [You chose to attend unaccompanied.]

As the 30-day consultation period has now expired and you have not secured a suitable redeployment opportunity, a Redundancy Dismissal Meeting has been arranged where a decision will be made on your continued employment with the Council.

This meeting will take place on [Date] at [Time] in the [Location].

The Hearing will be chaired by [Name], [Post], advised by [Name] (HR). I will present the management case.

As this is a formal meeting, you are entitled to be accompanied by a friend, colleague or Trade Union representative (but not a legal paid representative).

I have enclosed documentation that will be considered at the meeting. If you wish to present any additional documentation, then please can you submit this to me no later than 2 days before the meeting.

Should a decision be made to confirm the termination of your employment on the grounds of redundancy, then you will be entitled to [Notice] months' notice. During this period you will remain on the Council's Redeployment Register and we will continue to look for redeployment opportunities for you. You will also have a right of appeal against the decision.

I trust that the content of this letter is clear, however, please do not hesitate to contact me if you have any further queries.

Yours sincerely

[Manager]

Dear [Name]

Dismissal on the Grounds of Redundancy

I refer to the formal redundancy meeting held on [date] where I was accompanied by [HR Officer]. You were accompanied by [person] / [You chose to attend unaccompanied.] The purpose of the meeting was to consider the process that had been followed as a result of your post being deleted from the council's establishment.

[Manager] explained the background and rationale for [change in service] services and the consultation that had taken place throughout the implementation.

As the 30-day consultation period has now expired and you have not secured a suitable redeployment opportunity, I therefore now have no option than to formally give you notice of dismissal on the grounds of redundancy from your post of [post title]. I am satisfied that the council's policies relating to redeployment and redundancy have been applied appropriately and that you have been offered support throughout the process.

You are entitled to [amount of notice] contractual notice which will commence from the date of our meeting [date] and I propose that your final date of employment with Chesterfield Borough Council will be [date]. I understand that you will work your contractual notice and therefore will remain on the council's 'At Risk' register for this period.

During this period you will continue to be notified by Human Resources of all available posts.

Your redundancy payment will be paid in your final salary which is estimated at £[redundancy] (subject to final verification from Payroll). You should make efforts to use any annual leave prior to your leaving date. However, should this not be operationally possible this may be paid subject to management approval.

You have a right of appeal against the decision to dismiss you on the grounds of redundancy. Should you wish to exercise this right, you must do so in writing to me within 10 working days of your receipt of this letter, setting out the grounds of your appeal. The appeal will be heard by the Council's Appeals and Regulatory Committee.

[Name]

[Post Title]

RESTRUCTURE – ASSIMILATION AND RING FENCING ANALYSIS										
Current Post holders	Current grade	At risk	Post options	Post grade	Assimilation	70% same	Ring fence	Protocol rule	Comments	Letter At risk/no change/ring fenced

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Chesterfield Borough Council

Equality Impact Assessment - Full Assessment Form

Service Area: Human Resources

Section: Human Resources

Lead Officer: Kate Harley

Title of the policy, project, service, function or strategy the preliminary EIA is being produced for: Restructuring, Redundancy and Redeployment Policy (including Pay Protection)

Is the policy, project, service, function or strategy:

Existing

Changed

New/Proposed

STEP 1 – MAKE SURE YOU HAVE CLEAR AIMS AND OBJECTIVES

What is the aim of the policy, project, service, function or strategy?

The policy is a merger of the following policies/ guidelines:

- Restructuring
- Redeployment
- Redundancy
- Protection of earnings

The aim of the new policy is to provide one place for all policies relating to staff redeployment and to update these following feedback on existing policies. Over many years, local practices have been established relating to restructures and redeployment specifically and it is timely to document and agree these processes and formalise within this revised policy.

The purpose of this Policy is to ensure that:

- As far as possible employees are retained in employment.
- All employees are treated fairly and consistently
- Redundancy and redeployment processes are managed sensitively
- Legislative requirements are met.

