



Bassetlaw
DISTRICT COUNCIL
— North Nottinghamshire —

JOINT EMPLOYEE COUNCIL

AGENDA

Meeting to be held in the
Ceres Suite,
Worksop Town Hall, S80 2AH
on Wednesday, 12th October 2016
at 3.00pm

(Please note time and venue)

**Please turn mobile telephones to silent during meetings.
In case of emergency, Members/officers can be contacted
on the Council's mobile telephone: 07702 670209.**

In accordance with Regulation 4(6) of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012, audio/visual recording and photography at Council meetings is permitted in accordance with the Council's protocol 'Filming of Public Meetings'.

JOINT EMPLOYEE COUNCIL

Membership 2016/17

Councillors C. Entwistle, J. Evans, M. T. Gray, S. A. Greaves and D. Pidwell

Substitute Members: In the event of any member of either side being unable to attend any meeting, another representative may be appointed to attend in his/her place, provided that the substitute is drawn from the same area of representation as the member unable to attend

Quorum: 2 Members

Lead Officer for this Meeting

Karen Childs - Ext. 4123

Administrator for this Meeting

Cara Crossland - Ext. 3254

JOINT EMPLOYEE COUNCIL

Wednesday, 12th October 2016

AGENDA

1. APOLOGIES FOR ABSENCE
2. DECLARATIONS OF INTEREST BY MEMBERS AND OFFICERS * (pages 5 – 6)
(Members' and Officers' attention is drawn to the attached notes and form)
 - (a) Members
 - (b) Officers
3. MINUTES OF MEETING HELD ON 13TH JULY 2016 * (pages 7 - 10)
4. MINUTES FOR ACTION * (pages 11)
5. OUTSTANDING MINUTES LIST * (page 13)

SECTION A – ITEMS FOR DISCUSSION IN PUBLIC

Key Decisions

None

Other Decisions

6. REPORT(S) OF THE EMPLOYER'S REPRESENTATIVES *
 - (a) Maternity Leave Policy – Amendment (pages 15 - 24)
 - (b) Redeployment Policy - Update (pages 25 - 32)

Exempt Information Items

The press and public are likely to be excluded from the meeting during the consideration of the following items in accordance with Section 100A(4) of the Local Government Act 1972.

SECTION B - ITEMS FOR DISCUSSION IN PRIVATE

Key Decisions

None

Other Decisions

7. REPORT(S) OF THE EMPLOYER'S REPRESENTATIVES *
 - (a) Pay and Grading Review (pages 33 - 36)
 - (b) Review of Agency Workers (pages 37 - 40)
8. ANY OTHER BUSINESS WHICH THE CHAIRMAN CONSIDERS TO BE URGENT

- * Report attached
- + Verbal report

NOTES:

1. The papers enclosed with this Agenda are available in large print if required.
 2. Copies can be requested by contacting us on 01909 533249 or by email:
cara.crossland@bassetlaw.gov.uk
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DECLARATION OF INTEREST

COMMITTEE

DATE

NAME OF MEMBER :

Type of Interest

- 1. **Disclosable Pecuniary**
- 2. **Non Pecuniary**

Agenda Item No.	REASON *	Type of Interest (1 or 2)
Signed		
Dated		

Note:

* When declaring an interest you must also state the nature of your interest.

Completion of this form is to aid the accurate recording of your interest in the Minutes. The signed form should be provided to the Minuting Clerk at the end of the meeting.

A nil return is not required.

It is still your responsibility to disclose any interests which you may have at the commencement of the meeting and at the commencement of the appropriate Agenda item.

DECLARATION OF INTERESTS

HOW TO USE THIS FORM

There are now only two types of Declaration of Interest:

Disclosable Pecuniary Interests)	Details can be found in the Councillors Code of Conduct which is contained in the Council's Constitution (a summary is printed below)
)	
)	
Non Pecuniary Interests)	

Upon receipt of the attached form you will need to enter the name and date of the Committee and your own name. By looking at the Agenda you will no doubt know immediately which Agenda Items will require you to make a Declaration of Interest.

Fill in the Agenda Item number in the first column of the form.

Enter the subject matter and any explanations you may wish to add in the second column.

In the third column you will need to enter **either** if you are declaring a disclosable pecuniary interest, **or** a non pecuniary interest.

The form must then be signed and dated. Please remember that if during the actual meeting you realise that you need to declare an interest on an additional Agenda Item number please simply amend the form during the meeting.

The form must be handed into the Committee Administrator at the end of the meeting.

NB. The following is a summary prepared to assist Members in deciding at the actual meetings their position on INTERESTS it is not a substitute for studying the full explanation regarding INTERESTS, which is contained in the Council's Constitution and the Code of Conduct for Councillors, which is legally binding.

Members and Officers are welcome to seek, PREFERABLY WELL IN ADVANCE of a meeting advice from the Council's Monitoring Officer on INTERESTS.

Disclosable Pecuniary Interests

May relate to employment, office, trade, profession or vocation carried on for profit or gain
May relate to sponsorship
May relate to contracts
May relate to interests in land
May relate to licences to occupy land
May relate to corporate tenancies
May relate to securities

Action to be Taken

Must disclose to the meeting
- existence of the interest
- the nature of the interest
- withdraw from the room
- not seek improperly to influence a decision on the matter

Non Pecuniary Interests

May relate to any body of which you are a member or in a position of general control or management and to which you are appointed or nominated by the Council
May relate to any person from whom you have received a gift or hospitality with an estimated value of at least £25
A Member may also have a non pecuniary interest where a decision in relation to that business might reasonably be regarded as affecting wellbeing or the wellbeing of other council tax payers, or ratepayers or inhabitants in the electoral division or ward, as the case may be, affected by the decision.

