

Staffing Committee

Agenda

Date: Thursday 21st April 2016
Time: 2.00 pm
Venue: Committee Suite 1,2 & 3, Westfields, Middlewich Road,
Sandbach CW11 1HZ

The agenda is divided into 2 parts. Part 1 is taken in the presence of the public and press. Part 2 items will be considered in the absence of the public and press for the reasons indicated on the agenda and at the top of each report.

PART 1 – MATTERS TO BE CONSIDERED WITH THE PUBLIC AND PRESS PRESENT

1. **Apologies for Absence**
2. **Declarations of Interest**

To provide an opportunity for Members and Officers to declare any disclosable pecuniary and non-pecuniary interests in any item on the agenda.

3. **Public Speaking Time/Open Session**

In accordance with Procedure Rules Nos.11 and 35 a total period of 10 minutes is allocated for members of the public to address the Committee on any matter relevant to the work of the body in question.

Individual members of the public may speak for up to 5 minutes but the Chairman will decide how the period of time allocated for public speaking will be apportioned where there are a number of speakers.

Members of the public wishing to ask a question at the meeting should provide at least three clear working days' notice in writing and should include the question with that notice. This will enable an informed answer to be given. It is not required to give notice of the intention to make use of public speaking provision, however, as a matter of courtesy, a period of 24 hours notice is encouraged.

4. **Minutes of Previous meeting** (Pages 1 - 6)

To approve the minutes of the meeting held on 29 February 2016

5. **Health and Safety, HR and Organisational Development** (Pages 7 - 26)

To receive an update on progress with Health and Safety, Human Resource and Organisational Development items

6. **HR Policies and Procedures**

a) **Revisions to Human Resources Policies and Procedures: Pension Discretions Policy (post 1st April 2014), Retirement Policy, Redundancy and Efficiency Policy and Redundancy and Efficiency Procedure** (Pages 27 - 58)

To consider a report seeking approval for proposed minor changes to the current Pensions Discretion Policy, and the associated Retirement Policy, Redundancy and Efficiency Policy and Redundancy and Efficiency procedure.

b) **Exit Payment Overview** (Pages 59 - 68)

To consider a report on the current situation in relation to the Governments proposals on the recovery of public sector exit payments, redundancy capping limits and additional consultation on wider reforms to public sector exit payments

c) **Grievance, Bullying and Harassment Procedure** (Pages 69 - 88)

To consider a report seeking approval for the revised Grievance, Bullying and Harassment Procedure

7. **Settlement Agreements**

For discussion and to be led by Councillor D Marren

CHESHIRE EAST COUNCIL

Minutes of a meeting of the **Staffing Committee**
held on Monday, 29th February, 2016 at Committee Suite 1 & 2, Westfields,
Middlewich Road, Sandbach CW11 1HZ

PRESENT

Councillor B Moran (Chairman)
Councillor G Barton (Vice-Chairman)

Councillors D Brown, P Findlow, L Jeuda, D Marren, D Newton and A Stott

Officers

Sara Barker, Head of Strategic HR
Karen Begley, HR Business Partner
Sally Gold, Barrister
Rachel Graves, Democratic Services Officer

32 APOLOGIES FOR ABSENCE

Apologies were received from Councillors J Jackson and M Jones.

33 DECLARATIONS OF INTEREST

No declarations were made.

34 PUBLIC SPEAKING TIME/OPEN SESSION

No members of the public were present.

35 MINUTES OF PREVIOUS MEETING**RESOLVED:**

That the minutes of the meetings held on 14 January 2016 be confirmed as a correct record.

36 IMPLEMENTING THE RECENT CONSTITUTIONAL CHANGES FOR STAFFING COMMITTEE

The Committee considered a report on the proposals for the implementation of changes made to the Constitution in relation to Staffing Committee.

Changes to the Constitution in October 2015 gave Staffing Committee the responsibility to approve all human resources policies including pay and grading structures (except those that must be approved in law by the Council and the implementation of national terms and conditions which would be undertaken by the Chief Executive/Head of Paid Service),

employees terms and conditions of employment, including changes to these terms and conditions and to approve policies on how the Council exercised its functions under the Local Government Pension Scheme and any other relevant pension scheme.

It was proposed that a delegation be given to the Head of Strategic HR, in consultation with the Chairman of Staffing Committee or Vice-Chairman in their absence to:

- make and approve all HR procedures and guidance (except where a procedural matter directly affects members of Staffing Committee) that are designed to clarify or give effect to approved policy.
- Make and approve minor and consequential amendments to HR policy e.g. to clarify an issue, reinforce a point or take into account knock on effects of other policy changes
- Make and approve legislative changes to HR Policy, reporting all such changes to Staffing Committee.

The exception to these delegations being HR policy and procedure determined as requiring Staffing Committee approval. The Committee agreed a list of HR policies which would come to the Staffing Committee for approval.

The Grievance Procedure was reviewed by the Committee and the following changes were suggested:

Insert new paragraph 44	"If an informal resolution is not appropriate, the Investigating Officer will conduct a full formal investigation. If the Investigating Officer determines, either at the outset or during the investigation, that the investigation is likely to extend the process beyond the 20 working day timescale, this should be immediately communicated by the manager to the employee.
Paragraph 64 (now paragraph 65)	the second sentence be amended to read "They should inform the Executive Director of their service area, in writing setting out the grounds of their appeal and indicate the outcome they are seeking, within 10 days of receiving the grievance decision."
Paragraph 65 (now paragraph 66)	delete "Appendix 4" and insert "Appendix 3"
Paragraph 73 (now paragraph 74)	Amend to read "This procedure will be reviewed in the light of operating experience and/or changes in policy or legislation."

Appendix 2 Section 2	<p>amend Date Employee's Appeal Received to "(within 10 working days of receipt of decision by employee)"</p> <p>amend Date Hearing Notification sent to read "(giving 15 working days' notice)"</p>
Appendix 3 Procedure for Grievance Appeal	<p>First paragraph amend "20 working days" to "30 working days"</p> <p>Third paragraph amend "5 working days" to "15 working days"</p> <p>Insert new fourth paragraph - "Employee must send any supporting documentation to Case Coordinator at least 7 working days before the date of the hearing."</p>
Appeals Hearing Procedure	<p>point 1 – amend second sentence to read "A HR adviser and Legal adviser will also be present."</p> <p>Insert new point 3 – "The Chairman of the Sub-Committee will satisfy himself/herself that both parties are familiar with, and understand, the procedure to be followed at the hearing."</p> <p>point 5 – amend to read "The Chair and members of the Committee and the Management representative may then ask questions of the employee and/or witness."</p> <p>insert new point 6 – "The Appellant or their representative will have the opportunity to re-examine their witness on any matter referred to in the examination by the members of the Sub Committee or the Management representative."</p> <p>Insert new point 7 – "At the conclusion of the Appellant's evidence the Management representative and members of the Sub Committee will have the opportunity to ask questions of the Appellant and their representative."</p> <p>point 5 renumber as point 8</p> <p>point 6 renumber as point 9 and amended to read "The Chair and the appellant or their representative may then ask questions of the management representative and witnesses."</p>

	<p>Insert new point 10 – “At the conclusion of the Management evidence, the Appellant or their representative and members of the Sub Committee will have the opportunity to ask questions of the Management representative.”</p> <p>Insert new point 11 – “The management representative will have the opportunity to re-examine their witnesses on any matter referred to in the examination by the members of the Sub Committee, the Appellant or their representative.”</p> <p>point 7 renumber as point 12</p> <p>point 8 renumber as point 13 and amend to “The Appellant or their representative then sums up.”</p> <p>point 9 renumber as point 14 and insert after HR Advisor “,Legal Advisor”.</p> <p>point 10 renumber as point 15 and amend to read “Both parties will be recalled to hear the decision of the Chair, which will be confirmed in writing within.7 working days”</p>
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The procedure referred to the Violence at Work Policy and details of this policy were requested by the Committee.

RESOLVED: That

- 1 That the following policies be exceptions to Senior Officer delegations and require approval by the Staffing Committee:
 - Access to Personnel Records Policy
 - Agency Workers Policy
 - Attendance Management Policy
 - Capability Policy
 - Code of Conduct for Employees
 - Disciplinary Policy
 - Dismissal Policy
 - Domestic Abuse Policy
 - Employing People with Criminal Records Policy
 - Equality in Employment Policy
 - Flexible and Mobile Working Policy
 - Grievance, Bullying and Harassment Policy
 - Induction Policy
 - Pay and Allowances Policy
 - Pay Protection Policy
 - Pensions Discretions Policy

- Recruitment Policy
 - Redundancy Policy
 - Retirement and Severance Policy
 - Secondment Policy
 - Sickness Scheme and Entitlements Policy
- 2 the Senior Officer delegations, as outlined in Section 5 of the report be approved.
 - 3 the delegated decisions taken by the Head of Strategic HR be reported quarterly to the Staffing Committee to ensure the effective implementation of the Constitution in relation to staffing matters.
 - 4 the suggested changes to the Grievance Procedure be forwarded to the Trade Unions for agreement.

37 ESTABLISHMENT OF NEW STAFFING SUB COMMITTEE OR WORKING GROUP

Consideration was given to the establishment of a new Staffing Sub Committee or working group, whose purpose would be to provide assurance that the wellbeing of Staff and Members of Cheshire East Council was aligned to best practice and organisational values.

It was proposed that a working group be established to review existing HR policies which impact upon reassurance to ensure that they operate cohesively and are updated in line with legislative changes. Feedback would be sought from staff and Members in respect of agreed policies and procedure. The membership be made up of an Independent Chair, a Trade Union representative and six Elected Members on a 3:1:1:1 basis.

RESOLVED: That

- (1) a working group be established on a 3:1:1:1 basis with the membership as follows:

Conservative– Cllr B Moran, Cllr JP Findlow and Cllr D Marren
Labour– Cllr J Jackson
Independent – Cllr A Stott
Liberal Democrat – Cllr R Fletcher
Independent Chair
Trade Union representative – Unison representative Craig Nicholson

- (2) The Head of Strategic HR, in conjunction with the Chairman of Staffing Committee, appoint an Independent Chair.
- (3) The Head of Strategic HR to prepare the Terms of Reference for the Working Group.

- (4) The Head of Strategic HR to liaise with North West Employers to identify an independent reviewer and brief accordingly.
- (5) The Head of Strategic HR arrange the first meeting of the Working Group.

The meeting commenced at 10.00 am and concluded at 12.00 pm

Councillor B Moran (Chairman)

CHESHIRE EAST COUNCIL

Staffing Committee

Date of Meeting: 21 April 2016
Report of: Head of Strategic HR
Subject/Title: Health and Safety, HR and Organisational Development

1.0 Report Summary

- 1.1 To update the Committee on progress with Health and Safety, Human Resource (HR) and Organisational Development (OD) items. A report on Health and Safety is provided, followed by an update under each heading of the Council's Workforce Strategy.

2.0 Recommendation

- 2.1 To note the report and receive feedback.

3.0 Reasons for Recommendations

- 3.1 To ensure Members are kept up to date with HR and OD developments and that the Committee's Terms of Reference are followed terms of reference are followed.

4.0 Wards Affected

- 4.1 No specific wards affected.

5.0 Local Ward Members

- 5.1 Not applicable.

6.0 Policy Implications

- 6.1 No significant policy issues identified as a result of this update report.

7.0 Financial Implications

- 7.1 No direct financial implications arising from this report.

8.0 Legal Implications

- 8.1 No direct legal implications arising from this report.

9.0 Risk Management

- 9.1 No significant risks identified as a result of this update report. Risks relating to specific matters are dealt with separately.

10.0 HEALTH AND SAFETY

Health and Safety Update – Quarter 4

Data within this report refers only to employees working in schools and in the corporate core, following a decision made by Staffing Committee Members in October 2014. Health and Safety data highlights relating to ASDVs are included in Cheshire East Residents First's quarterly board reports.

10.1 Delivery of Training during Quarter 4: – 01.01.16 – 31.03.16

10.1.1 **19** courses have been delivered across **197** employees from the Corporate Core and from Schools:

NO. OF COURSES	COURSE	ATTENDEES
1	IOSH Managing Safely	6 4 Corporate 2 School
1	IOSH Managing Safely Refresher	7 Corporate
1	PRIME Training (half day)	16 4 Corporate 12 Schools
3	First Aid at Work (3 days)	35 16 Corporate 19 School
1	First Aid HSE Refresher (half day)	6 Corporate
2	Paediatric First Aid (Non-accredited HSE compliant) (2 days)	30 30 School
1	Caretaker's Course (1 day)	11 1 Corporate 10 School
1	CIEH Level 2 Health & Safety (1 day)	6 5 Corporate 1 School
5	Emergency First Aid at Work - accredited (1 day)	55 51 Corporate 4 School
2	First Aid at Work Re-qualification (2 days)	17 8 Corporate 9 School
1	Defibrillator course	8 8 Corporate
19	TOTALS	197 102 Corporate 87 School

10.1.2 Two Schools Health & Safety annual briefing sessions were delivered with 75 schools staff attending. The theme this year focused on managing a critical incident and the consideration and prioritisation of health and safety issues.