Although the policies have remained mostly the same as previous versions, there are a small number of changes:

- Protection of earnings – under the proposed change, an employee who accepts an offer of re-deployment where protection of earnings applies, will have their pay frozen at their current rate for 18 months from the date that they accept and take up the post (previously pay was frozen for three years).
- Restructuring - In any situation where an employee has been acting up for a continuous period of 2 years, they will be treated as being in the higher grade for the purposes of assimilation/ring-fencing under the 70% rule.
- The other policies are subject to minor changes, but the policy provides more clarity for managers on how to apply the policies.

Scope of this EIA - Where an opportunity for redeployment is identified, the usual Recruitment and Selection Policy (which has been separately equality impact assessed) will apply. During a restructure, the manager responsible is required to undertake an equality impact assessment in relation to the direct proposals for employees within the service (and community if appropriate), so that any potential impacts can be identified and mitigated against where possible.

Who is the policy, project, service, function or strategy going to benefit and how?

The changes will ensure all restructures, redeployments and redundancies are dealt with on an equal basis and that there is a consistent approach across the Council.

What outcomes do you want to achieve?

- Increased clarity and consistency of application of the Policy across the Council.
- Minimising compulsory redundancies and ensuring fair treatment of employees.
- Ensuring that the processes are managed as smoothly as possible and to cause the minimum amount of stress to everyone concerned
- Reducing the corporate cost of protected pay, and bringing the entitlement in line with other local authorities.

What barriers exist for both the Council and the groups/people with protected characteristics to enable these outcomes to be achieved?

Ensuring that the policy is applied consistently across the Council - the successful handling of redundancy and redeployment implicitly requires the active support, participation and co-operation of all parties. Support and ongoing advice and guidance will be provided by the Human Resources section regarding the implementation of this policy.

The equality profile of employees is known to vary between services, and therefore, some groups are likely to be impacted on more greatly when the policies are applied in particular services, for example, during restructure of a service which is mostly male employees, for example. Therefore, service specific EIAs during restructures are essential to identify and mitigate against disproportionate impacts where possible.

STEP 2 – COLLECTING YOUR INFORMATION

What existing data sources do you have to assess the impact of the policy, project, service, function or strategy?

Equalities monitoring data of the workforce.

STEP 3 – FURTHER ENGAGEMENT ACTIVITIES

Please list any additional engagement activities undertaken to complete this EIA e.g. met with the Equalities Advisory Group, local BME groups, Employee representatives etc. Could you also please summarise the main findings.

Date	Engagement Activity	Main findings
2016	Consultation with trade unions	The policy was discussed at length and agreed subject to the change to the pay protection period.
June '16 to Aug '17	Pay and reward project meetings	The trade unions accepted the change in pay protection to bring it in line with other councils in the County.

STEP 4 – WHAT’S THE IMPACT?

Is there an impact (positive or negative) on some groups/people with protected characteristics in the community? (think about race, disability, age, gender, religion or belief, sexual orientation and other socially excluded communities or groups). You may also need to think about sub groups within each equalities group or protected characteristics e.g. older women, younger men, disabled women etc.

Please describe the potential impacts both positive and negative and any action we are able to take to reduce negative impacts or enhance the positive impacts.

Group or Protected Characteristic	Positive impacts	Negative impacts	Action
Overall Impact	<p>The impacts of this policy are dependent upon the consistent application of the policy across the Council.</p> <p>The Policy outlines the Council’s commitment to minimising compulsory redundancies and ensure fair treatment of employees, and includes the following measures to enable this:</p> <ul style="list-style-type: none"> • Standards for consultation when redundancy is proposed. • Temporary employment opportunities • Providing redeployment opportunities including training and ringfencing • Ensuring that at all times employees will be able to openly discuss their concerns with management in a confidential environment and have access to relevant training e.g. job application/interview skills and counselling services should they need additional support during this process. • Undertaking stress risk assessments with individual employees to ascertain the need for further action to support employees. • Guidance on applying the assimilation and ring fencing matrix – the criteria for assimilation are 		