Action to be Taken

Must disclose to the meeting
- existence of the interest
- the nature of the interest
- not seek improperly to influence a decision on the matter.

(Note – there are special provisions relating to “Sensitive Interests” which may exclude the above provisions in certain circumstances.)

DRAFT

JOINT EMPLOYEE COUNCIL

Minutes of the Meeting held on Wednesday, 13th July 2016 at Worksop Town Hall

Present:

Employer's Representatives:

Councillors J Evans, D Merryweather, D G Pidwell and J White.

Employee Representatives:

K Circuit (Vice-chair in chair), R Parr, P Rodgers and A Smith.

Officers in attendance: K Childs and C Crossland.

(Meeting commenced at 3.05pm.)

(The Chair welcomed all to the meeting and read out the Fire Alarm/Evacuation Procedure. He also enquired as to whether any member of the public wished to film/record the meeting or any part thereof; however, there were no members of public present.)

1. NOMINATIONS FOR THE ELECTION OF CHAIR

RESOLVED that Councillor S Greaves be elected Chair for the ensuing year.

2. NOMINATIONS FOR THE APPOINTMENT OF VICE-CHAIR

RESOLVED that K Circuit be appointed Vice-Chair for the ensuing year.

3. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors C Entwistle, M T Gray and S A Greaves.

4. DECLARATIONS OF INTEREST BY MEMBERS AND OFFICERS

(a) Members

There were no declarations by Members.

(b) Officers

There were no declarations of interest by officers.

5. MINUTES OF MEETING HELD ON 10TH MARCH 2016

It was noted that there has been no progress on the provision of cycle storage. The issue has been raised at the accommodation review meeting. The feedback from the meeting was that bicycle storage was not part of the remit and therefore would not be considered at this stage but would be looked at after the review.

Members were disappointed with the lack of progress. Employee Representatives raised issues of potential cycle vandalism and that internal storage is required. It was noted that

cycles had previously been stored in a corridor behind the post room; however the storage rack has now been removed.

In relation to security at Queen's Buildings Members were advised that there have been acts of petty vandalism but no significant incidents. Implications of the previous vandalism and the impacts was discussed, together with remedial action being taken to assist both management and employees. It was suggested that checks of toilet facilities should be carried out throughout the day; however it was noted that much of the vandalism is not apparent until its effects occur.

RESOLVED that:

1. The Minutes of the meeting held on 10th March 2016 be approved.
2. Councillor J Evans discuss the issue of cycle provision with the Property Manager.

6. MINUTES FOR ACTION

RESOLVED that the Minutes for Action be received.

7. OUTSTANDING MINUTES LIST

RESOLVED that the Outstanding Minutes List be received.

SECTION A – ITEMS FOR DISCUSSION IN PUBLIC

Key Decisions

None.

Other Decisions

None.

SECTION B – ITEMS FOR DISCUSSION IN PRIVATE

Key Decisions

None.

Other Decisions

8. LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985

RESOLVED that, in accordance with Part 1 of Schedule 12A of the Local Government Act 1972, and after considering the public interest test as set out by the officer in the body of the report, Members agreed that the following items of business involved the likely disclosure of exempt information as defined in Paragraph 4, and therefore, in accordance with Section 100A of the Act, the press and public be excluded from the meeting:

Agenda Item No.8(a) – Pay and Grading Review – Paragraph 4

Agenda Item No.8(b) – Annual Leave – Paragraph 4

Agenda Item No.8(c) – Review of Agency Workers – Paragraph 4

SECTION B – ITEMS FOR DISCUSSION IN PRIVATE

Key Decisions

None.

Other Decisions

9. REPORT(S) OF THE EMPLOYER'S REPRESENTATIVES

(a) Pay and Grading Review

Members were updated on progress against the timetable for the completion of the Pay and Grading Review.

The HR Service Manager commented on progress to date and future timescales. A list of communications on the project was also listed at Paragraph 3.6 of the report. Further updates will be brought to the Joint Employee Council as the project progresses.

RESOLVED that the update on the Pay and Grading Review be noted.

(b) Annual Leave

Members were presented with a report which identified issues with regard to the proper management of annual leave, and the steps to address it. The HR Service Manager advised Members regarding Working Time Regulations and the Council's Constitution in relation to annual leave.

Members asked questions in relation to:

- The management of annual leave.
- Analysis of trends.
- The Employee Self Service interface.

RESOLVED that the report be noted and steps outlined within the report be endorsed to ensure more proactive management of annual leave, which is designed to ensure that staff receive sufficient breaks from work and that colleagues and service delivery are not adversely affected.

(c) Agency Workers

Members were updated on the use of agency workers and consultants for the period 1st January 2016 to 31st March 2016. The data was appended to the report with a years' worth of data for comparison. Additional information was verbally reported and the HR Service Manager informed members of the JEC that discussions were taking place with the trade unions to review the content of the report given the improvements in treatment of agency workers through the introduction of legislation nationally, the application of the discretionary Living Wage by the Council, and the significant reductions in the use of agency workers since reports were first deemed appropriate to bring to the JEC. In the meantime, the report will continue in its current format

The data and particular incidences were discussed by Employee Representatives and elected Members.