10.2 Visits and Inspections Undertaken during Quarter 4

The following school visits and Local Exhaust Ventilation (LEV) tests (to assess the effectiveness of dust / fume extraction) were undertaken:

- Primary Reviews – 23
- Secondary Reviews – 5
- LEV Tests Design & Technology – 6
- LEV Tests Science – 6

Inspections, visits and toolbox talks undertaken, during the period included:

- Tatton Park - risk assessment toolbox talk
- Tatton Gardens – joint inspection
- Tatton Farm
- Nantwich Children's Centre
- Monks Coppenhall Children's Centre
- Sandbach Children's Centre
- Greenleaves Family Centre
- Crewe Lifestyle Centre (Children's Services facilities)
- Ethel Elks Family Centre
- Broken Cross Children's Centre
- Oakenclough Children's Centre
- Brocklehurst
- Tatton shops inspection
- Tatton - mill project
- Cledford House (Children & Families offices)
- Macclesfield Library
- Heatherbrae
- Macon House
- Holly Holy Day event
- Carter House
- Lincoln House
- Cheshire East Farm
- Mayfields
- Lincoln House

There were no significant / major outcomes noted during any of these visits.

10.3 Outcome from RoSPA Award Portfolio Submission

10.3.1 The Council has received two awards; the first is a fourth consecutive Gold Achievement Award (non competitive) and the second is a Commended Award in the RoSPA Public Service and Local Government competitive Sector. The latter award recognises that the Council achieved third place from all portfolios submitted in this sector. This is the first time that the Council has entered this competitive award.

10.3.2 Feedback from the above portfolios is expected from RoSPA during August 2016 and Members will be updated on any outstanding actions or areas identified for improvement.

10.4 Corporate Accident and Incident Statistics – Quarter 4

10.4.1 Statistics are shown in relation to employee numbers and follow the HSE formula for calculating the Accident Frequency Percentage:

$$\frac{\text{No. accidents} \div \text{no. employees} \times 100,000}{100 \text{ (to show \%)}}$$

Relevant commentary is presented relating to a selection of specific accidents and incidents¹ of note.

Total number of RIDDOR Accident / Incidents

Reporting Period	No. of Accidents & Incidents on PRIME	No. of RIDDOR ² Reports
Q1– Q4: 2013- 2014	6271	113
Q1– Q4: 2014- 2015	4969	93

All details below exclude ASDV data

Q1: 2015 - 2016	939	6
Q2: 2015 – 2016	675	4
Q3: 2015 – 2016	983	9
Q4: 2015 – 2016	899	3

Q4 2015 – 2016: Accidents & Incidents			
Corporate Core	RIDDOR	Schools	RIDDOR
384	1	515	3

Accident and Incident Quarter 4 Summary 01.01.16 – 31.03.16

		Corporate Core	Schools
Accidents	Employees	66	70
Accident Rate Factor (Employees)		6.0% AVERAGE	5.7% AVERAGE
	MOTP	171	348
Incidents	Employees	52	30
	MOTP	95	67
Total		384	515

¹ An incident is an event where no physical injury occurs, although this may still be RIDDOR reportable depending upon the circumstances – e.g. a fire, loss of electric power or a scaffold collapse.

² RIDDOR – the Reporting of Incidents, Diseases and Dangerous Occurrences Regulations

		Corporate Core	Schools
RIDDOR	Employees	1	1
	MOTP	0	2
Total		1	3

10.5 Corporate Accident & Incident Quarter 4 Commentary:

January 2016

- The most common cause of accidents to members of the public and corporate core employees was slips, trips and falls.
- The majority of schools accidents involved pupils in playground accidents. Staff accidents included slips, trips and falls, injuries whilst lifting or handling and pupil assaults on staff.
- There were no RIDDOR reportable accidents in schools and no Health and Safety Executive (HSE) investigations involved the Authority during January.

February 2016

- 1 RIDDOR accident occurred to a corporate employee who fell down stairs after slipping on a clothes tag. The employee required hospital treatment and was incapacitated for more than 7 days.
- 1 RIDDOR accident in schools involved an employee sustaining an eye injury having been caught accidentally by a pupil's fingernail. The member of staff was incapacitated for more than 7 days.
- A member of the Registration Service at Macclesfield Town Hall was abused and threatened as she tried to register a birth. The father turned up late and when offered a further appointment later the same day, became threatening. The employee was badly shaken and upset.
- A contractor disturbed some asbestos containing materials during refurbishment at King George V Pavilion in Crewe. Several Cheshire East employees who may have been exposed to asbestos fibres are being screened as part of the process to deal with this. The contractor reported the incident under the RIDDOR Regulations to HSE.

March 2016

- The leading causes of accidents continued to be slips / trips / falls and being struck by flying / moving objects. Of the 17 assaults reported, 11 involved injuries to employees and the remaining 6 affected school pupils
- The 2 RIDDOR reportable school incidents involved pupils. One slipped on a wet surface resulting in a fractured wrist and the other pupil slipped on steps that should have been out-of-bounds, sustaining a facial injury which required hospital treatment.

- Tatton Park reported 7 accidents which included slips / trips / falls, falls from height (less than 2 metres) and sudden illnesses. None were RIDDOR reportable.
- There were no RIDDOR reportable accidents in the corporate core and no Health and Safety Executive (HSE) investigations involved the Authority during March 2016.

11.0 WORKFORCE PRIORITIES

- 11.1 Work is in progress to develop the Council's People Plan 2016/2017. This is to support the delivery of organisational strategic priorities, outlining a programme of work with clearly defined objectives, performance measures and timescales.

This section of the report is structured under the headings of the Council's Workforce Strategy.

Culture and Values

- 11.2 A programme of four "an audience with" engagement events has recently concluded. Feedback from the events has been very positive providing the opportunity for staff to gain insights and make connections with colleagues and members of the Council's senior management team. A further programme of events is currently being developed for 2016/2017.
- 11.3 In connection with the requirements of the Local Government Transparency code, a range of staffing information has recently been updated on the [Open Data and Transparency portal](#) on the Council's website. This has included the reporting of Chief Officers' names at tiers one and two, following discussions with the Transparency Working Group.
- 11.4 As previously reported, a staff survey is planned to run in June 2016. The broad themes will remain similar to the 2014 survey with some small changes to build on the learning from the previous survey. The results are expected in September 2016.

12.0 Organisational Design

- 12.1 HR continue to support the programme of change. The ICT function of CoSocius was successfully transferred to Cheshire East Council on 1 April 2016, 174 staff transferred under TUPE arrangements. Formal consultation relating to the restructure of the senior management team commenced on this date. The HR and Finance transactional function of CoSocius transferred to Cheshire West and Chester Council on the same date, 154 staff transferred under TUPE arrangements.
- 12.2 A number of the Council's services are moving to the Crewe Lifestyle Centre. Care4CE staff from Macon House and the Hilary Centre, staff from Crewe Public Library, and staff from Ethel Elks Family Centre will relocate on a phased basis during April 2016.
- 12.3 Consultation around Children Centres is ongoing, a proposal to re-designate four Children's Centres is likely to result in a reduction of some posts across the service.
- 12.4 The Cheshire Skills and Growth ASDV was established on 1st April 2016 and HR are supporting the creation of the new organisation and TUPE transfer. 21 staff have transferred to the new company.

- 12.5 In December 2015, a decision was taken to develop a different operating model for the Workforce Development Team, moving away from in house delivery and increasing the commissioning of sector experts, to ensure a high quality learning and development programme for the Council. This revised model has now been implemented.
- 12.6 The collaborative procurement of Occupational Health services (OHU) between Cheshire East, Cheshire West and Chester and Warrington Councils progresses well. The deadline for tender submissions is 19th April 2016. So far 29 companies have downloaded the Invitation to Tender documents and four have indicated that they will be submitting tender documentation. Project Board members will be evaluating tenders on 29th April and 4th May followed by a moderation and clarification meeting. Notification of the decision is anticipated by the end of May 2016. Allowing for a short standstill period, the intention for the contract commencement date and associated TUPE transfers remains at 1st September 2016.

13.0 Leadership and Management

- 13.1 The Management Development Programme has continued with primarily in-house delivery of ILM levels 3 & 5 in Leadership and Management. There are currently 42 registered candidates on these qualifications:
- Level 3 – 23 candidates currently registered.
 - Level 5 – 19 candidates currently registered.

The Level 5 Diploma in Health and Social Care Leadership continues with six candidates currently registered.

- 13.2 The first 'Aspiring Managers' programme cohort has completed with a 100% pass rate and all 11 candidates reporting positive impact on their career development planning. Further cohorts have been requested by three Directorates and will take place during 2016/2017.
- 13.3 41 managers have completed Neurolinguistic Programming training in management techniques. A sharing good practice forum is in place to support staff to implement learning across the Council.

14.1 Building Capability and Capacity

- 14.1 The Corporate Training programme has offered 69 training sessions on 41 topics between January and March 2016, with percentage take up of places slightly ahead of expectation with 847 delegates attending training this quarter. In terms of evaluation, from January to March 2016, 92% of attendees have rated training as very good/excellent.
- 14.2 Seven applications for individual funding support have been approved through the Continued Professional Development (CPD) virtual panel this quarter. Successful candidates are supported through membership to the Cheshire East Council Academic Study Support forum.
- 14.3 Specific team development and training planning continues for Planning, Education Strategy Team, Communities, Legal Services, ICT and Corporate

Resources & Stewardship. The Workforce Development Team has led these and worked in collaboration with professional bodies such as CIPFA and RTPI to align provision with professional capability requirements.

- 14.4 The Children and Families service has received training sessions on the following topics:
- Parenting Assessment Manual Assessment (PAMS) Training – 1 session, 24 attended;
 - Care Planning – 4 sessions, 47 attended;
 - Child Sexual Exploitation – 1 session, 21 attended;
 - Assessment Intervention Moving On (AIM) Training – 1 session, 3 attended.
- 14.5 Supporting Children and Families Service Progression Pathways remains a priority. Funding requests have been approved for five social workers to take up places on a PGDip course at Salford University this quarter to support progression. The Workforce Development Team is undertaking a review of progression routes and specialist roles with the service to further develop the progression offer.
- 14.6 Assessed and Supported Year in Employment (ASYE): Adults: 10 currently registered on the programme. Children's: 16 currently registered.

15.0 Resourcing and Talent

- 15.1 The recruitment to the role of Executive Director Economic Growth and Prosperity started on the 31 March 2016. This is a Staffing Committee appointment and interviews are planned for May, with an appointment expected in September 2016. Interim management arrangements are in place.
- 15.2 In response to feedback received from the implementation of a new on line job application system, and to help support people within our community to use this system to apply for work with the Council, a jobs open day was held at Macclesfield Library in January. Cheshire East Catering, Cleaning and Care Services were represented. Information was available to those seeking employment in these fields and assistance to apply on line was provided by HR and the Life Long Learning Team. This was not only an opportunity to apply for a role with Cheshire East but to gain some valuable assistance with IT skills. 72 people attended the event and this encouragingly resulted in 20 offers of work being made. A further event has been arranged for the 19th April 2016 at Congleton Town Hall.
- 15.3 Four apprentices secured a position with the Council during Q4. Current number of apprentices is 35. Breakdown per service is COO – 16, Economic Growth and Prosperity – 8, Adult Social Care - 4, Children and Families - 6, Public Health - 1. The majority of this cohort is working towards a Business Admin NVQ.
- 15.4 The first cohort of the six month work readiness programme developed for cared-for young people, entitled the Cygnet Pathway programme ended in February 2016. One person has secured an apprenticeship with the Council.

- 15.5 The Council continues to offer a Graduate Programme which includes Graduate Internships and a Graduate Development Programme to recognise the importance of early career development.
- 15.6 Opportunities are currently in progress across four Directorates. The Graduate Development Programme members including both permanent staff recent graduates and graduate interns have project managed an event in Q4, organising the Rural Summit 7 in conjunction with the Community Partnership team, receiving positive feedback for the event from stakeholders and guests. A second cohort has recently launched bringing membership to 16 people.
- 15.7 There have been 33 student placements confirmed in Q4, including work experience and internship placements across all directorates. The Workforce Development Team has worked with services to implement standardised basic placement programmes with additional experiences specific to each team.