Group or Protected Characteristic	Positive impacts	Negative impacts	Action
	<p>based on national guidance (Local Government (Unitary Authorities) Reorganisation of 1996).</p> <ul style="list-style-type: none"> • Providing advice and support on applications and interview techniques (with support from HR) if appropriate and proactively remind employees of sources of external support (arranging individual stress risk assessments for staff where appropriate) • Providing post-interview support and counselling for unsuccessful candidates where appropriate. • Ensuring that under redeployment arrangements, those employees expressing interest in a vacancy elsewhere in the council will be interviewed for that position before consideration is given to other applicants. • Providing support with the preparation of application forms and/ or CVs, developing interview skills (e.g. by providing mock interviews), identifying and providing time off to attend training courses as appropriate, arranging counselling or welfare support for employees, providing advice on Voluntary Redundancy and Voluntary Early Retirement scheme. <p>Where there is an opportunity for redeployment, the usual Recruitment and Selection Policy (which has been separately equality impact assessed) will apply.</p> <p>During a restructure, the manager responsible is required to undertake an equality impact assessment in relation to the direct proposals for employees within the service</p>		
Age – including older people and younger people.	Where appropriate, if an employee has not been redeployed or assimilated during a restructure, early retirement and/or redundancy will be considered.	In relation to redundancy selection criteria, consideration of length of continuous local government service has the potential to discriminate on the grounds of age, as there is likely to be a disproportionate negative impact on younger employees,	The policy states that the purpose of selection criteria is to ensure that employees are fairly selected for redundancy. The process should be consistent, objective and care should be taken to ensure that it is not directly or indirectly discriminatory on the grounds of

Group or Protected Characteristic	Positive impacts	Negative impacts	Action
	Advice on retirement and free courses on preparing for retirement are also available.	who are less likely to have longer continuous local government service.	any protected characteristic under the Equality Act 2010.
Disabled people – physical, mental and sensory including learning disabled people and people living with HIV/Aids and cancer.		<p>Employees with a disability or long term condition may be more likely to have a higher record of absence.</p> <p>Some employees with long term conditions or disabilities may be more likely to more impacted by stress caused during restructure, redeployment and redundancy.</p> <p>Employees may have been redeployed into suitable alternative roles as part of a reasonable adjustment in relation to a disability of long term condition.</p>	<p>In relation to redundancy selection criteria, the policy states that attendance, discipline and performance records are only to be used where formal action has been taken under the managing attendance or capability policy, ensuring that all obligations under the Equality Act 2010 are adhered to and no employee is disadvantaged on the grounds of disability.</p> <p>The policy also sets out standards for consulting with employees who are absent from work.</p> <p>The policy sets out guidance for completing stress risk assessments during restructures and necessary subsequent action plans with employees. Managers and HR will also provide post-interview support and counselling</p>

Group or Protected Characteristic	Positive impacts	Negative impacts	Action
			<p>for unsuccessful candidates At all times employees will be able to openly discuss their concerns with management in a confidential environment and have access to relevant training e.g. job application/interview skills and counselling services should they need additional support during this process.</p> <p>The Council's Protection of Earnings policy will apply to those employees redeployed into suitable alternative employment as a result of either restructure, redundancy or reasonable adjustments made as a result of a disability under the Equality Act .</p> <p>Where an employee has been found to be permanently incapable of undertaking the duties and responsibilities of their substantive post through ill health, the council will undertake to seek redeployment opportunities to a</p>

Group or Protected Characteristic	Positive impacts	Negative impacts	Action
			suitable alternative post within the council for a minimum period of twelve weeks.
Gender – men, women and transgender.	See overall impact		
Marital status including civil partnership.	See overall impact		
Pregnant women and people on maternity/paternity. Also consider breastfeeding mothers.		<p>Pregnant women may be more likely to have a higher record of absence.</p> <p>Employees may have been redeployed into suitable alternative roles as part of a reasonable adjustment in relation to a pregnancy.</p>	<p>In relation to redundancy selection criteria, the policy states that attendance, discipline and performance records are only to be used where formal action has been taken under the managing attendance or capability policy, ensuring that all obligations under the Equality Act 2010 are adhered to and no employee is disadvantaged on the grounds of pregnancy and maternity.</p> <p>The policy also sets out standards for consulting with employees who are absent from work eg. on maternity / shared parental leave.</p> <p>The Council's Protection of Earnings policy will apply to those employees redeployed into</p>

Group or Protected Characteristic	Positive impacts	Negative impacts	Action
			suitable alternative employment as a result of either restructure, redundancy or reasonable adjustments made as a result of a pregnancy or maternity under the Equality Act.
Sexual Orientation – Heterosexual, Lesbian, gay men and bi-sexual people.	See overall impact		
Ethnic Groups	See overall impact		
Religions and Beliefs including those with no religion and/or beliefs.	See overall impact		

From the information gathered above does the policy, project, service, function or strategy directly or indirectly discriminate against any particular group or protected characteristic?