Members and Employee Representatives commented on the reduction in the number of agency workers and that the work done should be commended. Members felt that it was important to continue receiving the report in some form to monitor the use of agency workers.

RESOLVED that:

1. The report on the use of agency workers and consultants be noted.
2. In order to seek to reduce the incidence of agency workers, managers be required to complete the quarterly monitoring form and data be reported to the Joint Employee Council.

10. ANY OTHER BUSINESS WHICH THE CHAIR CONSIDERS TO BE URGENT

(a) Bassetlaw District Council and A1 Housing Shared Services

Members were given an update on the shared services programme with A1 Housing. A timetable has been developed and staff will be kept fully informed as to the process and progress of the programme.

RESOLVED that the update on Bassetlaw District Council and A1 Housing Shared Services be noted.

As there was no other urgent business to discuss, the Chair thanked everyone for their attendance and closed the meeting.

(Meeting closed at 4.10pm.)

MINUTES FOR ACTION AND IMPLEMENTATION SHEET

JOINT EMPLOYEE COUNCIL

13/07/16

FROM: Senior Democratic Services Officer TO: HRSM = HR Service Manager
(for forwarding to Unit Managers)

The following decisions are brought to your attention for action by the appropriate officers within your Service:

5. MINUTES OF MEETING HELD ON 10TH MARCH 2016

RESOLVED that:

1. The Minutes of the meeting held on 10th March 2016 be approved.
 2. Councillor J Evans discuss the issue of cycle provision with the Property Manager.
-

9. REPORT(S) OF THE EMPLOYER'S REPRESENTATIVES

(a) Pay and Grading Review

RESOLVED that the update on the Pay and Grading Review be noted.

(b) Annual Leave

RESOLVED that the report be noted and steps outlined within the report be endorsed to ensure more proactive management of annual leave, which is designed to ensure that staff receive sufficient breaks from work and that colleagues and service delivery are not adversely affected.

(c) Agency Workers

RESOLVED that:

1. The report on the use of agency workers and consultants be noted.
 2. In order to seek to reduce the incidence of agency workers, managers be required to complete the quarterly monitoring form and data be reported to the Joint Employee Council.
-

10. ANY OTHER BUSINESS WHICH THE CHAIR CONSIDERS TO BE URGENT

(a) Bassetlaw District Council and A1 Housing Shared Services

RESOLVED that the update on Bassetlaw District Council and A1 Housing Shared Services be noted.

JOINT EMPLOYEE COUNCIL

12th October 2016

OUTSTANDING MINUTES LIST

Members please note that the updated positions are shown in bold type following each item.
(HRSM= HR Service Manager)

<u>Min. No.</u>	<u>Date</u>	<u>Subject</u>	<u>Decision</u>	<u>Officer Responsible</u>
9(c)	13.07.16	Agency Workers	(2)In order to seek to reduce the incidence of agency workers, managers be required to complete the quarterly monitoring form and data be reported to the Joint Employee Council.	HRSM

See Agenda Item No. 7(b)

BASSETLAW DISTRICT COUNCIL

JOINT EMPLOYEE COUNCIL

12 October 2016

REPORT OF HUMAN RESOURCES AND ORGANISATIONAL DEVELOPMENT

Maternity Leave Policy - Amendment

Cabinet: Policy
Contact: Sheryl French
Ext: 3871

1. Public Interest Test

1.1 The author of this report has determined that this report is not confidential.

2. Purpose of the Report

2.1 To inform the Joint Employee Council of a proposed amendment to the Council's Maternity Leave Policy document. The amendment is aimed at improving clarity in regard to existing criteria to be met for entitlement to Occupational Maternity Pay.

3. Background and Discussion

3.1 The Council has in place a Maternity Leave Policy which sets out the Council's pay, provisions and arrangements in regard to pregnant employees, their maternity leave and pay and returning to work. This document was originally introduced in 2003 and has subsequently been amended notably in 2007 and 2014, in consultation with the trade unions, in response to and to specifically incorporate related statutory updates and amendments.

3.2 In addition to statutory and best practice requirements relating to pregnancy, maternity leave and pay, there are key specific related (Part 2, Maternity Scheme) provisions within the National Joint Council for Local Government Services (NJC LGS) National Agreement on Pay and Conditions of Service which are incorporated.

3.3 In regard to the existing incorporation of the above NJC LGS Part 2 provisions it has been identified that the Maternity Policy document should usefully be amended to improve clarity in regard to the existing minimum 1 year length of continuous local government service criteria (arising under NJC LGS Part 2, Maternity Scheme para 11.5 b), which needs to be met to enable the additional 12 weeks 'Occupational Maternity Pay'. Although reference is made in the existing document regarding the need to 'meet any qualifying conditions such as length of service' the actual (1 year) length of service required to trigger the additional 'Occupational Maternity Pay' has not, to date, been explicit within this document.

Proposed change made to the document

- 3.4 Following consultation and agreement with the trade unions the opening paragraph under 'Occupational Maternity Pay' has now been amended to explicitly incorporate the 1 year length of continuous local government service requirement, (see Pg. 3 of amended document, at Appendix 1). Following approval the document will be transferred into the current approved corporate format and style.