16 Reward and Recognition

- 16.1 Local government national pay negotiations for JNC Chief Officers have concluded for the period 1 April 2016 to 31 March 2018. The individual basic salaries and salary scales of all officers within scope of the JNC for Chief Executives and Chief Officers of Local Authorities will be increased by 1.0% with effect from 1 April 2016 and 1.0% with effect from 1 April 2017. National pay negotiations for NJC LGS continue. GMB have announced that their members have voted to accept the two year pay offer. UNISON and Unite, have both rejected the offer and now have a mandate to seek industrial action ballots. UNISON and Unite are pressing the Local Government Association (LGA) to put a revised, one-year offer on the table.
- 16.2 Staffing Committee has been previously advised of emerging case law regarding the payment of holiday pay. The situation remains very unclear and a recent Chartered Institute of Personnel and Development report on an Employment Appeal Tribunal decision (British Gas v Lock February 2016) further highlights that no clear ruling has been made on what pay elements or reference periods should be included in calculating normal pay and how they should be calculated. The Council continues to monitor the situation.
- 16.3 The Total Reward Review encompasses all aspects of work that are valued by employees, including elements such as learning and development opportunities, career progression, work environment and flexible working - alongside a pay and benefits package. Employees are attracted, retained and engaged by a range of financial and non financial rewards and so recognising the continued challenging financial backdrop a review of the Council's "Total Reward" approach will be undertaken during 2016/17. This programme of work will be scoped and shared with Staffing Committee in the coming months.

17.0 HR Policy Outline Work Programme

- 17.1 A draft HR Policy work programme for 2016/2017 has been developed and is provided in *Appendix 1*. The work programme comprises three main elements:
 - 1. Legislative Change

2. Strategic Review

3. Policy Review – a rolling review of existing HR policies to ensure up to date and action and areas for improvement.

17.2 The draft programme has been developed as a result of national legislative drivers, business needs and ongoing improvement of practice. Next steps are to further scope the work streams, assess resources required and prioritise. A further update will be provided to Staffing Committee at the next meeting.

18.0 Voluntary Redundancies

18.1 The Council's voluntary redundancy scheme continues to support organisational change and the delivery of the planned programme of change in the Council's Three Year Plan. The effective use of voluntary redundancy enables the Council to achieve its planned savings and efficiencies and also helps to maintain good employee relations within the Authority, minimising the prospect of compulsory redundancy.

18.2 As a result of changes in Care4CE, sixty six people have left the Council under voluntary redundancy terms in Q4. The total severance cost, for all employees was £1,034,455, inclusive of redundancy and actuarial costs. Over the next five years, these reductions are estimated to save the Council over £3,618,338 (which is the combined accumulated costs of the deleted posts).

18.3 To ensure these savings are realised a number of mechanisms are in place which commence with the VR Panel who approve or decline voluntary redundancies based on a robust business case. Staffing budgets are adjusted to reflect the approved reductions in staffing. Additional checks are in place such as Recruitment Watch where vacancies are approved prior to advertisement.

18.4 A summary of the number of employees by key service area and total severance costs for 15/16 is provided below.

Organisation	Number of employees	Severance Costs
Care4CE - Hollins View	32	460,986
Care4CE - Lincoln House	49	724,192
Care4CE - Other	9	86,474
Other Services	6	338,313
Services of Chief Operating Officer	2	84,356
Grand Total	98	1,694,320

19.0 Education HR Consultancy

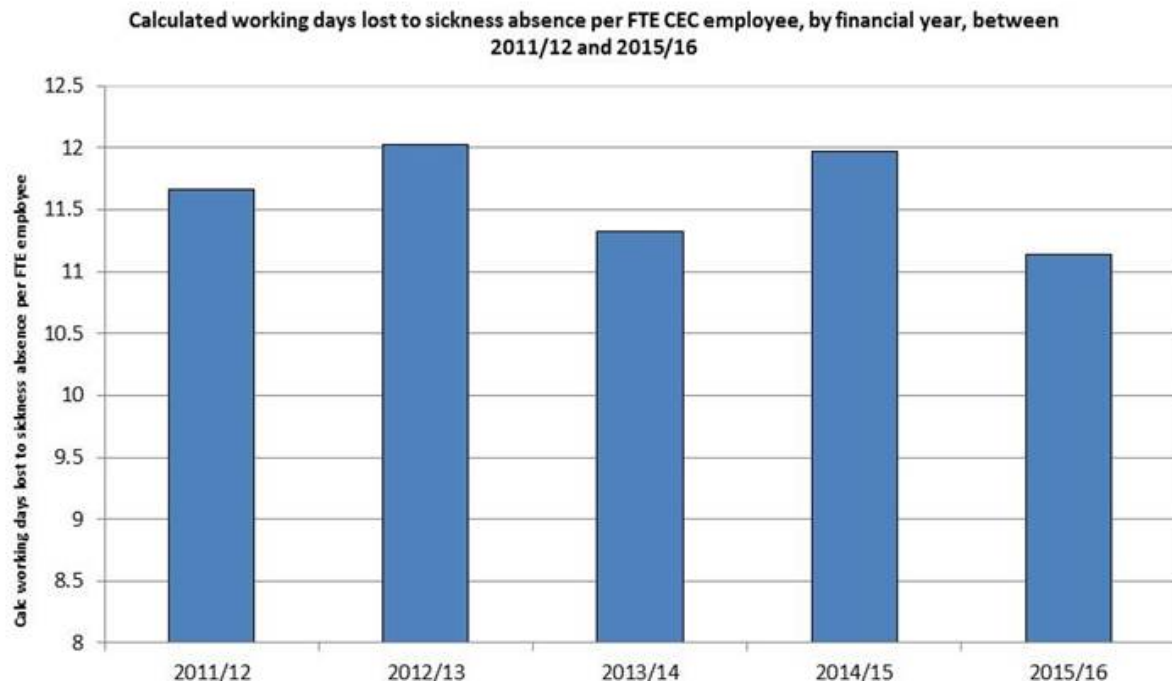
19.1 The table below provides a summary of the current buy back of HR services by schools and Academies.

Cheshire East School Type	No. of schools	HR take up total	No HR take up total
Primary	91	90	1
Primary Academy	34	23	11
Secondary	5	5	0
Secondary Academy	17	9	8
Special	4	4	0
Pupil Referral	1	1	0
Free School	2	1	1
Total Number of CE Schools/Academies etc.	154	133	21
*Out of Borough	1	1	0

- 19.2 All schools and academies who bought back a one year contract last year have now received a letter outlining the offer for 2016/17 and encouraging them to consider buying back a three year contract. The content of the Gold Package remains unchanged for 2016/17, whilst the Silver Package does not include any on - site support; previously this was limited to 10 hours. In 2015/16 the number of schools buying back the Silver Package was 15.
- 19.3 Discounting will be available to schools and academies who buy back HR Consultancy and Health and Safety, particularly where one or both of the services have not been bought previously. The Education HR Consultancy offers a 5% discount to all new customers who currently buy back Health and Safety Management. New customers to both Education HR Consultancy and Health and Safety Management will benefit from a 20% discount on the total joint price when the services are bought together. Multi Academy Trusts will receive a 10% discount on their price if they have up to three schools within the trust and 15% discount if the number exceeds three.
- 19.4 During January, February and March the team has delivered four Headteacher Workshops for Primary Headteachers and one for Secondary Headteachers, Safer Recruitment Training Course and have issued Policies/Procedures or Guidance on New State Pension and NI Contributions, Model Domestic Abuse Policy and Procedure, Prohibited Teachers List and Model Paternity Pay and Leave Policy and Procedure.

20. Absence

- 20.1 The overall absence rate for 2015/2016 is 11.14 days per FTE employee; a reduction of 0.83 calculated working days lost per FTE employee from 2014/2015.
- 20.2 Working time lost to sickness absence as a proportion of all working time available in 2015/16 was 4.2%, compared with 4.6% in 2014/15 and 4.3% in 2013/2014. 62.6% of absence in 2015/16 was long term and 37.4% short-term. As with previous years, in 2015/16 the absence reason that accounted for the most working days lost was stress (16% of all days lost).



21.0 Staffing Committee Working Groups

21.1 Absence and Attendance Management Working Group

21.1.1 Staffing Committee has established a Member/Officer Working Group to review absence and attendance management. The working group met for the first time on 16 March 2016 and agreed the terms of reference.

21.1.2 So far, the Working Group has paid particular attention to data reporting, the management of short term absence and the governance, challenge and scrutiny of managing attendance. An Audit of the application of the attendance Management Procedure will be undertaken, in the near future. A further update will be provided to Staffing Committee in due course.

21.2 Policy Reassurance Group

21.2.1 Staffing Committee has established a cross-party working group to provide assurance that the wellbeing of staff and members of Cheshire East Council is aligned to best practice and organisational values.

21.2.2 The inaugural meeting of the working group is to be held in May 2016 and a further update will be provided to Staffing Committee in due course.

22. HR Performance Data

FTE by Directorate**Quarter 4 2015-16 (January - March 2016)**

Directorate/Service	Jan-16 FTE	Feb-16 FTE	Mar-16 FTE
Public Health	22.6	22.6	22.6
Strategic Commissioning	1582.6	1573.2	1558.6
Adults Social Care & Independent Living	783.7	779.8	769.8
Children's Services	798.9	793.4	788.9
Chief Operating Officer	912.3	908.3	905.2
Commissioning	40.0	40.0	39.0
Corporate Resources and Stewardship	302.6	302.6	299.4
Democratic Services and Governance	55.6	55.6	55.4
Legal Services	28.8	29.8	28.0
Media (Communications and PR)	7.9	7.9	8.7
Commissioning and Client Support ^o	28.0	31.0	31.4
Communities	405.5	402.3	404.2
Apprentices	43.0	38.2	38.2
Other	1.0	1.0	1.0
Economic Growth & Prosperity	279.1	274.7	282.9
Growth and Regeneration	78.9	79.3	79.3
Crewe – High Growth City	3.0	3.0	3.0
Investment	28.2	26.4	29.4
Planning and Sustainable Development	63.8	61.2	62.2
Strategic Infrastructure	8.5	8.5	9.5
Countryside, Culture and Visitor Economy	92.3	91.3	94.5
Other	4.5	5.0	5.0
Other	1.0	1.0	1.0
Cheshire East Council Total	2797.7	2779.8	2770.3

Quarter 4 2014-15 (January - March 2015)

Directorate/Service	Jan-15 FTE	Feb-15 FTE	Mar-15 FTE
Public Health	18.3	19.3	19.3
Media (Communications and PR)	9.0	8.0	8.0
Strategic Commissioning	2062.7	2060.7	2053.2
Adults Social Care & Independent Living	875.7	879.0	871.3
Children's Services	742.5	736.6	742.1
Commissioning and Client Support ^o	24.8	24.8	25.8
Communities	417.7	418.3	413.0
Other	2.0	2.0	1.0
Chief Operating Officer	489.8	491.5	489.8
Commissioning	46.6	49.0	47.2
Corporate Resources and Stewardship	261.6	258.6	254.2
Democratic Services and Governance	57.3	57.4	57.1
Legal Services	34.7	34.7	33.7
People and OD	51.7	53.7	53.7
Apprentices / Graduate Trainees	37.0	37.0	43.0
Other	1.0	1.0	1.0
Economic Growth & Prosperity	329.9	328.5	325.3
Assets	28.0	28.0	28.0
Investment	81.7	80.8	79.8
Strategic and Economic Planning	105.8	105.0	100.1
Strategic Infrastructure	10.0	9.0	9.5
Visitor Economy, Culture and Tatton Park	102.5	102.0	103.2
Other	2.0	3.7	4.7
Other	1.0	1.0	1.0
Cheshire East Council Total	2910.8	2909.0	2896.6

Headcount/FTE trend (whole Council – excluding schools and casuals)

Annual trend 2009/2015

Date	Headcount	% change from previous year	FTE	% change from previous year
30 Apr 2009	6,522	n/a	4891.5	n/a
30 Apr 2010	6,155	-5.63	4582.8	-6.31
30 Apr 2011	5,860	-4.79	4385.4	-4.31
30 Apr 2012	5,449	-7.01	4080.2	-6.96
30 Apr 2013	5,103	-6.35	3880.7	-4.89
30 Apr 2014	4,403	-13.72	3232.7	-16.70
30 Apr 2015	3,812	-13.42	2883.5	-10.80

Quarterly trend 2015/2016

End Date of Quarter	Headcount	% change over quarter	FTE	% change over quarter
31 Mar 2015	3,875	n/a	2896.6	n/a
30 Jun 2015	3,810	-1.68%	2875.6	-0.72%
30 Sep 2015	3,799	-0.29%	2882.7	0.25%
31 Dec 2015	3,731	-1.79%	2833.6	-1.70%
31 Mar 2016	3,655	-2.04%	2770.3	-2.23%

NB On 1st April 2014, 351 employees (334 FTE) TUPE transferred to ANSA and 24 employees (24 FTE) TUPE transferred to Orbitas. On 1st May 2014, 693 employees (193 FTE), including casuals, TUPE transferred to ESAR and 106 employees (100 FTE) TUPE transferred to CoSocius. On 1st January 2015, 71 employees (31 FTE) TUPE transferred to TSSL; a number of Cleaners also TUPE transferred to schools/Academies/private companies on 1st January 2015. On 31st March 2015, 44 employees TUPE transferred to Civicance. On 1st April 2016, 21 employees TUPE transferred to The Skills and Growth Company.