Yes

No ✓

If yes what action can be taken to stop the discrimination?

Mitigating actions have been identified within the table above and included in the policy. Individual service level EIAs are to be undertaken to identify any more specific impacts on employees as the policies are applied.

STEP 5 – RECOMMENDATIONS AND DECISION MAKING

How has the EIA helped to shape the policy, project, service, function or strategy or affected the recommendation or decision?

The EIA has helped to identify a number mitigating actions identified within the table above and included in the policy

How are you going to monitor the policy, project, service, function or strategy, how often and who will be responsible?

This policy is due for a review in 3 years. Individual service level EIAs are to be undertaken to identify any more specific impacts on employees as the policy is applied.

STEP 6 – KNOWLEDGE MANAGEMENT AND PUBLICATION

Please note the draft EIA should be reviewed by the appropriate Head of Service/Service Manager and the Policy Service before WBR, Lead Member, Cabinet, Council reports are produced.

Reviewed by Head of Service/Service Manager

Name:

Date:

Reviewed by Policy Service

Name: Katy Marshall

Date: Jan 2018

Final version of the EIA sent to the Policy Service ✓

Decision information sent to the Policy Service

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For Publication

Calculation of Tax Base 2018/19

Meeting: Employment & General Committee

Date: 22nd January 2018

Report by: Director of Finances & Resources

For publication

1.0 Purpose of report

1.1 To approve the Tax Base calculation for 2018/19.

2.0 Background

2.1 The Local Authorities (Calculation of Tax Base) Regulations 1992 (as amended) require the Borough Council as Billing authority to calculate the Tax Base for the Borough and the Parishes and to notify the Major Precepting Authorities (Derbyshire County Council and Derbyshire Police Authority), and those Parishes which request it, by 31st January each year.

2.2 Section 84 of the Local Government Act 2003 amended the tax setting regulations so that the tax base calculation no longer has to be approved by the full council. The calculation of the tax base is a procedural matter which, should be delegated to a non-executive committee. The Council agreed (17th December 2003) to delegate the function to the Employment and General Committee.

2.3 The tax base represents the estimated full year equivalent number of chargeable dwellings in an area, expressed as the

equivalent number of Band D dwellings. Or more simply, it is an estimate of how much income a Council Tax of £1 would raise.

3.0 **Calculation of the Tax base**

3.1 The regulations mentioned at paragraph 2.1 prescribe the method of calculating the Tax Base and the statements at Appendices A, B, C and D show the Council's Tax Base calculation for the Whole Area, Chesterfield's non-parished areas, Staveley Town Council and Brimington Parish Council respectively.

3.2 The estimated collection rate was reduced in 2013/14 to 98.1% to reflect the increased difficulty of collecting small amounts from people affected by the changes to the council tax scheme. A review of collection rates has shown that this difficulty has decreased over time and it is now considered appropriate to work on the basis of a collection rate of 98.5%.

3.3 The overall Tax Base for 2018/19 at **28,769.10** (Appendix A) shows an increase of 261.18 or 0.9% on the 2017/18 Tax Base of 28,507.92.

3.4 The Tax Base for each of the parished areas is as follows:

- ◆ Staveley **4,101.13** – an increase of 13.19 or 0.3% on last year's tax base of 4,087.94 (Appendix C); &
- ◆ Brimington **2,329.75** – an increase of 53.70 or 2.4% on last year's tax base of 2,276.05 (Appendix D).