4. Implications

- a) Financial – Ref: 17/435

There are no financial implications to the proposal within this report.

- b) Legal – Ref: 628/10/16

There are no legal implications in regard to the proposal within this report.

- c) Human Resources

The amendments proposed are to improve clarity of information for affected employees in regard to existing policy requirements. There are no further Human Resource implementations.

- d) Community Safety, Equalities, Environmental.

The policy complies with related equality in employment requirements and is to be applied fairly and consistently across the workforce.

5. Options, Risks and Reasons for Recommendations

- 5.1 The update to this document is considered important, to improve clarity and avoid potential misunderstanding in regard to maternity pay entitlements for staff with less than 1 year continuous service.

6. Conclusions

- 6.1 The proposed amendment will support the Council in ensuring affected staff are clear on key existing maternity pay entitlements.

7. Recommendations

- 7.1 It is recommended that Joint Employee Council note the amendment made to the current Maternity Policy, as summarised within this report, subject and prior to Cabinet approval.

Background Papers

NJC for LGS National Agreement on Pay and Conditions of Service

Location

Human Resources

Maternity Leave

Purpose and Scope of the Procedure

The purpose of this policy is to outline the employment rights of expectant mothers including maternity leave, maternity pay, returning to work, and varying contracts of employment.

These guidelines have been amended following changes to legislation, to reflect current maternity leave and pay entitlements and responsibilities as they apply both to employers and to pregnant employees and employees who are new mothers whose baby is due on or after 5 April 2015. The update incorporates the new linked potential option to curtail maternity leave and opt for Statutory Shared Parental Leave.

Key Principles

Women who are pregnant are protected from suffering unfair treatment at work or dismissal on grounds related to their pregnancy. Employees who believe they have been treated unfairly can complain to an Employment Tribunal.

Employers are required by law to protect the health and safety of employees who are pregnant, have recently given birth or who are breastfeeding.

This policy applies to all pregnant employees of Bassetlaw District Council regardless of the number of hours worked providing they meet any qualifying conditions such as length of service.

Time off for Antenatal Appointments

Pregnant employees have a right to paid time off to attend appointments for antenatal care. In addition the father (or eligible partner) will be allowed unpaid time off to attend up to 2 such appointments. Evidence of the appointment(s) and/or eligibility may be checked by the line manager.

Maternity Guidelines

Maternity Leave: Employees Obligations

In order to take advantage of maternity leave, an employee should inform her Line Manager and Human Resource Service in writing, no later than the end of the 15th week before the week the baby is due (or as soon as is reasonably practicable):

- ✚ That she is pregnant;

- ✚ When the expected week of childbirth (this will normally be on the Maternity Certificate Form Mat.B1 issued by the doctor or midwife) is;
- ✚ The date of the beginning of her maternity leave (must be no earlier than the beginning of the 11th week before the expected week of childbirth)

If the child is born before maternity leave has begun, the day of the childbirth will be classed as the first day of maternity leave.

The earliest date maternity leave can commence is the 11th week before the baby is due.

An employee should contact their Line Manager if they are sick for a reason related to pregnancy during the four weeks before the expected week of childbirth. The Line Manager should then contact the HR Service with this information. If the illness is related to pregnancy, maternity leave will automatically begin on the day following the first day of absence for pregnancy related illness. If the illness is not connected with pregnancy, maternity leave will not start early and the employee should return to work at the end of the period of absence.

Maternity Leave: Entitlement

ALL employees are entitled to **52 weeks** maternity leave made up as follows:-

- ✚ 26 weeks ordinary maternity leave (OML) and;
- ✚ 26 weeks additional maternity leave (AML)

Any period of additional maternity leave will commence at the end of ordinary maternity leave.

Employees are required by law to take two weeks maternity leave commencing from the day of childbirth.

If the child is born early or stillborn after 24 weeks of pregnancy an employee

- ✚ Is entitled to maternity leave and pay
- ✚ Does not have to notify her employer of her intended maternity leave date (the maternity leave period begins automatically on the date of the birth)
- ✚ Is required to notify her employers that she has given birth as soon as she is reasonably practicable

Within 28 days of receipt of the initial notification the employer will write to the employee stating the expected date of return to work, should the employee take their full entitlement to maternity leave.

Maternity Pay

Women are entitled to either:

Statutory Maternity Pay (SMP) (if an employee has more than 26 weeks' continuous service they will be entitled to:

- ✚ SMP payable for 39 weeks i.e.:
- ✚ first **6** weeks: 9/10's of average weekly earnings with no upper limit
- ✚ Next **33** weeks: lower rate of SMP (at £139.58 per week or 90% of average weekly earnings if this is less than £139.58 per week).
- ✚ SMP is often referred to as a two tiered scheme with two rates known as 'the lower rate' and 'the higher rate'
- ✚ The average weekly earnings must not be less than the lower earnings limit for the payment of national insurance contributions.

In order to claim SMP an employee must provide medical evidence of the date the baby is due, this will normally be a MatB1 certificate provided by a midwife or GP.