Between April 2009 and March 2016 the overall Cheshire East Council employee headcount has reduced by 43.96%, and the overall number of FTE Cheshire East Council employees has decreased by 43.37%. Between April 2014 and March 2016 the overall Cheshire East Council employee headcount has reduced by 16.99%, and the overall number of FTE Cheshire East Council employees decreased by 14.30% over the same period.

Leavers during Quarter 4 2015-16 (January - March 2016)

Reason for leaving	Headcount of leavers	FTE
Resignation	71	49.1
Voluntary Redundancy	69	43.8
TUPE Transfer	24	21.9
Retirement (including Normal - 60/65, Early Request and Ill Health with/out Benefits)	23	14.5
End of Fixed Term/Contract without Benefits	9	6.4
Mutual Termination	3	2.4
Capability	1	0.7
Contract Terminated	1	0.4
Compulsory Redundancy	1	1.0
Deceased	1	1.0
Unsatisfactory Probation	1	1.0
Total	204	142.2

Excluding TUPE transfers, the Cheshire East turnover between January and March 2016 was 4.9%. 34.80% of all leavers (*headcount*) during Q4 in 2015-16 left following resignations, 33.82% as voluntary redundancies, 11.76% as a result of TUPE transfers and 11.27% following retirements.

Working days lost due to sickness absence:

Figures for absence reflect (*calculated*) days lost to sickness absence per FTE employee).

Cumulative Absence – year to date figures:

	Jan	Feb	Mar
Q4 2015/16	9.01	10.11	11.14
Q4 2014/15	9.53	10.90	11.97

Whole Council excluding Schools – year to date cumulative absence; figures show cumulative calculated days lost to sickness absence per FTE employee

Absence within month – year to date figures:

	Jan	Feb	Mar
Q4 2015/16	1.06	1.14	1.11
Q4 2014/15	1.27	1.05	1.09

Whole Council excluding Schools – year to date cumulative absence; figures show cumulative calculated days lost to sickness absence per FTE employee

The cumulative average days lost to sickness, per FTE employee, throughout quarter 4 in 2015/16 was lower than the same period in 2014/15; however absence levels within individual months were slightly higher in the final 2 months of quarter 4 of 2015/16 when compared to 2014/15.

Redeployment

Staff who are at risk as at 30 March 2016	Adults	Childrens	PH	COO	EGP	Grand Total
Closure of unit	2	4				6
On work trial	3	1		1		5
Health				1		1
Restructure				4	1	5
Secondment				2		2
End of temp contract			1			1
Grand Total	5	5	1	8	1	20

Staff who have been redeployed or left – Reasons for redeployment (Jan – Mar 16)	Adults	Childrens	COO	EGP	Grand Total
Closure of unit	29	13			42
End temp contract	1				1
Health	3				3
Restructure			12	17	29
Grand Total	33	13	12	17	75

Outcome of redeployment (Jan – Mar 16)	Adults	Childrens	COO	EGP	Grand Total
Dismissed (ill health capability)	2				2
Redeployed to permanent post	14	1			15
Promotion	1				1
Resigned / left / mutual termination.	1				1
Retained in team following restructure	15	12	12	17	56
Grand Total	33	13	12	17	75

HR Casework

The HR Team continue to work with management to resolve concerns at the earliest opportunity. Where these cannot be resolved, formal procedures are used to give seek outcomes for the concerns raised. The table below sets out those cases that were considered using formal procedures. One grievance appeal was considered by the Staffing Appeal Sub Committee during Q4. Summary of current formal case work:

	Capability	Disciplinary	Grievance	Dignity at Work	ET
As at June2015	3	12	3	1	0
As at Sept 2015	4	6	2	0	0
As at Dec 2015	4	2	1		1
As at March 2016	5	2	6	1	1

Summary of closed formal case work during period.

	Capability	Disciplinary	Grievance	Dignity at Work	ET
Jan - Mar 2016	0	3	0		

Summary of new formal case work during period.

	Capability	Disciplinary	Grievance	Dignity at Work	ET
Jan – Mar 2016	1	3	6	1	

23. Access to Information

The background papers relating to this report can be inspected by contacting the report writer:

Name: Rosie Ottewill
Designation: OD Manager
Tel No: 01270 685883
Email: rosie.ottewill@cheshireeast.gov.uk

Appendix 1 – Draft outline HR Policy Work Programme - 2016/2017

This outline work programme provides an overview of key strands of HR Policy work scheduled for 2016/2017. The work programme comprises of three main elements - 1. Legislative Change, 2. Strategic Review, 3. Policy Review. The dates are guides to the likely scheduling of work. Dates may change for a variety of reasons, for example, external delays in the implementation of employment law changes, change in organisational strategic focus, changes in priorities etc.

	Q 1 Apr- Jun	Q2 Jul- Sep	Q3 Oct - Dec	Q4 Jan- Mar
1. LEGISLATIVE CHANGE				
1.1 Public Sector Exit Payment Recovery				
1.2 Public Sector Exit Cap				
1.3 Wider Reforms to Public Sector Exit Payments				
1.4 Gender pay gap reporting- Implementation				
1.5 Code of Practice on English language				
1.6 Trade Union Bill Implementation				
2. STRATEGIC REVIEW				
2.1 Strategic Review of Attendance Management				
2.2 Policy Reassurance Group				
2.3 Total Reward Review				
3. POLICY REVIEW				
3.1 Performance and Conduct				
3.2 Family Friendly				
3.3 Pay/ Reward/ Benefits				
3.4 Health and Wellbeing				
3.5 Attendance/ Time Off				
3.6 Recruitment / Vacancies				
3.7 Leaving the Council				
3.8 Contract / Changing job				

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CHESHIRE EAST COUNCIL

Staffing Committee

Date of Meeting: 21st April 2016
Report of: Head of Strategic HR
Subject/Title: Revisions to Human Resources Policies and Procedures:
Pension Discretions Policy (post 1st April 2014)
Retirement Policy
Redundancy and Efficiency Policy
Redundancy and Efficiency Procedure

1.0 Report Summary

- 1.1 This report advises Staffing Committee of proposed minor changes to the current Pensions Discretion Policy, and the associated Retirement Policy, Redundancy and Efficiency Policy and Redundancy and Efficiency procedure. Approval is sought to the revised policy and procedure documents attached to this report. The changes are summarised in section 10 of this report.
- 1.2 Staffing Committee should note that following approval, the Pension Discretions Policy must be published on centranet for employee's access and the revisions to the Scheme must be sent to the Pension Fund administrators within one month of its adoption. The Policy has to be published for 30 days before being actioned.
- 1.3 Wider considerations, including potential forthcoming changes to Legislation in relation to exiting the organisation are excluded from scope and considered in a separate report.

2.0 Recommendation

- 2.1 That Staffing Committee approve the revised policy and procedure documents, i.e. Pension Discretions Policy –post 1st April 2014, Retirement Policy, Redundancy and Efficiency Policy, Redundancy and Efficiency Procedure.

3.0 Reasons for Recommendations

- 3.1 The current Pension Discretions Policy was first approved in June 2014 following the introduction of pension legislation which revised the pension scheme, and requires the Council to have both pre 2014 and post 2014 discretion policies. Under the requirements of the Pension Regulations, the Council is required to update the Pension Discretions Policy on a regular basis.

- 3.2 The revisions to the policy take into the business needs of the Council and interpretation of the pension regulations since introduction.
- 3.3 Revisions to the Retirement Policy (was previously Retirement and Severance Policy) have been made to ensure the content is in line with the revised Pension Discretions Policy, and the criteria of the Pension Scheme. References to exiting the organisation on grounds other than retirement (i.e. redundancy, severance on the grounds of efficiency) have been removed and placed within the Redundancy Policy and Procedure, now called Redundancy and Efficiency Policy and Procedure to provide clarity.
- 3.4 Revisions to the Redundancy Policy and Procedure (now called Redundancy and Efficiency Policy and Procedure) have been made to ensure the contents are in line with the pension regulations, and the new Council constitution, whilst also providing clarity around the processes to be followed. Bringing together references to 'redundancy' and 'severance from the organisation on the grounds of business efficiency' also reinforces the point that business cases and value for money for the tax payer underpin decision making in this area.

4.0 Wards Affected

- 4.1 Not applicable

5.0 Local Ward Members

- 5.1 Not applicable

6.0 Policy Implications

- 6.1 The changes to the Pension Discretions Policy will ensure the Council has flexibility to manage the full range of staffing situations which could see the need for employees to exit the organisation on terms acceptable to them and the Council ensuring it is in the council taxpayer's interest on all occasions.
- 6.2 The updates will ensure the Council's policy is not only effective in its usage but will also ensure it meets the current pension regulations and meets the Pension Authorities expectations and is regularly reviewed as they require. It will also provide employees with insight into areas of the regulations that may not have knowledge of and clarify procedural rights of appeal.
- 6.3 The revisions have been shared with the Cheshire Pension Fund prior to being submitted for approval to this Committee.
- 6.4 The revisions made to the Retirement Policy and the Redundancy and Efficiency Policy and Procedure will ensure the content is in not only compliant with requirements of the Pension Scheme, but also provide a more coherent document for managers and employees to follow. Additional references to 'business efficiency' will reinforce the organisational belief that a sound business case must be in place to support decision making in this area.

7.0 Financial Implications

- 7.2 The new discretion on purchase of Additional Pension Contributions (APCs) for staff on the 50/50 section of the scheme does not have any financial implications for the Council.
- 7.3 There are no noted financial implications for the revisions made to the Retirement Policy, Redundancy and Efficiency Policy and Procedure.

8.0 Legal Implications

- 8.1 The Local Government Pension Regulations 2012 require the Council to formulate, publish and keep under review a policy statement regarding the exercise of discretions under the Local Government Pensions Scheme in respect of shared additional cost pension contributions, flexible retirement, waiving part or all of actuarial reductions and awarding additional pension.
- 8.2 In reviewing the policy, the Council must have regard to the extent to which the exercise of their discretionary powers (in accordance with the policy) unless properly limited, could lead to a serious loss of confidence in the public service and be satisfied that the policy is workable, affordable and reasonable, having regard to the foreseeable costs.
- 8.3 There are no noted legal implications for the revisions made to the Retirement Policy, Redundancy and Efficiency Policy and Procedure.

9.0 Risk Management

- 9.1 A clear and accessible Pension Discretion Policy will help mitigate the risk of the Council being challenged at appeal hearings and inform employees of the Councils policies in relation to areas that allow pension discretion.
- 9.2 Regular reviews of the policy will ensure the Council is applying its policies correctly in relation to the ever increasing complexities of pension regulation and comply with the Cheshire Pension fund guidelines and requirements.
- 9.3 There is no noted risk in relation to the revisions made to the Retirement Policy, Redundancy/ and Efficiency Policy and Procedure.
- 9.4 The controls underpinning the policies and procedures addressed in this report are via the Staffing Officer Panel, or as determined by the Council constitution.

10.0 Summary of changes

- 10.1 The majority of the changes to the Pension Discretions Policy are minor and procedural. For ease of reference the changes to the existing policy have summarised overleaf:
- **Under regulation 9 (Contributions payable by active members)**, the current clause on contributions bandings which establishes the amount paid

by employees into the pension scheme has been expanded to clarify the earnings definition and time period. It also advises of the right of appeal against the banding allocated and also clarifies the position for casual employees.

- **Under regulation 16 (APCs for lost pension):**
 - inclusion of a provision for staff on additional child related leave to apply for make up of lost contributions during periods of absence.
 - a new provision in the policy to allow applications for employees to buy extra pension through added pension contributions if they are eligible and in the 50/50 part of the scheme. The Council has a requirement in such cases to sign off that the employee is in good health where any applications are received.
 - a new provision which shows the Council has not exercised its discretion to contribute to the shared cost additional pension contribution arrangement.
- **Under regulation 30 (Flexible Retirement and waive actuarial reduction),** clarification of an existing discretion that an application for flexible retirement from employees requires Council consent under the Staffing Officer Panel.
- **Under regulation 31 (Additional Pension),** the amendments to cover the right of current employees and redundant or efficiency ex-employees who are due to leave or have left the Council (in the last 6 months) to purchase additional pension contributions. It also notes the maximum amount awarded will be in line with the national limit.
- **Right of Appeal.** Clarification of the employee's right of appeal to the Internal Dispute Resolution Procedure (IDRP) for any decisions made under this policy.

- 10.2 The Retirement Policy, Redundancy and Efficiency Policy and Procedure have not changed significantly in content. The main changes made have been to improve the layout to ensure each aspect is covered in a logical place, including changing the titles of the documents - Retirement and Severance Policy to Retirement Policy, and Redundancy Policy and Procedure to Redundancy and Efficiency Policy and Procedure respectively. Information regarding the exit of employees from the organisation on grounds other than retirement have been removed from the Retirement Policy and transferred to the Redundancy and Efficiency Policy. In addition Terminology used has been clarified, e.g. definition of normal retirement age, of efficiency and so on.