4.0 **Legal and data protection implications**

4.1 The tax base must be set between the 1st December and 31st January.

5.0 **Alternative options**

5.1 None.

6.0 Recommendations

- 6.1 That the report for the calculation of the Council's Tax Base for the whole and parts of the area for 2018/19 be approved.
- 6.2 That pursuant to the report and in accordance with Local Authorities (Calculation of Tax Base) Regulations 1992 (as amended), the amount calculated by Chesterfield Borough Council as its Tax Base for the year 2018/19 shall be:

Table – 2018/19 TAX BASE (Equivalent Number of Band 'D' Dwellings)

	2017/18	2018/19	Increase / (Decrease)	
			No.	%
Chesterfield (whole area)	28,507.92	28,769.10	261.18	0.9
Staveley Town Council	4,087.94	4,101.13	13.19	0.3
Brimington Parish Council	2,276.05	2,329.75	53.70	2.4

7.0 Reasons for recommendations

- 7.1 To fulfil a statutory requirement and to enable the Council Tax to be set later in the financial year.

Document information

Report author	Contact number/email
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Background documents These are unpublished works which have been relied on to a material extent when the report was prepared.	
<i>This must be made available to the public for up to 4 years.</i>	
Appendices to the report	

Appendix A	2018/19 Council Tax Base – Whole Area
Appendix B	2018/19 Council Tax Base – Chesterfield
Appendix C	2018/19 Council Tax Base – Staveley Town Council
Appendix D	2018/19 Council Tax Base – Brimington Parish Council

2018/2019 COUNCIL TAX BASE - WHOLE AREA (change in local discounts)

BAND	A (Disabled)	A	B	C	D	E	F	G	H	TOTAL
Number of Dwellings	0.00	26,644.00	10,158.00	6,180.00	3,717.00	1,817.00	527.00	217.00	23.00	49,283.00
Less Exempt/Demolished(classes B & D to W))	0.00	345.00	109.00	77.00	26.00	11.00	3.00	2.00	0.00	573.00
Less Council Tax Reduction scheme	9.39	5,899.39	803.44	257.13	81.38	23.93	4.12	0.00	0.00	7,078.78
Less Revised Exempt Class A & C discount (on 100% discount)	0.00	346.00	79.00	42.00	14.00	6.00	1.00	0.00	0.00	488.00
Less Disregards at 50% (including 50% for work related dwellings)	0.00	5.00	7.00	4.00	3.50	2.50	7.00	6.50	2.00	37.50
Less Single Person and Disregard Discounts at 25%	2.75	3,141.50	870.75	434.25	201.25	73.25	20.00	5.75	0.00	4,749.50
Plus Empty Homes Surcharge (50% addition)	0.00	52.00	11.50	4.50	0.50	0.00	0.50	0.50	0.00	69.50
Adjustment for Disabled Relief	45.00	-5.00	-1.00	-17.00	-12.00	-5.00	12.00	-6.00	-11.00	0.00
Adjustments for New Properties and anticipated changes in reliefs	0.00	-10.92	52.85	33.52	54.93	14.14	5.75	0.00	0.00	150.27
Total for Band	32.86	16,943.19	8,352.16	5,386.64	3,434.30	1,709.46	510.13	197.25	10.00	36,575.99
Multiplier	5/9	6/9	7/9	8/9	9/9	11/9	13/9	15/9	18/9	-
Band D Equivalent	18.26	11,295.46	6,496.12	4,788.12	3,434.30	2,089.34	736.85	328.75	20.00	29,207.21
Tax Base 2018/19 (on the basis of a 98.5% Collection Rate)	17.98	11,126.03	6,398.68	4,716.30	3,382.79	2,058.00	725.80	323.82	19.70	28,769.10

2018/2019 COUNCIL TAX BASE - CHESTERFIELD (change in local discounts)