Or

Maternity Allowance

If an employee does not qualify for SMP and earns an average of £30 a week or more averaged over a 13 week period they will be entitled to:

- ✚ Maternity allowance from the Benefits Agency (only if you have paid enough NI Contributions) worth £139.58 a week for 39 weeks (or 90% of their earnings for 39 weeks if this is less than £139.58 a week). The Salaries and Wages Unit will send the employee a Form SMP.1, which they need to send to the DSS with their Mat.B1 to apply for Maternity Allowance

Occupational Maternity Pay

Occupational Maternity Pay (OMP) is an additional payment which applies to employees who have completed a minimum of 1 year's continuous local government service at the 11th week before the Expected Week of Confinement (EWC) and who declare in writing that they are intending to return to work following maternity leave. Any OMP payments made by the Authority during maternity leave are made on the understanding that the employee will return to Local Authority employment for a period of at least 3 months.

In addition to SMP, employees will receive 12 weeks at half pay, this payment commences from the 7th week.

This is under the requirement that earnings including SMP during the additional pay period are restricted to full pay, i.e.:

- ✚ If an employee earns £139.58 per week, the basic rate of SMP will be £125.62 (ie restricted to 90% of earnings of employees earning £139.58 or less) and the additional pay for this employee will be £13.96 per week for 12 weeks, i.e. £167.52 in total.

Further information can be obtained from www.direct.gov.uk in the Benefits and Financial Support Section.

Returning to Work

Within 28 days of receipt of the initial notification the employer will write to the employee stating the expected date of return to work, should the employee take their full entitlement to maternity leave and the employee is expected to return to work when she has taken her full maternity leave entitlement.

There is no requirement for the employee to notify the date of their return to work unless they wish to return earlier (this is the ordinary and additional added together, i.e 52 weeks), in which case the employee must give 8 weeks' notice of their intended date of return.

If an employee attempts to return to work earlier than the end of their OML or AML without giving 8 weeks' notice, the employer may postpone the return until the full 8 weeks' notice has been given. However, the employer may not postpone a return to a date later than the end of the maternity leave period.

This also applies if the employee only wishes to take the 39 weeks OML.

If an employee is unable to return on the expected day due to sickness the absence will be covered by the sickness scheme in the normal way and normal absence reporting procedures.

If an employee decides not to return to work after her maternity leave she must give her Line Manager the notice of termination required by her contract of employment.

If an employee decides to resign once they have returned to work they are required to give their contractual notice. If they have received OMP and have not returned to work for at least 3 months, then they will be required to repay this amount.

Contractual Benefits

Employment remains continuous throughout any period of maternity leave all normal terms and conditions of employment, except for remuneration (monetary wages or salary) are retained.

An employee on OML is guaranteed the right to return to the same job. The employer must keep the employee notified of any changes in the service whilst on maternity

leave. If there is a restructuring or the post is made redundant the employee will be offered a suitable alternative vacancy where one exists

An employee on AML is entitled to return to the same job unless this is not reasonably practicable in which case she is entitled to be offered suitable alternative work on terms and conditions no less favourable than those of her original job.

Contact during Maternity Leave

During the maternity leave period, a Line Manager may make reasonable contact with an employee, and in the same way an employee may make contact with her Line Manager. The frequency and nature of the contact will depend on a number of factors, such as the nature of the work and the employee's post, any agreement that the Line Manager and employee might have reached before maternity leave began as to contact, and whether either party needs to communicate important information to the other (such as news of changes at the workplace that might affect the employee on her return).

The contact between Line Manager and employee can be made in any way that best suits either or both of you. For example, it could be by telephone, by email, by letter, involving the employee making a visit to the workplace, or in other ways.

Line Managers should keep the employee informed of promotion opportunities and other information relating to her job that she would normally be made aware of if she was working.

Arrangements for staying in touch should be discussed before maternity leave starts. This might include agreements on the way in which contact will happen, how often, and who will initiate the contact. It might also cover the reasons for making contact and the types of things that could be discussed.

Work During the Maternity Leave Period - "Keeping in Touch Days"

You may, by agreement with your Line Manager, do up to ten days' work – known as "Keeping in Touch Days" – under your contract of employment during the maternity leave period.

The type of work that you undertake on Keeping in Touch days is a matter for agreement between the employee and the Line Manager. They may be used for any activity which would ordinarily be classed as work under the woman's contract, for which she would be paid, but could be particularly useful in enabling a woman to attend a conference, undertake a training activity or attend for a team meeting for example.

Any work done on any day during the maternity pay or maternity leave period, even if this is a one-hour training session, will be recorded as having used one of the Keeping in Touch Days. The days may be undertaken at any stage during the maternity leave period, by agreement with your Line Manager, with the following exception:

-  During the first two weeks after the baby is born

If a Keeping in Touch day is used, the employee will receive their normal payment for that day, but reduced by the value of a current day's worth of SMP.

Keeping In Touch days need to be recorded and the Time Management System should be used to record these.

Requests to Vary Working Hours or Arrangements

Job Share

Job Sharing is an arrangement where two people voluntarily share the duties and responsibilities of one post. Remuneration and other benefits are shared between the job sharers in proportion to the hours each has worked.

Interested employees should notify their Head of Service in writing of their request to Job Share, no less than 3 months prior to their return to work date.

Within 15 working days of receipt the Head of Service will consider the request and discuss it with the employee, their Line Manager and their Human Resource Advisor.

The Head of Service will then reply in writing to the employee stating whether the post is suitable for a job share or not.

The existing employee will continue to work full-time (if practicable) until a suitable Job Sharing partner is appointed.

(See the Council's '*Job Share Scheme*' for further details.)