11.0 Access to Information

The background papers relating to this report can be inspected by contacting the report writer:

Name:	Rosie Ottewill
Designation:	Organisation Development Manager
Tel No:	01270 685883
Email:	<u>roise.ottewill@cheshireeast.gov.uk</u>

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Human Resources Policy

Pension Discretions Policy – Post 1st April 2014 membership of the Local Government Pension Scheme (LGPS).

Scope

This policy applies to all employees of Cheshire East Borough Council who are eligible for membership of the Local Government Pension Scheme and have membership on or after 1st April 2014.

The exercise of discretions will be subject to a decision of the Council or of a Committee or Panel with appropriate delegated powers.

Policy Statement

To operate pensions discretions in a way that is fair and equitable to employees in a way that manages the liabilities of the pension fund in the overall interests of its members and of the Council whilst ensuring that it is suitable, reasonable and affordable and fosters confidence in public service.

Principles

There is a legal requirement for the Council to publish a policy statement on its approach to specified pensions discretions.

The policy addresses the discretions available to the Council under the Local Government Pension Scheme (LGPS) Regulations 2013 and Local Government (Early Termination of Employment (England and Wales) Discretionary Compensation Regulations 2006 and also sets out the Council's approach to other specified pensions discretions.

Definitions

Active member: an employee who is currently a member of the Council's Pension Scheme.

Deferred member: an employee or former employee who has benefits in the Council's pension scheme from an earlier period of service.

In respect of retirements on the grounds of ill health, 'Gainful Employment' is defined as paid employment for a period of not less than 30 hours in each week for a period of not less than 12 months.

Normal pension age/ normal retirement age- the normal scheme retirement age is linked to your State Pension age, or age 65 if this is later.

Pensions Discretions

***Regulation 1- Transitional Protections**

Power of employing authority to 'switch on' the 85 year rule for a member voluntarily drawing benefits on or after age 55 and before age 60.

An employee may voluntarily retire from age 55. The Council will not consider 'switching on' protection to the 85 year rule for members who retire from age 55 but before age 60, and will therefore not meet additional retirement costs under this regulation.

Regulation 9

Contributions payable by active members

Employees will be allocated to a band once a year from 1 April and subsequently only if their contract changes permanently i.e. promotion, down grading or a change in hours of work. Where an employee receives a mid-year grade increment or a late pay award, this will be picked up when the band is reviewed in the following April.

Where employees work additional hours or overtime the Council will allocate the band by in accordance with actual earnings made in that year and again change the following 1st April.

Employees on casual contracts will be allocated an estimated banding at the beginning of their assignment based on the number of hours the employee is likely to work. The banding will be reviewed annually, or earlier at the employee's request.

There is an appeal against allocation to a band which must be lodged within 6 months of the date of allocation.

Regulation 16

Applications to buy back Additional Pension Contributions (APC's) for lost pension during periods of absence.

An employee may elect, within 30 days of authorised unpaid absence, including additional child related leave, to make up lost contributions. If the election is received within 30 days of return to work the cost will be shared between the employee (1/3rd) and the employer (2/3rds)

If the absence was due to strike, or the election to pay is received after 30 days of the return to work, the full cost of purchasing lost pension will be met by the employee who must enter into an Additional Pension Contribution Agreement directly with the pensions provider.

***Regulation 16**

Ability to contribute to a shared cost additional pension contribution (APC) scheme.

Employees may elect to pay additional pension contributions into a scheme established by the Pension Fund. The Council has not exercised its discretion to contribute to this APC scheme under the APCs arrangement.

Applications by employees to buy extra pension through APCs are available for scheme members in the 50/50 section of the pension scheme. In order to comply with scheme requirements, applications must be supported by the Council to verify the employee is in good health.

Regulation 22

Re-employed and re-joining deferred members.

Aggregation of current and previous service will be automatic where the employee has left and re-joined in the 2014 Scheme, unless the employee chooses not to aggregate the service.

If the member does not wish to aggregate service, this decision must be made within 12 months of joining the scheme.

Extensions to the 12 month period will not generally be considered, other than in exceptional circumstances.

***Regulation 30**

Ability to award flexible retirement and waive actuarial reduction.

Employees aged 55 and above may apply to reduce their hours of work and/or their pay grade and to seek agreement to early release to some, or all of their pension.

Requests will be considered if:

Either their substantive grade reduces by a minimum of 2 grades (e.g. grade 6 to grade 4) or equivalent, and/or their contract hours reduce by a minimum of 1/5th and at the same time the employee requests early release of their pension.

Where flexible retirement requests are approved and pension is released, payment of all of the pension will be on an actuarially reduced basis, unless they are in the protected group of employees as covered in the Local Government Pension Scheme Regulations.

Approval for release of pension under this regulation will only be given subject to affordability and an evidenced business case, and must be approved by the Staffing Officer Panel.

***Regulation 30**

Ability to waive some or all of early retirement reduction on benefits if a member retires before Normal Pension Age (NPA)- for both active and deferred members.

Policy for Active Members – Early release of pension will be approved where the Council is satisfied that such release represents value for money, or is on *appropriate grounds*. The Council will release benefits on *appropriate grounds* in full for active members.

Policy for Deferred Members – Early release of pension will only be approved where the Council is satisfied that such release is on *appropriate grounds*. The Council will waive, on *appropriate grounds*, the actuarial reduction applied to the release of pension benefits paid early.

***Regulation 31**

Ability to grant additional pension to an active member or within 6 months of ceasing to be an active member by reason of redundancy or business efficiency.

The Council has agreed this provision to enable an active scheme member or a member within 6 months of leaving to purchase additional membership where their employment was terminated on the grounds of redundancy or business efficiency.

The maximum amount awarded will be in line with the nationally determined limit.

The Council will consider funding in part with the employee or wholly an APC purchase. This provision will not be used other than in exceptional circumstances, and will be subject to the agreement of the Staffing Officer Panel.

Regulation 35

Early Leavers – Ill Health

Under this regulation, an employee must have a qualifying period of *two years* pensionable service, and be certified by an Occupational Health Practitioner as incapable of carrying out their contractual role. To be eligible an employee must be certified by an Independent Registered Medical Practitioner (IRMP) that they are, *as a result of ill-health or infirmity of mind or body*, are *permanently incapable of discharging efficiently the duties of their employment* and that they are *not immediately capable of undertaking any gainful employment* (whether in Local Government or otherwise).

The employee will then be entitled to one of three levels of benefit as determined by the Local Government Pensions Regulations. The employer

will decide the appropriate tier after consideration of the medical information available, and according to the likelihood of the employee obtaining gainful employment as certified by the IRMP. Agreement to release of pension on these grounds will be subject to approval of the Staffing Officer Panel.

Regulation 100

Inward transfer of pension rights

An employee may elect to transfer rights from a previous pension scheme within 12 months of joining the Local Government Pension Scheme. Extension to the 12 month period to transfer pension values will not be generally considered, other than in exceptional circumstance, and will only be agreed with joint approval from the Employer and Administering Authority.

Early payment of pension on grounds of ill health- ex-employees

Requests from ex employees with deferred benefits who seek early release of their pension on the grounds of ill health will be referred to an IRMP who will certify whether or not the ex employee is permanently incapable of undertaking the duties of their former employment because of ill health and that they are incapable of immediately obtaining any gainful employment. Release of pension on these grounds is subject to approval of the Staffing Officer Panel.

Equality

Cheshire East Council will ensure that, when implementing this policy, no employee will be disadvantaged on the basis of age, disability, gender reassignment, marital status or civil partnership, pregnancy and maternity, race, religion or belief, sex or sexual orientation. This means that the policy may need to be adjusted to cater for the specific needs of an individual, including the provision of information in alternative formats where necessary.

Monitoring and Review

The policy will be reviewed in the light of operating experience and/or changes in legislation.

Data relating to this policy will be collated and monitored periodically to ensure that the Policy is operating fairly, consistently and effectively. Issues that are identified from the data will be dealt with appropriately.

Right of Appeal

Employees who are dissatisfied with a decision made under this scheme or that a decision has not been made under this scheme have a right to complain by using the Cheshire Pension Fund IDR (Internal Dispute Resolution Procedure).

Prepared by:	HR Policy and Strategy Team
Date :	June 2014
Revisions and reasons:	LGPS 2014 Regs Review April 2016-Regs require review
Review date:	April 2018



Human Resources Policy

Redundancy and Efficiency Policy

Scope

This policy applies to all employees of Cheshire East Council except schools based employees. There are specific policies for schools employees which can be accessed via the Schools Intranet Site.

Policy Statement

The Council fully recognises the importance of creating a secure working environment and will take the necessary steps to ensure continuity of employment wherever possible; by effective workforce planning that ensures the effective, economic and efficient provision of service.

This policy sets out the Council's approach to dealing with potential redundancies and cases where it is considered in the best interests of the organisation to release an employee on the grounds of business efficiency. It does not form part of an employee's terms and conditions of employment and may be subject to change at management's discretion.

It is the Council's policy to avoid redundancies or release of employees on grounds of business efficiency wherever possible. However, the needs of the organisation may from time to time require a reduction in the overall numbers of employees or organisational changes that may result in some redundancy situations arising, or the need to release individuals on grounds of business efficiency.

Definitions

Redundancy- as defined in law by the Employment Rights Act 1996.

Efficiency- where an employee is invited to exit the organisation on the grounds of business efficiency. The exit would provide overall benefit to the business efficiency of the organisation. The post holder is not made redundant.

Principles

Where the Council decides that after taking all considerations into account, redundancies are unavoidable or appropriate for sound business reasons, or

it is in the best interest of the organisation to exit an employee on the grounds of business efficiency, the Council will exercise its discretions as agreed by Staffing Committee and in doing so will ensure that:

- It exercises its discretions reasonably and objectively
- Any enhancements are affordable in the short and long term and provide value for money for the tax payer.
- The future ability to deliver efficient and cost effective services to the community is not jeopardised
- The loss of skills and experience is carefully assessed to ensure that a balanced workforce is maintained
- The Redundancy/ Efficiency Procedure is applied in a fair and consistent manner
- The number of redundancies is kept to a minimum
- Employees and their representatives are fully consulted on any proposals and their implementation as early at the earliest practical opportunity
- The Department for Business, Innovations and Skills is notified of the reasons for the proposals and the potential number of redundancies following the correct HR1 procedures. A copy will be forwarded to the Trade Unions along with details of the service areas affected.
- Consultations take place with Trade Unions to discuss any possible measures for avoiding redundancies
- Every effort is made to find suitable alternative employment for those employees who may be affected by the proposals, in accordance with the Redeployment Procedure
- Support and advice is provided to affected employees to help them find suitable work in the event of a redundancy
- The facts will not be made public before employees and their representatives have been informed

When considering applications for voluntary redundancy (VR) the Council will consider:

- The need for the competency and skill set to meet the current commitments
- The uniqueness of that competency and skill set in the organisation to the expected demand
- The likely need for that competency and skill set to meet future needs
- The likely timescale of future needs, comparing the cost of retention with the cost of VR and future re-recruitment
- The opportunity to cross skill or retrain remaining staff to fill the gap, and the cost and timescale to achieve this
- The cost of VR and value for money for the tax payer.

Redundancy Payments

In a redundancy situation, as defined by the Employment Rights Act 1996 an employee may be eligible to receive a redundancy payment or early retirement, depending on the circumstances. Retirement provisions are outlined in the Retirement Policy.

For employees in the Local Government Pension Scheme (LGPS), the provisions are:

Compulsory Redundancies

- early release of pension benefits (if aged 55 and over with at least two years membership in the LGPS or with transferred pension) in line with the Local Government Pension Scheme regulations,
- a redundancy payment in accordance with the State formula based on the employee's actual week's pay.

Voluntary Redundancies and release on ground of Business Efficiency

- The same as for Compulsory Redundancy, with an additional severance payment of 0.8 times the statutory payment, bringing the total payment to 1.80 times the statutory formula and up to a maximum of 50 weeks pay. This additional element is awarded in accordance with the Local Government (Early Termination of Employment) (Discretionary Compensation) Regulations 2000 and the Council reserves the right to change all discretionary elements.

Employees who are not in the LGPS will be entitled to:

Compulsory Redundancy - a redundancy payment in accordance with the State formula based on the employee's actual week's pay.

- **Voluntary Redundancy** - a redundancy payment in accordance with the State formula based on the employee's actual week's pay **plus** an additional severance payment of 0.8 times the statutory payment, bringing the total payment to 1.80 times the statutory formula and up to a maximum of 50 weeks pay. This additional element is awarded in accordance with the Local Government (Early Termination of Employment) (Discretionary Compensation) Regulations 2000 and the Council reserves the right to change all discretionary elements.

Release on grounds of business efficiency

Efficiency or severance may involve the release of an employee from the organisation where the release achieves the more effective use of resources and provides value for money and may avoid a redundancy situation.