BAND	A (Disabled)	A	B	C	D	E	F	G	H	TOTAL
Number of Dwellings	0.00	18,410.00	8,337.00	4,899.00	3,164.00	1,687.00	501.00	200.00	16.00	37,214.00
Less Exempt/Demolished(classes B & D to W))	0.00	258.00	89.00	61.00	23.00	10.00	3.00	2.00	0.00	446.00
Less Council Tax Reduction scheme	5.77	4,069.82	679.91	184.04	71.61	21.54	3.33	0.00	0.00	5,036.02
Less Revised Exempt Class A & C discount (on 100% discount)	0.00	273.00	68.00	31.00	13.00	6.00	1.00	0.00	0.00	392.00
Less Disregards at 50% (including 50% for work related dwellings)	0.00	3.50	4.50	3.50	0.50	0.50	4.50	3.00	2.00	22.00
Less Single Person and Disregard Discounts at 25%	2.00	2,303.00	734.50	348.25	180.00	68.25	18.75	5.50	0.00	3,660.25
Plus Empty Homes Surcharge (50% addition)	0.00	30.50	9.50	4.00	0.50	0.00	0.50	0.50	0.00	45.50
Adjustment for Disabled Relief	28.00	4.00	-10.00	-6.00	-6.00	-7.00	9.00	-6.00	-6.00	0.00
Adjustments for New Properties and anticipated changes in reliefs	0.00	22.08	28.12	12.37	42.99	12.37	5.00	0.00	0.00	122.93
Total for Band	20.23	11,559.26	6,788.71	4,281.58	2,913.38	1,586.08	484.92	184.00	8.00	27,826.16
Multiplier	5/9	6/9	7/9	8/9	9/9	11/9	13/9	15/9	18/9	-
Band D Equivalent	11.24	7,706.17	5,280.10	3,805.84	2,913.38	1,938.54	700.44	306.66	16.00	22,678.40
Tax Base 2018/19 (on the basis of a 98.5% Collection Rate)	11.07	7,590.58	5,200.90	3,748.76	2,869.68	1,909.46	689.93	302.07	15.76	22,338.22

2018/2019 COUNCIL TAX BASE - STAVELEY TOWN COUNCIL (change in local discounts)

BAND	A (Disabled)	A	B	C	D	E	F	G	H	TOTAL
Number of Dwellings	0.00	5,721.00	1,069.00	775.00	311.00	69.00	22.00	11.00	4.00	7,982.00
Less Exempt/Demolished(classes B & D to W))	0.00	52.00	7.00	11.00	2.00	1.00	0.00	0.00	0.00	73.00
Less Council Tax Reduction scheme	3.62	1,373.63	72.93	50.10	6.26	2.25	0.79	0.00	0.00	1,509.58
Less Revised Exempt Class A & C discount (on 100% discount)	0.00	45.00	9.00	8.00	0.00	0.00	0.00	0.00	0.00	62.00
Less Disregards at 50% (including 50% for work related dwellings)	0.00	0.50	1.50	0.00	0.50	1.00	0.50	1.00	0.00	5.00
Less Single person and Disregard Discounts at 25%	0.50	570.00	79.75	49.75	9.25	2.75	0.75	0.25	0.00	713.00
Plus Empty Homes Surcharge (50% addition)	0.00	18.00	1.00	0.00	0.00	0.00	0.00	0.00	0.00	19.00
Adjustment for Disabled Relief	14.00	-10.00	4.00	-5.00	-3.00	2.00	-1.00	1.00	-2.00	0.00
Adjustments for New Properties and anticipated changes in reliefs	0.00	-33.00	13.25	7.51	2.00	1.77	0.75	0.00	0.00	-7.72
Total for Band	9.88	3,654.87	917.07	658.66	291.99	65.77	19.71	10.75	2.00	5,630.70
Multiplier	5/9	6/9	7/9	8/9	9/9	11/9	13/9	15/9	18/9	-
Band D Equivalent	5.49	2,436.58	713.28	585.48	291.99	80.39	28.47	17.92	4.00	4,163.58
Tax Base 2018/19 (on the basis of a 98.5% Collection Rate)	5.41	2,400.03	702.58	576.69	287.61	79.18	28.04	17.65	3.94	4,101.13

Prev Year 4,087.94
Change 13.19
Change 0.3%

2018/2019 COUNCIL TAX BASE - BRIMINGTON PARISH COUNCIL (change in local discounts)