Flexible Working

Employees who are responsible for a child under 6, or a disabled child under 18 have the right to request a flexible working pattern and places a duty on managers to consider such a request. Any agreed change to the working pattern is a permanent change.

(See the Council's '*Flexible Working Guidelines*' for further details.)

Voluntary Reduced Work Time

Any requests for a temporary reduction in working hours should be made to Unit Manager or Head of Service.

Other Terms and Conditions

The following sections outline what other terms and conditions apply to the employee.

Continuous Service

If an employee returns to Local Government service following a break for maternity reasons, she is still entitled to have previous service taken into account.

Annual Leave

Can still accrue the same annual leave as if they were at work throughout the period of ordinary and extended maternity leave

Is allowed to carry over annual leave from one leave year to the next

Can stop work at the beginning of the 11th week before the EWC, for example, if the employee has 2 weeks annual leave outstanding, they could take the first 2 weeks at home as annual leave and then your maternity leave would start

Are allowed to extend their maternity leave by using accrued annual leave

If an employee returns to work on a job share/part time basis, their leave entitlement will be calculated on a full time basis up to when the job share post starts and calculated on a pro rata basis thereafter

Pension

An employee can continue to pay contributions whilst on maternity leave to avoid a break in pensionable service

If maternity leave exceeds the paid maternity leave period, employees may opt to pay the contributions on their return to work either as a lump sum or through instalments

Trade Union Subscriptions

Subscriptions will continue to be deducted whilst an employee is receiving payment

Breastfeeding

Facilities will be provided for pregnant or breastfeeding workers to rest, breastfeed, and store breast milk. These should be conveniently situated in relation to sanitary and private facilities and, where necessary, include the facility to lie down

All breastfeeding women shall be afforded nursing breaks paid at full pay. Wherever practicable, a total period of at least one and a half hours during a full day should be available for the purposes of breastfeeding

Health and Safety

If it is assessed that any of the duties an employee is undertaking may put the baby's or their health at risk, arrangements will be made to remove the risk, or, if this is not possible, the employee's duties may be reorganised or they may be relocated for a temporary period, however, your conditions of service will be protected during this period. A risk assessment will be carried out by your Unit Manager and submitted to the Health and Safety Unit for approval.

Maternity Leave and Shared Parental Leave

Employees who have a baby due on or after 5 April 2015 should also refer to the Council's '*Shared Parental Leave Guide*'. This sets out the new statutory entitlement and provisions, whereby eligible parents may opt, should they so wish, to reduce, or curtail their Maternity Leave in favour of taking Shared Parental Leave.

If you require any further details or advice on these guidelines, please do not hesitate to contact your Human Resource Business Partner.

BASSETLAW DISTRICT COUNCIL

JOINT EMPLOYEE COUNCIL

12 October 2016

REPORT OF HUMAN RESOURCES AND ORGANISATIONAL DEVELOPMENT

Redeployment Policy - Update

Cabinet: Policy
Contact: Sheryl French
Ext: 3871

1. Public Interest Test

1.1 The author of this report has determined that this report is not confidential.

2. Purpose of the Report

2.1 To inform the Joint Employee Council of proposed updates to the Council's Redeployment Policy. The amendments proposed are predominantly additions in regard to the redeployment job matching process, aimed at improving transparency, clarity and reflecting practice which has been successfully trialled during recent corporate wide service reviews.

3. Background and Discussion

3.1 The Council has in place a Redeployment Policy which sets out the Council's Redeployment policy, provisions and arrangements in regard to employees who, due to reasons of organisational change or capability, need to be sought reasonable alternative employment. The most recent version of this policy was approved by Cabinet in 2008.

3.2 Redeployment job matching within this document is currently covered briefly, with reference to guidelines on the actual matching process being available from Human Resources. Historically this approach has adequately addressed the small number of cases arising. However, during the 2014/15 Corporate wide organisational service review processes it was identified that a potential increased demand may be placed on the redeployment provisions, in regard specifically to employer-led organisational change, at that point and moving forward. In light of this and bearing in mind the need for a robust, fair and objective matching process and criteria, this was considered in detail. Subsequently more detailed written guidance and matching criteria were developed and, following consultation and agreement with both the trade unions and corporate management team, were successfully trialled in practice, for related needs arising throughout the corporate service review implementation processes during 2014 and 2015. This included update and clarity in terms of practical application and interpretation of aspects of the related pay protection provisions.

Proposed changes made to the document

- 3.3 Following successful trial of the above job matching and pay protection criteria and guidance, and in the interests of transparency, clarity and consistency, it is now proposed to incorporate the key elements of the above into the existing Redeployment Policy and Procedure. The proposed additions and amendments, which have been subject to consultation with the trade unions, are therefore now incorporated into the attached (Appendix 1) amended Redeployment Policy.
- 3.4 In addition minor amendments have been made during this update in regard to current titles of the related documents 'Organisational Change Policy', which is now titled 'Job and Structure Redesign Policy' and the 'Redeployment Form' which is now more aptly titled 'Redeployment Questionnaire'. Additionally following approval the document will be transferred into the current approved corporate format and style.

4. Implications

- a) Financial – Ref: 17/434

There are no financial implications to the proposal within this report.

- b) Legal – Ref: 629/10/16

There are no legal implications in regard to the proposal within this report.