There may be occasions where the Council will consider release on the grounds of business efficiency. This provides for a lump sum severance payment to be made, based on the merits of each individual case but up to a maximum of the same amount that would be permitted under the Council's

Voluntary Redundancy scheme, and may involve retirement for employees. Business efficiency must be demonstrated, where the release of the employee achieves the more effective use of resources and provides value for money for the Council. It may be used to facilitate restructuring and/or to avoid a redundancy, and will not result in the deletion of the post holder's post from the structure in the same way as redundancy would.

Green Car Scheme

Where employees are participating in the Green Car Scheme at the time of their redundancy/ release on grounds of business efficiency, their redundancy/ efficiency payment will be calculated using the pre sacrificed salary.

Equality

Cheshire East Council will ensure that, when implementing this procedure, no employee will be disadvantaged on the basis of age, disability, gender reassignment, marital status or civil partnership, pregnancy and maternity, race, religion or belief, sex or sexual orientation. This means that the policy may need to be adjusted to cater for the specific needs of an individual, including the provision of information in alternative formats where necessary.

Monitoring and Review

The procedure will be reviewed in the light of operating experience and/or changes in legislation.

Data relating to this procedure will be collated and monitored periodically to ensure that the procedure is operating fairly, consistently and effectively. Issues that are identified from the data will be dealt with appropriately.

Useful Links:

Prepared by:	HR Policy and Strategy Team
Date :	April 2016
Revisions and reasons:	LGPS 2014 Clarification of efficiency
Review Date:	April 2019



Human Resources Procedure

Redundancy and Efficiency Procedure

Scope

This procedure applies to all employees of Cheshire East Council. It is not applicable to schools based employees. There are specific procedures for schools employees which can be accessed via the Schools Intranet Site.

Purpose

The purpose of this procedure is to outline the considerations to be made and process to be followed when a redundancy situation arises or where it may be considered to be in the interests of efficiency of the organisation for an employee's employment to terminate.

Definition of Redundancy

A Redundancy situation is defined by the Employment Rights Act 1996 (s.139(1)) as

a) the fact that the employer has ceased or intends to cease to carry on the business for the purposes of which the employee was employed, or to carry on the business in the place where the employee was employed

Or,

b) the fact that the requirements of the business for employees to carry out work of a particular kind or for employees to carry out work of a particular kind in the place where the employee was employed have ceased or diminished or are expected to cease or diminish

A redundancy payment can only be made where the statutory definition of a redundancy is met. It cannot be paid in any other circumstances.

Definition of Efficiency

There may be occasions when it is in the interests of the Council to release an employee from the organisation to reduce costs to improve efficiency. The release may include payment of a lump sum or severance payment, where the release achieves the more effective use of resources and provides value for money.

Procedure

Where the possibility of redundancy arises, management will enter into

consultations with the appropriate employees and employee representatives as early as possible with a view to discussing of all the options. Reference should also be made to the Restructuring Policy.

The Council will seek to avoid compulsory redundancy wherever possible. Consideration will be given to the following subject to the Council's business needs at the time.

- Normal employee turnover and retirements
- Recruitment freeze or the use of temporary or fixed term contracts or other short term methods of covering the work, e.g. acting up arrangements.
- Ring fencing vacancies to affected employees
- Reducing costs by reducing overtime; reviewing the balance of gradings (using job evaluation as appropriate); reviewing working patterns (to avoid those that attract enhancements)
- Buy out of hours, considering whether employees would be willing to reduce their hours
- Retraining/Reskilling for employees to enable them to develop new skills and so move on either within or outside the Council
- Outplacement and counseling services which may assist employees in finding employment outside of the Council
- Protection of earnings for a limited time where there is a reasonable alternative job at a lower level.
- Redeployment

Compulsory Redundancies

This will be considered where it has not been possible to find an alternative to redundancy.

Consultation

It is a legal requirement to consult both employees and appropriate representatives about potential redundancies. Consultation should include discussion on ways of:-

Avoiding dismissals

Reducing the number of employees to be dismissed

Mitigating the consequences of the dismissals

Selection Criteria

with a view to reaching agreement.

Where the Council is considering reductions in staffing levels it will consult relevant recognised trade unions and employees.

At any time during the consultation period, the proposals may be withdrawn or modified in response to changes in circumstances or the identification of an alternative course of action.

Consultation will take place at the earliest opportunity even when the employees to be made redundant are volunteers, and irrespective of whether or not they are members of the recognised trade union, or whether they qualify for redundancy pay.

Consultation for all redundancies will take place at the earliest opportunity but where:-

- i) 20 or more redundancies are proposed at one establishment (ie Cheshire East Borough Council) within a 90 day period consultation will begin at least 30 days before the first dismissals take effect.
- ii) 100 or more redundancies are proposed at one establishment within a 90 day period, consultation will begin a minimum of 45 days before the first dismissals take effect.

Timescales for proposed redundancies of less than 20 will be part of the consultation but the process will be the same.

Discussions with the Trade Unions will include:

- a) The reasons for the proposals;
- b) The number and job titles of those potentially affected
- c) The total number of employees of that job title employed at the establishment in question;
- d) The proposed method of selecting the employees who may be dismissed;
- e) The proposed method of carrying out the dismissals

Notification to Secretary of State

Notification to the Secretary of State will be made if proposing to dismiss as redundant at least 20 employees. A copy of this formal notification will be sent to the Trade Unions.

Consultation with Employees

Consultation with employees will take place at two levels: collectively and individually. Precisely what is notified to employees and exactly how it is done will vary according to particular circumstances but in broad terms it is usual to follow a collective meeting with individual discussions. It is recommended that a representative of the Human Resources Team be invited to both meetings. Trade Union representatives will also be invited to attend these collective meetings.

Collective Consultation

A collective meeting is useful for giving information to groups of employees on:-

- * The financial backgrounds to the need for redundancies.

- * The alternatives that management have considered.
- * The numbers and categories of employees likely to be affected.
- * The criteria to be used in selecting employees for redundancy.
- * When individuals will be informed of their position.
- * The opportunity for individual discussions.
- * The content and availability of assistance and support
- * Cheshire East Council's redeployment procedure.

Employees should be invited to comment on the proposals within an agreed timescale. Further meetings may need to be arranged as a result.

Individual Consultation

Employees affected will be offered an individual consultative meeting with their manager and the Redeployment Officer to discuss the details of the process. Employees may be accompanied at this meeting by a Trade Union representative or a work colleague.

Individual counselling can be provided where appropriate and necessary.

Selection Criteria for Redundancy

The selection criteria to be used will be notified as part of the consultation for any particular proposed reduction.

Voluntary Redundancy (VR)

In conjunction with the above measures, Cheshire East Council will consider volunteers for redundancy either directly or indirectly but volunteers will not automatically be accepted. (Indirect or 'bumped' redundancy is where a volunteer in a continuing job is dismissed to make way for another employee who would otherwise be redundant). In such circumstances the volunteer's employment is terminated on grounds of redundancy.

When considering applications for voluntary redundancy the Council will consider:

- The need for the competency and skill set to meet the current commitments
- The uniqueness of that competency and skill set in the organisation to the expected demand
- The likely need for that competency and skill set to meet future needs
- The likely timescale of future needs, comparing the cost of retention with the cost of VR and future re-recruitment
- The opportunity to cross skill or retrain remaining staff to fill the gap, and the cost and timescale to achieve this
- The cost of VR

Termination of Employment

The termination of employment on the grounds of redundancy requires formal approval from the VR panel.

Appeals

If an employee wishes to exercise his right of appeal against the issuing of a notice of termination of employment on the grounds of redundancy he/she must do so by lodging a notice of the grounds of appeal in writing to the Head of Service and copied to the Head of Human Resources within ten working days of being notified of the action.

The written notice of appeal must clearly state the grounds for the appeal.

The appeal will be heard in line with the appeals process in the Dismissal Procedure.

Period of notice

Where the employer gives notice of the termination of employment notice will be as follows:

<u>Length of continuous employment</u>	<u>Period of notice</u>
Less than 4 weeks	No entitlement to notice
Four weeks but less than two years	1 week
Two years but less than 12 years	1 week for each year of continuous employment
12 years or more	Not less than twelve weeks

Previous service with any public authority to which the Redundancy Payment Modification Order applies will count towards the length of service for notice periods (provided that all service has been continuous).

In Compulsory Redundancy situations (only) where Cheshire East Council is unable to serve the appropriate period of notice by the date on which employment ceases, advice should be sought from Human Resources regarding the discretion to apply pay in lieu of notice.

Annual leave

Where employees have been given notice of termination on the grounds of redundancy, managers should try to ensure that they use up any outstanding leave entitlement, accrued up to the end of their employment. In cases of release on the grounds of business efficiency or Voluntary Redundancy, any unused leave entitlement at the date of termination will be lost and this will be reflected within the settlement agreement.

In a compulsory redundancy situation (only), where an employee is not able to take outstanding leave due to work pressures, they may be entitled to a payment in lieu, in accordance with the provisions of the Working Time Regulations. In such situations managers must seek advice from Human Resources.

Letters of Dismissal

Notification of redundancy dismissal will be in writing and include notice periods, details of the redundancy payments and pension's benefits payable where there is an entitlement and notification of the employee's right of appeal with details of how the employee may exercise this right if he/she wishes.

Leaving Early

If an employee resigns in anticipation of being selected for redundancy s/he will have no entitlement to a redundancy payment.

Redundancy Payment Modification Order

If an employee who has been served notice of the termination of employment on the grounds of redundancy, but before the date on which their notice expires, is offered suitable alternative employment, either by Cheshire East Council or with a public authority within the Redundancy Payment Modification Order to start within four weeks of the expiry of the notice, s/he will have no entitlement to a redundancy payment.

If, however, employees are offered employment by an employer which is not within the Redundancy Payment Modification Order s/he will remain entitled to receive the redundancy payment from Cheshire East Council.

Redundancy Payments

In a redundancy situation, as defined by the Employment Rights Act 1996 an employee may be eligible for either early retirement or severance, depending on the circumstances.

For employees in the Local Government Pension Scheme, the provisions are:

Compulsory Redundancies

- early release of pension benefits in line with pension scheme rules (if aged 55 and over with at least two years membership in the LGPS or with transferred pension).
- a redundancy payment in accordance with the State formula based on the employee's actual week's pay.

Voluntary Redundancies

- This is the same as for compulsory redundancy, but with an additional payment of 0.8 times the statutory payment, bringing the total payment to 1.80 times the statutory formula and up to a maximum of 50 weeks pay. This additional element is awarded in accordance with the Local Government (Early Termination of Employment) (Discretionary

Compensation) Regulations 2000 and the Council reserves the right to change all discretionary elements.

Employees who are not in the LGPS will be entitled to:

Compulsory Redundancy - a redundancy payment in accordance with the State formula based on the employee's actual week's pay.

- **Voluntary Redundancy** - a redundancy payment in accordance with the State formula based on the employee's actual week's pay **plus** an additional payment of 0.8 times the statutory payment, bringing the total payment to 1.80 times the statutory formula and up to a maximum of 50 weeks pay. This additional element is awarded in accordance with the Local Government (Early Termination of Employment) (Discretionary Compensation) Regulations 2000 and the Council reserves the right to change all discretionary elements.

Mutual Termination / Settlement agreements

The Council uses settlement agreements as a matter of course for all voluntary redundancies and exits on the grounds of efficiency, and this applies to all employees, including Chief Officers, including Chief Executive.

Salary Sacrifice Schemes

Where an employee is participating in Salary Sacrifice schemes, e.g. Green Car Scheme/Purchase of Annual Leave etc., at the time of redundancy their redundancy or severance payment on the grounds of efficiency will be calculated using the pre sacrificed salary.

Time off for Job Hunting

An employee who has been given notice of dismissal on the grounds of redundancy is entitled, during the period of notice, to reasonable time off with pay to look for other employment or to arrange training for future employment.

Employees should always check with their manager that it is convenient for them to take time off to look for work, visit the Job Centre or attend an interview, before they arrange or confirm an appointment.

Release on grounds of business efficiency (for employees age 55 or above in the Local Government Pension Scheme - LGPS)

There may be occasions where the Council will consider retirement where the release of the employee achieves the more effective use of resources and provides value for money for the Council. It may be used to facilitate restructuring and/or to avoid a redundancy, and will not result in the deletion of the post holder's post from the structure in the same way as redundancy would. An employee cannot be compelled to retire under this scheme, it can only be voluntary.

To be eligible an employee must be:

- age 55 or above
- in the LGPS with at least 3 months membership or transferred service.

The scheme gives unreduced payment of accrued pension benefits and employees may also be paid a lump sum payment, under the Local Government (Early Termination of Employment) (Discretionary Compensation) (England and Wales) Regulations 2006. The discretionary lump sum payment will be based on the merits of each individual case but up to a maximum of the same amount that would be permitted under the Council's Voluntary Redundancy scheme.

Factors to be taken into account in awarding compensation would include:

- Overall reasonableness, including benefits to the Council tax payer by the employee leaving the Council's service.
- Direct financial savings to be incurred by the employee leaving the Council's service.
- Employee relations considerations.