BAND	A (Disabled)	A	B	C	D	E	F	G	H	TOTAL
Number of Dwellings	0.00	2,513.00	752.00	506.00	242.00	61.00	4.00	6.00	3.00	4,087.00
Less Exempt/Demolished(classes B & D to W))	0.00	35.00	13.00	5.00	1.00	0.00	0.00	0.00	0.00	54.00
Less Council Tax Reduction Scheme	0.00	455.94	50.60	22.99	3.51	0.14	0.00	0.00	0.00	533.18
Less Revised Exempt Class A & C discount (on 100% discount)	0.00	28.00	2.00	3.00	1.00	0.00	0.00	0.00	0.00	34.00
Less Disregards at 50% (including 50% for work related dwellings)	0.00	1.00	1.00	0.50	2.50	1.00	2.00	2.50	0.00	10.50
Less Single person and Disregard Discounts at 25%	0.25	268.50	56.50	36.25	12.00	2.25	0.50	0.00	0.00	376.25
Plus Empty Homes Surcharge (50% addition)	0.00	3.50	1.00	0.50	0.00	0.00	0.00	0.00	0.00	5.00
Adjustment for Disabled Relief	3.00	1.00	5.00	-6.00	-3.00	0.00	4.00	-1.00	-3.00	0.00
Adjustments for New Properties and anticipated changes in reliefs	0.00	0.00	11.48	13.64	9.94	0.00	0.00	0.00	0.00	35.06
Total for Band	2.75	1,729.06	646.38	446.40	228.93	57.61	5.50	2.50	0.00	3,119.13
Multiplier	5/9	6/9	7/9	8/9	9/9	11/9	13/9	15/9	18/9	-
Band D Equivalent	1.53	1,152.71	502.74	396.80	228.93	70.41	7.94	4.17	0.00	2,365.23
Tax Base 2018/19 (on the basis of a 98.5% Collection Rate)	1.50	1,135.42	495.20	390.85	225.50	69.36	7.83	4.10	0.00	2,329.75

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EMPLOYER / TRADE UNION COMMITTEE

Monday, 20th November, 2017

Present:-

Councillor Tricia Gilby (Chair)

Huw Bowen, Chief Executive
 Ian Clay, UNISON
 Tony Devereux, UNISON
 Helen Fox, Chief Accountant
 Sandy Gillham-Hardy, HR Officer

Cllr Amanda Serjeant
 Michael Rich, Executive
 Director
 Maria Slack, UNISON
 Rob Wilkes, UNITE

Min. No.	<u>Item</u> Discussion/Action	By Whom
26	<p><u>APOLOGIES</u></p> <p>Apologies for absence were received from Kate Harley, Gurpreet Khakh and Phil Mallender.</p>	
27	<p><u>MINUTES</u></p> <p>That the Minutes be accepted as a true record subject to the addition of Tony Devereux to the list of attendees and a minor amendment to Minute No. 21.</p>	
28	<p><u>MATTERS ARISING FROM THE MINUTES</u></p> <p>There were no matters arising.</p>	
29	<p><u>CORPORATE UPDATES</u></p> <p>Helen Fox provided an update on the budget monitoring position:</p> <ul style="list-style-type: none"> • At the start of the year the deficit was predicted to 	

	<p>be £209k, this had increased to £258k at the end of quarter 1. A surplus of £90k was now predicted for the end of 2017/18.</p> <ul style="list-style-type: none"> • Budget savings: <ul style="list-style-type: none"> ○ increase in income from planning fees and leisure centres; ○ OSD surpluses now sent to the general fund due to the emphasis on commercialisation; ○ reductions made to the property repairs reserve. • Budget increases: <ul style="list-style-type: none"> ○ crematorium not making as much surplus as expected; ○ reduction in income from markets and car parking. • The forecast deficit for 2018/19 is £383k and for 2019/20 the deficit is in excess of £1m. • All budgets were being reviewed and a report would go to Cabinet in December. • The Housing Revenue Account was on target. • Trade Unions asked if the leisure centres were breaking even. Queens Park Sports Centre was no longer receiving a subsidy on running costs and work was being undertaken at the Healthy Living Centre to develop a 5 year plan with a view to increase income generation opportunities. 	
30	<p><u>PAY AND REWARD</u></p> <p>Michael Rich provided an update on the Pay and Reward project:</p> <ul style="list-style-type: none"> • A letter had been sent to all the trade unions outlining the agreed proposals and recommending that the project be brought to a close. All trade unions present agreed and would write a letter to confirm their position, GMB would be contacted to confirm their position. • Work had started to develop medium term proposals for phase 2 which would be introduced in 2020. Trade Unions were asked to engage in the 	<p>TRADE UNIONS/ MICHAEL RICH</p>