- c) Human Resources

The amendments are to improve transparency and ensure a fair, consistent, reasonable and effective approach to job matching activities in respect of any future needs arising under the Redeployment Procedure.

- d) Community Safety, Equalities, Environmental.

The policy complies with related equality in employment requirements and is to be applied fairly and consistently across the workforce, in respect of any redeployment needs arising.

5. Options, Risks and Reasons for Recommendations

- 5.1 The updates to this document bring it up to date with current practices and are considered to improve clarity and transparency in regard to job matching activities and related pay protection considerations.

6. Conclusions

- 6.1 The proposed amendments will support the Council in ensuring a robust, reasonable and effected approach to redeployment job matching.

7. Recommendations

- 7.1 That the Joint Employee Council note, comment upon, and support the proposed amendments made to the existing Redeployment Policy (at Appendix 1), as summarised within this report, subject and prior to Cabinet approval.

Background Papers

Existing Redeployment Policy (version 2) - 2008

Location

BDC Intranet and/or Human Resources

Redeployment Policy

Purpose

The redeployment process aims to secure reasonable alternative employment within Bassetlaw District Council, for employees who are displaced due to organisational change and capability issues. The redeployment process can be invoked via the Job and Structure Redesign Policy, the Capability Policy and the Managing Attendance Policy in situations where:

- ✚ Due to organisational change it has become necessary for economic or other reasons to reduce the staffing complement in certain business areas, or;
- ✚ An employee is unable to continue in their current role due to medical capability, or;
- ✚ An employee is unable to carry out their current role to the required standard of performance, and is therefore being managed through the Capability Procedure

Principles

- ✚ Fair, transparent and consistent processes will be adopted to facilitate effective redeployment
- ✚ All affected employees will be treated in a fair and consistent manner, with sensitivity to their individual circumstances
- ✚ Termination of employment will only be implemented once all other Council processes have been exhausted
- ✚ All employees will have the right to be supported, at all stages, by a trade union representative or an employee of their choice, except when attending selection interviews and other stages of selection processes

Process

Redeployment Register

Once it is apparent that redeployment is appropriate, the names of employees falling into the categories detailed above will be entered onto the Redeployment Register held within the Human Resources Service.

The employee will be asked to meet with a member of Human Resources within one week of being entered onto the Redeployment Register to complete a Redeployment Questionnaire, which will identify and record the employee's:

- ✚ Skills
- ✚ Experience

- ✚ Qualifications
- ✚ Knowledge
- ✚ Current job title, grade, location etc.
- ✚ Preferences in respect of redeployment
- ✚ Any special factors, which may need to be taken into consideration

Throughout the redeployment process the employee will be entitled to representation by a trade union representative or an employee of their choice.

Redeployment Matching

Following their redeployment meeting, employees on the Redeployment Register will be matched against all BDC vacancies to ascertain whether there is a reasonable match between the employee and the vacancy, and the potential for redeployment. In general terms, an employee's suitability for a vacancy will be assessed by considering the degree of overlap between the vacancy job description and person specification, against the skills, experience, qualifications and knowledge of the employee. Normally it will not be appropriate to match an individual with a vacancy that is graded higher than their existing post, nor to a post that is graded significantly lower than the post previously held.

In order to provide consistency in the application of this matching policy, whilst incorporating flexibility to ensure as many affected staff as possible can be successfully redeployed, the following principles will be applied:

- ✚ Vacancies which at grade maximum are the same as, or no less than 80% of the employee's current grade maximum (in salary terms) will be deemed a **grade match** and the employee's knowledge, qualifications, experience, skills and abilities will be compared with the essential criteria for each vacancy to determine whether they should be given priority consideration for the vacancy ahead of other staff;
- ✚ Vacancies which at grade maximum are higher than the employee's current grade maximum will not normally be considered a grade match. However, where deemed appropriate, consideration will be given to relaxing this policy principle, taking into account the relevant circumstances and particularly with reference to whether:
 - The grade of the vacant post and the employee's post overlap;
 - There is minimal difference between the two grades at maximum;
 - The suitability of the employee for the role in terms of skills, abilities, knowledge and qualifications;
 - The likelihood of other employees being as suitable or more suitable for the role;
 - The likelihood of other vacancies arising which may be a match for the employee at risk

- ✚ Vacancies which at grade maximum are (in salary terms) less than 80% of the employee's current grade maximum will not be deemed an appropriate match for priority consideration, unless the employee wishes to be considered knowing that salary protection will not apply
- ✚ In all cases in determining a match, employees' knowledge, qualifications, experience, skills and abilities will be compared with the essential criteria for each vacancy, and one of the following will apply:

Extent to which employee's knowledge, skills etc. meet the person specification:	Vacancy matched in grade terms:	Vacancy grade higher than employee grade and not matched:	Vacancy at grade maximum less than 80% of current grade maximum:
Person Specification fully met	Employee matched and invited for interview under priority consideration ¹	Employee not matched but encouraged to apply along with other internal candidates ²	Employee not matched but offered opportunity for priority consideration on the understanding that salary will not be protected ¹ (assuming no other employees are matched)
Person Specification significantly met	Employee invited to submit application for post which specifically addresses person specification. Assessment then made of whether sufficient aspects of person specification are met to warrant priority consideration and interview ¹	Employee not matched but advised to apply along with other internal candidates ²	Employee not matched but notified of vacancy so that if they wish to apply they can do so ²
Significant aspects of Person Specification clearly not met	Employee not matched but notified of vacancy so that if they wish to apply they can do so ²	Employee not matched but notified of vacancy so that if they wish to apply they can do so ²	Employee not matched but notified of vacancy so that if they wish to apply they can do so ²
SALARY PROTECTION	Eligible for consideration	Not relevant	Not applied

Table Footnotes:

- 1 Alongside other staff who are identified for priority consideration. This may include staff for whom jobs have been ring-fenced, who without that ring-fencing would also be at risk.
- 2 At the point the vacancy is advertised (i.e. after any priority consideration for other staff who are at risk or would be without ring-fencing).