Release on grounds of business efficiency (for employees under age 55, or those not in the Local Government Pension Scheme- LGPS)

The Council will also consider release on the grounds of efficiency for employees aged under 55 years, to enable the Council to continue to achieve effective use of resources and provide value for money.

The scheme provides for a lump sum payment to be made, based on the merits of each individual case but up to a maximum of the same amount that would be permitted under the Council's Voluntary Redundancy scheme

Factors to be taken into account in awarding compensation would include:

- Overall reasonableness, including benefits to the Council tax payer by the employee leaving the Council's service.
- Direct financial savings to be incurred by the employee leaving the Council's service.
- Employee relations considerations.

Re-employment

The re-employment of any former employees who have left the employment of the Council or Legacy Councils on the grounds of voluntary redundancy or efficiency grounds is not permitted. Under truly exceptional circumstances, exception to this rule may be made by the Head of Human Resources in conjunction with the Leader and the relevant Portfolio Holder.

Reappointment and re-engagement includes all types of contractual relationships whether they be a contract of employment, contract of service, etc. and whether the individual is appointed as an employee or engaged as an interim, direct consultancy or via an agency or other supplier.

Equality

Cheshire East Council will ensure that, when implementing this procedure, no employee will be disadvantaged on the basis of age, disability, gender reassignment, marital status or civil partnership, pregnancy and maternity, race, religion or belief, sex or sexual orientation. This means that the policy may need to be adjusted to cater for the specific needs of an individual, including the provision of information in alternative formats where necessary.

Monitoring and Review

The procedure will be reviewed in the light of operating experience and/or changes in legislation.

Data relating to this procedure will be collated and monitored periodically to ensure that the procedure is operating fairly, consistently and effectively. Issues that are identified from the data will be dealt with appropriately.

Useful Links:	Restructuring Policy
Prepared by:	HR Policy and Strategy Team
Date :	11.12.13
	1.4.14
	April 2016
Revisions and reasons:	Changes to redundancy consultation period.
	LGPS 2014
	Clarification of efficiency
Review Date:	April 2019

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Human Resources Policy

Retirement Policy

Scope

This policy applies to all Council employees except teachers and youth workers for whom the Teachers Pension Scheme applies. It applies to all employees age 55 and over and for all employees regardless of age if retirement is on the grounds of ill health. It does not apply to cases of injury or death.

Policy statement

The purpose of this Policy is to explain the Council's position in relation to the retirement of employees.

Principles

Cheshire East Council recognises that there comes a time when an employee may decide to retire from their employment, and that there are a number of circumstances when retirement may be considered earlier than the normal pension age. Reasons for early retirement can relate to the individual situation of an employee, for example in the case of ill health, or be as a result of organisational changes.

Where the Council decides, in each case, that after taking all considerations into account, early retirement, flexible retirement or severance is unavoidable or appropriate for sound business reasons, the Council will exercise its discretions as agreed by Staffing Committee and in doing so will ensure that:

- It exercises its discretions reasonably and objectively
- Any enhancements are affordable in the short and long term, and provide good value for money for the tax payer.
- The future ability to deliver efficient and cost effective services to the community is not jeopardised
- The loss of skills and experience is carefully assessed to ensure that a balanced workforce is maintained

Definitions

Retirement is defined as when an employee

- voluntarily resigns at age 55 or over up to normal retirement age—and requests their pensions benefits
- leaves the Council at the age of 65 or above
- takes early retirement at age 55 or over with agreed early release of pension (redundancy, flexible retirement or efficiency grounds)
- retires on the grounds of ill health at any age.

Normal pension age/ normal retirement age is the normal scheme retirement age is linked to your State Pension age, or age 65 if this is later.

Policy

Grounds for retirement

1. Age

Employees at normal pension age in the Cheshire Pension Fund may retire from the organisation and receive payment of full pension entitlement. For further details, contact the pension fund directly.

Employees age between 55 and normal retirement age in the Cheshire Pension Fund may exit the organisation and receive reduced pension benefits. For further details, contact the pension fund directly.

2. Ill Health

The Council will consider retirement on ill health grounds where the employee is certified by an Independent Registered Medical Practitioner (IRMP) as incapable of undertaking their local authority employment (i.e. their contractual job) and have a reduced likelihood of being capable of undertaking gainful employment, whether in local government or otherwise, before their normal retirement age. Gainful employment is defined as paid employment for not less than 30 hrs in each week for a period of not less than 12 months.

Provided that the employee has at least two years membership in the Local Government Pension Scheme and if the above criteria are satisfied, the employee will receive early release of their pension in accordance with the LGPS Regulations.

Agreement to release pension on these grounds will be subject to approval of the Staffing Officer Panel.

Employees with less than two years membership in the Local Government Pension Scheme will receive a lump sum payment which is at least a refund of the contributions they have paid plus interest, less any tax and NI due.

3. Compulsory Redundancy

In a redundancy situation, as defined by the Employment Rights Act 1996 an employee may be eligible for early retirement, depending on the circumstances. Where the employee is eligible for early retirement (as defined by the LGPS Regulations) the Council's redundancy terms will include:

- the release of pension without reduction
- a pension lump sum (if applicable)
- a statutory redundancy payment based on the employees actual weeks pay.
- Where normal or full notice cannot be served, pay in lieu of notice will apply

4. Voluntary Redundancy

In respect of Voluntary Redundancies only, in addition to the redundancy terms stated above, the employee will receive an additional severance payment of 0.8 times the statutory payment, bringing the total payment to 1.80 times the statutory formula and up to a maximum of 50 weeks pay. This additional element is awarded in accordance with the Local Government (Early Termination of Employment) (Discretionary Compensation) Regulations 2000 and the Council reserves the right to change all discretionary elements. The additional lump sum payment may be used to purchase additional pension contributions. (APC's) No pay in lieu of notice will be paid.

Release of pension on grounds of redundancy is subject to approval of the VR Panel.

Employees who are not in the LGPS will be entitled to the following:

For Compulsory redundancies - a statutory redundancy payment and where normal or full notice cannot be served, pay in lieu of notice

For Voluntary Redundancies – a statutory redundancy payment and an additional redundancy payment as above. No pay in lieu of notice will be paid.

5. Efficiency

The Council will consider retirement where the release of the employee achieves the more effective use of resources and provides value for money for the Council. It may be used to facilitate restructuring and/or to avoid a redundancy. An employee cannot be compelled to retire under this scheme, it can only be voluntary.

To be eligible an employee must be:

- age 55 or above
- in the LGPS with at least 3 months membership or transferred service.

The scheme gives unreduced payment of accrued pension benefits and employees may also be paid a lump sum payment, under the Local Government

(Early Termination of Employment) (Discretionary Compensation) (England and Wales) Regulations 2006. The discretionary lump sum payment will be based on the merits of each individual case but up to a maximum of the same amount that would be permitted under the Council's Voluntary Redundancy scheme.

Factors to be taken into account in awarding compensation would include:

- Overall reasonableness, including benefits to the Council tax payer by the employee leaving the Council's service.
- Employee relations considerations.

6. Employee Requested Retirement

Active Members (present employees)

Employees may choose to resign from the organisation from age 55 years and receive their pension benefits. The employee may request that Cheshire East Council waive the pension reduction suffered.

This request will be at the employee's initiative and may be for personal reasons or they may ask for it to be considered on compassionate grounds. The benefits are actuarially reduced but this reduction may be waived on compassionate grounds or other appropriate grounds, in exceptional circumstances.

Any request under this regulation is subject to management approval, which is discretionary. Because of the increased burden this scheme may place on the Pension Fund, management discretion will only be exercised where it can be demonstrated to be in the Council's interest, where management are satisfied that such release represents value for money.

If the request is on compassionate grounds the benefits will be paid in full without actuarial reduction.

Release of benefits under this regulation is subject to approval of the Staffing Officer Panel.

Deferred members (former employees)

Applications may also be considered from former employees but release will only be approved where the Council is satisfied that such release is on compassionate grounds or other appropriate grounds. The benefits will be actuarially reduced.

Requests for release on Compassionate Grounds - Such cases normally arise as a result of an employee's/former employee's need to give up work to care for a very dependent relative. Pension release will not be agreed where the care needed is temporary (e.g. in terminal cases). Decisions will be based on the circumstances of the individual case and not on the cost, although this issue will need to be addressed if release is agreed.

Release of benefits under this regulation is subject to approval of the Staffing Officer Panel.

7. Flexible Retirement (Employee Requested)

The Council will consider requests from employees to reduce their hours or pay grade in order to release some or all of their pension.

Employees must be aged 55 or above and have at least 3 months membership of LGPS or transferred service.

The request will be considered if either;

- their substantive grade reduces by a minimum of 2 grades (e.g. grade 6 to grade 4) **And/Or**
- their contractual hours reduce by a minimum of 1/5th

Where agreed they will receive payment of all of their pension on an actuarially reduced basis, unless they are in the protected group.

Employees will not be able to apply for release of pension retrospectively.

Release of benefits for flexible retirement is subject to approval of the Staffing Officer Panel.

Costs

Responsibility for associated costs will rest with the service responsible for the early retirement/redundancy decision including those that arise from approved policy changes or the budget setting exercise. This is to ensure that the costs of the decisions made are taken into account against the financial benefits arising as a result of the efficiency savings, changes or workforce reductions.

In respect of ill health retirements there will be no specific charge against individual services.

Re-employment

The re-employment of any former employees who have left the employment of the Council or Legacy Councils on the grounds of voluntary redundancy or efficiency grounds is not permitted. Under truly exceptional circumstances, exception to this rule may be made by the Head of Human Resources in conjunction with the Leader and the relevant Portfolio Holder.

Reappointment and re-engagement includes all types of contractual relationships whether they be a contract of employment, contract of service, etc and whether the individual is appointed as an employee or engaged as an interim, direct consultancy or via an agency or other supplier.

Where a former employee has retired on the grounds of ill health and applies for a job with the Council, approval must first be given by the Occupational Health Unit and the Head of Human Resources.

Long Service Retirement Award

Upon retirement, the Council recognises and rewards employees who have achieved long service of 20 years or 30 years with Cheshire East Council (including service from legacy authorities – Cheshire County Council, Crewe and Nantwich Borough Council, Macclesfield Borough Council, Congleton Borough Council and other organisations from which employees have transferred under TUPE regulations). Awards are reimbursement for a gift to the value of £200 (20 yrs + service) and £300 (30 yrs + service) upon retirement.

Equality

Cheshire East Council will ensure that, when implementing this policy, no employee will be disadvantaged on the basis of age, disability, gender reassignment, marital status or civil partnership, pregnancy and maternity, race, religion or belief, sex or sexual orientation. This means that the policy may need to be adjusted to cater for the specific needs of an individual, including the provision of information in alternative formats where necessary.

Monitoring and Review

The policy will be reviewed in the light of operating experience and/or changes in legislation.

Data relating to this policy will be collated and monitored periodically to ensure that the Policy is operating fairly, consistently and effectively. Issues that are identified from the data will be dealt with appropriately.

Appeals

Appeals against decision to decline requests for ill health, compassionate retirement and flexible retirement or against the application of the provisions detailed in the Pensions Discretions Policy will be dealt with in accordance with the Internal Disputes Resolution Procedure. Details are available from your Human Resources Advisor.

Appeals against decisions to decline requests for Efficiency, Redundancy or Employee Requested retirements will be considered by the Staffing Officer Panel.

Prepared by:	HR Policy and Strategy Team
Date :	April 2016
Revisions and reasons:	New discretions
Review Date:	April 2018

CHESHIRE EAST COUNCIL

Staffing Committee

Date of Meeting: 21st April 2016
Report of: Head of Strategic HR
Subject/Title: Exit Payments Overview

1.0 Report Summary

- 1.1 Following the deferral of the report to Staffing Committee on 14th January 2016 on the Voluntary Redundancy (VR) and Voluntary Early Retirement (VER) terms, this report updates Staffing Committee on the current situation in relation to the Government's proposals on the recovery of public sector exit payments, redundancy capping limits and additional consultation on wider reforms to public sector exit payments.
- 1.2 The report also provides a summary of packages currently offered by other North West Councils and in light of the potential raft of forthcoming legislation makes proposals regarding a further review of the Council's voluntary redundancy terms.

2.0 Recommendations

It is recommended that:

- 2.1 No immediate action is taken on amending Council VR and VER policies until the Government clarifies the position on potential changes to the recovery, capping and wider review of exit payments for the public sector.
- 2.1 The Committee note the Council's current redundancy policy position compared to other Authorities in the North West and monitors closely the situation in relation to the Government's potential changes.
- 2.3 A further report and update on Government progress is brought to Staffing Committee on 5th July 2016, including a timeline for a review of the Council's Voluntary Redundancy terms and other associated policies as required.