	<p>project when the proposals had been developed; these would also be brought to a future Employer/TU Committee.</p> <ul style="list-style-type: none"> • Cllr Gilby asked the trade unions to consult with their regional officers to help find ways to address budget pressures drawing on the unions' experience across the East Midlands. She had already accepted invitations to meet with regional officers from Unison and GMB and would also welcome the opportunity to do the same with Unite. • Huw Bowen asked that work continue to fully implement the policies from phase 1 of the Pay and Reward project. 	<p>TRADE UNIONS/ CLLR GILBY</p> <p>HR</p>
31	<p><u>INVESTORS IN PEOPLE</u></p> <p>Michael Rich provided an update on the Investors in People (IIP) re-accreditation:</p> <ul style="list-style-type: none"> • The Council was working towards re-accreditation under the new IIP scheme. • The first stage was a short online survey for all employees to complete. • IIP assessors would visit in December and January to interview members of staff before producing an initial report in March. • The cost to the Council of IIP accreditation was £5k per annum for 3 years. 	
32	<p><u>COMPUTER ACCESS FOR EMPLOYEES</u></p> <p>Trade Unions had received complaints from union members that they were unable to access a computer, particularly employees at OSD, and they were unable to work to the ICT policy as it states that they must access their email at least once a week.</p> <p>Michael Rich responded that the intranet had been designed so it could be accessed through personal devices but there was a responsibility on managers to</p>	<p>MICHAEL RICH</p>

	<p>allow employees the time to access the council systems during working hours. He also added that the weekly email check requirement in the ICT policy would be reviewed.</p> <p>Sandy Gillham-Hardy added that once the training had been completed at OSD, the COINs room, which contained 6 computers, would be made available for all employees.</p>	HR
33	<p><u>LONE WORKING</u></p> <p>Trade Unions expressed concerns that there had been no progress since March, 2017 on lone working arrangements and arrangements differed over service areas. They added that it was dependent on progress made on item 9, Staff Caution List/PVP List.</p>	
34	<p><u>STAFF CAUTION LIST/PVP LIST</u></p> <p>Trade Unions advised that the issues with the Staff Caution List/PVP List had not yet been resolved.</p> <p>Michael Rich noted that the period of time on the lock out feature had been extended however there was a need for a more joined up system but this was reliant on ICT investment.</p> <p>Trade Unions advised that, in the short term, the list needed to be properly managed with a regular review of the contents.</p> <p>Concerns were raised by all parties that this issue should have been resolved by the Council Health and Safety Committee; Cllr Gilby would arrange a meeting with the Cabinet Members with responsibility for employees and health and safety to discuss the concerns.</p>	CLLR GILBY
35	<p><u>NOTIFICATIONS FROM THE SHE SYSTEM</u></p>	

	<p>Trade Unions advised that notifications from the SHE system were still not being received by Health and Safety reps and managers.</p> <p>Managers also needed to be reminded and encouraged to contact trade union reps directly when an incident occurs.</p>	
36	<p><u>VOLUNTARY OVERTIME</u></p> <p>Trade Unions asked if there had been a corporate view on the new legislation relating to voluntary overtime. Michael Rich advised that HR were analysing the recent case law and would come back to a future meeting with a proposal.</p> <p>Trade Unions also had concerns that employees on annualised hour contracts were consistently working overtime as services were not fully staffed. Huw Bowen advised that work was being done to reduce overtime, particularly at the venues.</p>	HR
37	<p><u>FEEDBACK FROM JCCS</u></p> <p>Trade Unions advised that they had received invites to JCCs for all service areas except for leisure; the interim leisure service manager would be asked to set these up.</p>	MICHAEL RICH/ LEISURE SERVICE MANAGER
38	<p><u>ANY OTHER BUSINESS</u></p> <p>The next meeting will take place on 10th January 2018 at 4pm.</p>	

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