Following redeployment matching a member of Human Resources should update and keep the employee reasonably informed of redeployment matching activity; meeting with the employee as and where appropriate and timely in regard to matching outcomes.

Redeployment Outcome

Once a suitable redeployment opportunity has been identified for an employee, through the Redeployment Matching process, the employee will be offered the job subject to a trial period of up to three months. During the trial period monthly formal review meetings will take place involving the employee and their line manager. A member of the Human Resources Service will be available as necessary for advice and guidance.

Written records of the review meetings will be kept to assist in confirming the employee's suitability or otherwise for the post. The purpose of the review meetings is to assess the employee's performance in the post, identify any further measures of support for the employee, and to provide a means of early identification and solutions of any problem which might occur.

The Head of Service or his designated Principal Officer can confirm the employee permanent in the post at any time during the three-month trial period, providing the employee's performance has been formally assessed as satisfactory in the role and the employee feels the post is a suitable alternative.

A Redeployment Review form (available from HR) should be completed during each of the monthly review meetings, and kept on the employee's personal file.

If, during the trial period, either party considers the appointment to be unsuitable, further attempts will be made to redeploy the employee during the 6 months period.

Protection of Earnings

When an employee is redeployed into a post which attracts a lower salary than that of their substantive post, the Council will consider offering salary protection where the grade of the redeployment post is 80% or more of the employee's post at grade maximum. The aim of this approach is to minimise impact to the individual whilst balancing the need to ensure the Council does not incur substantial additional costs in ensuring an individual's continuing employment. Consideration of salary protection will, however, be conditional upon employees showing a flexible attitude towards redeployment, demonstrating that they are prepared, as appropriate, to find alternative work either within or outside the Council.

In considering salary protection, in addition to the difference between the two grades, account will also be taken of the reason for the redeployment and the circumstances of the case.

Where an employee accepts a redeployment with pay protection that offers *more* or *fewer* hours than their existing substantive post the following principles will be applied:

- ↓ Where an employee accepts a post with *fewer* hours they would be paid the actual hours for the post at their protected salary
- ↓ Where an employee accepts a post with *more* hours, but on a lower grade, they would have their salary protected *only* for the hours worked in their current post (i.e. any additional hours worked will be paid at the actual grade for the new post.)

Where any salary protection is awarded, this will be on the following basis (subject to review as part of the wider Pay and Grading Review):

- 1) 18 months full protection of pay of the substantive post prior to redeployment (including any trial period in the new post). This will be based upon the employee's spinal column point at the date pay protection is applied.
- 2) At the end of the 18 months full protection, a further 18 months protection at 50% of the difference between the protected rate of pay and the pay at the top of the grade of the substantive post.
- 3) No salary increments will be awarded during the protection period unless the salary for the job in which the employee is redeployed becomes equal to, or exceeds the protected rate of the employee. At that point, the pay protection arrangements will cease.
- 4) In determining the correct level of pay of both posts for protection purposes it should be noted that salary protection is only applied to basic pay and not any additional contractual entitlements which are discontinued in the new post. The employee will be deemed to have accepted a new contract which does not contain these contractual provisions..
- 5) Protection will not apply to any other terms and conditions of employment.

Once the protection of earnings time period has been exhausted, the employee will receive the substantive salary for the job.

Duration of the Redeployment Process

All employees covered by this policy are entitled to a maximum period of 26 weeks on the redeployment register, which will start at the point when the employee is informed that they are 'at risk' by reason of potential redundancy or incapability.

If the circumstances require a referral to Overview and Scrutiny following a Cabinet meeting on staffing proposals, the employee will not be deemed 'at risk' until this has transpired.

In all circumstances, the period on the redeployment register is to run concurrently with any consultation process (in relation to organisational changes) and in all cases includes the notice period of termination of employment (as redeployment can equally be sought when an employee is on notice).

If no reasonable alternative employment is secured, for an employee, their employment may be terminated. Termination may be on the grounds of compulsory redundancy (in the case of a surplus employee), capability or some other substantial reason. In the event that an employee's employment is terminated by the Council under this Policy, then rights of appeal exist which are fully explained in the applicable Policy.

Should an employee refuse the offer of a reasonable alternative position during the redeployment period, the Council's obligations and the employee's rights under this policy to redeployment and redundancy will be deemed to have expired and accordingly redundancy payments are not payable.

During the redeployment process the employee will be afforded the right to request to leave the Council's service via voluntary severance or early retirement, and each case will be considered on its merits. There will be no automatic right to early retirement.

Paid leave of absence will be granted to employees whose jobs are at risk to facilitate re-training, skills development or to seek employment outside the Council.

Review

This policy will be reviewed within a period of 12 months from date of implementation.