3.0 Reasons for Recommendations

- 3.1 The Government has made it clear that it intends to take action to curb the incidence of, and costs associated with, early termination of employment across the public sector, including local government. Consultations have taken place relating to the recovery of termination payments for certain higher earners who are re-employed in the public sector within 12 months of having been made redundant, as well as introducing an overall cap on exit payments

of £95,000. Publication of the final part of consultation is focussing on the wider reform of public sector exit payments. This latest consultation considers options for change relating to the calculation of discretionary exit payment lump sums (over and above statutory redundancy payments) as well as the early release of pension benefits resulting from redundancy terminations.

- 3.2 As a result of proposed and potential further changes from October 2016 onwards the Redundancy and Retirement policies should remain unchanged until all Government proposals are approved and legislated. In addition that clear implementation advice and practice is received from the Local Government Association (LGA) before amending the policies.

4.0 Wards Affected

- 4.1 None

5.0 Local Ward Members

- 5.1 None

6.0 Policy Implications

- 6.1 Any change to the current arrangements would represent a change to the Council's policy as to how it applies the Local Government (Early Termination of Employment) Discretionary Compensation) (England and Wales) Regulations 2006. In this event the policy would be updated to reflect the changes and published in accordance with the requirements.
- 6.2 In addition, the Council's Pay Policy Statement would need to be amended along with further amendments to the Retirement and Redundancy & Efficiency policies to take account of those changes. Also if any amendments are required to the Councils Pensions Discretionary Statement, the discretionary regulations must be published for a month before any new terms are implemented.

7.0 Financial Implications

- 7.1 Each case for voluntary redundancy (VR) is scrutinised by a Staffing Officer Panel including an Elected Member and two Senior Officers, to evaluate the ongoing financial implications to the Council, and to check that alternative employment has been explored as an alternative to redundancy. This process will remain in place. This reduces risks and promotes value for money in the process, by comparing the costs of each VR with the associated annual savings, and considering the pay-back period. Cases proposed which involve a pay-back period of over a year are particularly carefully scrutinised.
- 7.2 The medium term financial strategy assumes the costs of redundancy will be met on existing terms, from approved budget envelopes, so the recommendation to retain existing terms will have no additional financial implications.

8.0 Legal Implications

- 8.1 The proposed voluntary severance terms are in accordance with pension regulations and are therefore legally compliant.
- 8.2 The voluntary redundancy process is handled in such a way as to minimise the risk of Employment Tribunal and breach of contract claims and no settlements will be paid unless an approved settlement agreement has been put in place.

9.0 Risk Management

- 9.1 To change current policies in the middle of a huge overhaul by the Government of public sector exit arrangements could lead to significant employee relations problems and confusion, especially when clarity on changes are likely to come forward by the Autumn of this year or sooner.
- 9.1 The Council has achieved major headcount reductions over the past six years and the approach of offering enhanced terms for voluntary redundancy has facilitated this change.
- 9.2 Further staffing reductions will be required to achieve the savings required over the next financial year which will be facilitated by continuing to have a clearly differentiated offer for voluntary redundancy.

10.0 Background

- 10.1 On 28th May 2012, Cabinet resolved that in relation to the Council's workforce change and severance/termination arrangements, a multiplier of 1.80 times would be applied to a week's pay up to a maximum of 50 weeks, with effect from 20 August 2012. These were reviewed in October 2013 and July 2014 and Staffing Committee deferred a further recommendation to retain these terms for a further period in January 2016 pending further clarity on government consultation on the Public Sector Exit Payment regulations and further regional comparison.

11. Regional comparison

- 11.1 Councils have three key discretions as to how they can manage voluntary redundancies, firstly the ability to pay up to 104 weeks pay, with the Council having elected to pay up to a maximum of 50 weeks. Secondly Councils can elect to base the payment on the employee's actual weekly wage, a statutory upper limit or to use an amount in between the two. The Council applies the actual weekly wage. Thirdly, the Council has the option to apply a multiplier to enhance the weeks pay calculation above the statutory formulae and the Council currently applies a 0.8 enhancement making a calculation of 1.8.
- 11.2 An action from Staffing Committee was to provide wider comparator information regarding Voluntary Redundancy payments. Drawing on an annual

survey of all North West Councils by the North West Employers Organisation it can be seen that in relation to CEC policy to other Councils we are as follows in the two main areas of calculation of redundancy payments :-

- **Pay Calculator**

Of the 31 Councils who responded all but three use the actual weeks pay for the redundancy calculation.

- **Multiplier**

A number of councils (18) have now moved to the statutory formulae with no multiplier offered. Of those who do offer a multiplier the Council is mid range at 1.8 x on (voluntary redundancy only) with the highest at 2.2 x and lowest 1.4x.

- 11.3 Further information is provided in Appendix 1 which provides an overview of the results showing the position of all Councils that responded.

12. Public Sector Exit Payment legislation

- 12.1 There are currently three pieces of potential legislation at different stages of consultation which will directly impact on the Councils current and future approach to exit payments (further information is provided in Appendix 2).

1. Public Sector Exit Payment **Cap** Regulations 2016
(1st October 2016 at the earliest)
2. Public Sector Exit Payment **Recovery** Regulations 2015
(anticipated to be May 2016)
3. Wider **Reforms** to Public Sector Exit Payments
(consultation ends 3rd May 2016)

- 12.2 The Exit Payment Cap and Recovery Regulations impact on high earners and there remains a lack of clarity on the detail and implementation dates which has a knock on effect to planning.

- 12.3 The wider reforms to Public Sector Exit Payments currently being consulted upon potentially will effect all staff and the Councils policies on voluntary and compulsory redundancy, voluntary early retirement and efficiency. So far no implementation timetable has been published for this consultation so it could be into 2017 before legislation is published. However it is also possible that all changes are developed this summer and passed in the Enterprise Bill now proposed for 1/10/16.

13.0 Access to Information

The background papers relating to this report can be inspected by contacting the report writer:

Name: Rosie Ottewill
Designation: Organisational Development Manager
Tel No: 01270 685883
Email: rosie.ottewill@cheshireeast.gov.uk

Appendix 1 – North West comparison data for redundancy

Summary of Calculation Data

1. The vast majority of the 31 Councils who responded to the NW Employers survey use actual weeks' pay for calculating the redundancy payment (28). One council does use this calculator for voluntary redundancy and the statutory calculator for compulsory redundancy.

2. Of the 3 that don't :-
 - 2 use statutory calculation
 - 1 has a £1,000 per week max cap.

Summary of multiplier payments

Statutory formula = 18 councils

Multiplier Used

2.2 x	= 3 (1 voluntary redundancy only)
2.0 x	= 2 (1 capped at 52 weeks)
1.8 x	= 1 (voluntary redundancy only CEC)
1.5 x	= 3 (1 voluntary redundancy only)
1.4 x	= 2
3 weeks p.a. up to 30 weeks max = 2	

Appendix 2 – Summary of Public Sector Exit Payment Legislation**1. Public Sector Exit Payment Cap**

In September 2015, the Government announced that it had decided to press ahead with its proposals for a £95,000 cap on the total value of payments made in connection with the termination of a public sector worker's employment. This cap will cover a broad range of circumstances, including both voluntary and compulsory termination of employment, and will affect most of the possible components of severance packages, including the cost of providing enhanced (unreduced) early retirement benefits.

On 3 November 2015, the Treasury published draft *Public Sector Exit Payment Regulations 2016* to implement its decision to impose a restriction on exit payments in the public sector. This regulation-making power will be added to the Act by the *Enterprise Bill 2015 – 16* that is currently before Parliament.

Source - Hymans Robertson Nov 2015

At the House of Commons committee stage for the Enterprise Bill in late February, the Government confirmed that the Exit Payment Cap will not now come into effect **until 1st October 2016** at the earliest, giving employers and employees time to prepare. The LGA remain in detailed discussions on the interpretation and effects of the proposed 'cap' and there are likely to be a number of adjustments or clarifications that will come through.

Source – NW Employers February 2016

On the 8th & 9th March the Enterprise Bill reached House of Commons, Report Stage and Third Reading. The LGA Briefing key messages report noted:-

- £95k cap would include cash lump sums, early access to unreduced pensions and pay in lieu of notice as well as non –financial and other benefits.
- Government plans to include provisions that will allow Authorities to waive the cap in certain circumstances. HM Treasury plan to issue guidance on this which may also be the subject to consultation.
- This cap would not just impact on higher paid managers but pension strain estimates examples show it could impact on long service mid ranking officers.

Source – LGA briefing paper –March 2016.**2. Public Sector Exit Payment Recovery**

The Government has published draft Regulations to implement the powers included in the Small Business, Enterprise and Employment Act 2015 for the recovery of termination payments paid to high earning public sector employees.

Under the new rules, due to take effect in April 2016 (**now anticipated to be May 2016**), public sector employees will be required to repay a tapering proportion of a 'qualifying exit payment', if they return to the public sector within a period of 12 months.

A qualifying exit payment will include payments made as a consequence of termination for any reason, including voluntary or compulsory redundancy, and whether or not paid under the terms of a settlement agreement. It will also apply to employer-funded pension top-up payments made under the Local Government Pension Scheme. It will not apply to contractual entitlements, such as accrued holiday entitlement or pay in lieu of notice, or payments made in respect of incapacity or death as a result of accident, injury or illness.

The measures will apply to all bodies within the ONS definition of 'public sector', other than those granted an exemption. Exempted bodies include Government-owned banks, public broadcasters such as the BBC, the armed forces, housing associations and national museums.

The draft Regulations include two important revisions to the Government's original proposals:

1. The new rules will apply to departing public sector employees earning £80,000 or more (not £100,000 as originally proposed). These employees represent the top 2% of earners in the public sector.
2. The repayment provisions will apply when an individual is employed or engaged by any public sector body in the period of 12 months following termination (not only if the employee is returning to the same 'sub-sector', as originally proposed).

Public sector employers will be required to keep detailed records of qualifying exit payments and inform departing employees of their obligation to repay it, if they are re-employed within 12 months. In addition, new employers will be required to wait until repayment arrangements have been finalised before the employee can start work.

Source Birketts December 2015, and LGA Advisory Bulletin No 634 – February 2016

3. Wider Reforms to Public Sector Exit Payments

The Spending Review 2015 announced the government's intention to consult on cross-public sector action on exit payment terms, to reduce the costs of redundancy pay-outs and ensure greater consistency between workforces.

The government is consulting on options to reform public sector exit payment terms to "ensure greater consistency, fairness and sustainability in the provision of public sector compensation".

Once the consultation closes on the 3 May 2016 the government will consider all replies and publish a government response document that will set out how the government intends to proceed.

The consultation considers options for:

- the setting of a maximum tariff for the calculation of exit payments (a maximum of 3 weeks per year of service has been suggested);
- capping the maximum period over which salary can be used when calculating redundancy payments (15 months has been suggested);
- setting a maximum salary on which exit payments can be based (£80,000 has been suggested, as per the NHS scheme);
- capping or removing the ability for employers to fund early release of pension benefits on redundancy, or increasing the minimum age at which an employee can receive such payments from an employer (5 years from an individual's normal pension age has been suggested).

Most of the above suggestions, if taken forward by Government could have implications for local government employers, who would be required to reconsider their policies around workforce management and termination policies. The full extent of required changes will not be known until detailed proposals are approved and released.

The LGPS regulations will also require amendment to reflect any changes to remove or restrict the current automatic right to LGPS benefits for those being made redundant from age 55.

Source – HM Treasury consultation document – February 2016

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CHESHIRE EAST COUNCIL

Staffing Committee

Date of Meeting: 21st April 2016
Report of: Head of Strategic HR
Subject/Title: Grievance, Bullying and Harassment Procedure

1.0 Report Summary

- 1.1 Following feedback from the Staffing Committee and the Appeals Staffing Sub-Committee changes have been made to the Grievance, Bullying and Harassment Procedure.
- 1.2 The changes to the procedure are recorded in detail the minutes of the Joint Policy Working Group dated 29 February 2016 and the revised procedure is contained in Appendix 1. The Trade Unions have been consulted and agree to the changes.

2.0 Recommendations

It is recommended that:

- 2.1 Staffing Committee agree the final procedure in Appendix 1 incorporating the changes.

3.0 Reasons for Recommendations

- 3.1 The changes provide realistic time scales for responding to appeals, provides correct reporting procedure where an appellant intends to appeal, and sets out more clearly the procedure to be followed at an appeal hearing.
- 3.2 The updated procedure shall be made available on Centranet.

4.0 Wards Affected

- 4.1 None

5.0 Local Ward Members

- 5.1 None

6.0 Policy Implications

- 6.1 No changes to policy

7.0 Financial Implications

7.1 None

8.0 Legal Implications

8.1 The new procedure references the role of the Legal Advisor at the appeal hearing, this is not a change but reflects current practice.

9.0 Risk Management

9.1 Failure to change time scales could result in appeals being dealt with out of time. Leading to increased claims to an Employment Tribunal.

9.2 The new appeal hearing procedure will reduce the risk of claims of unfair and unequal treatment.

10.0 Background

10.1 The procedure is part of a suite of HR policies and procedures that was agreed at harmonisation. The Grievance, Bullying and Harassment policy and procedure was created in March 2015, that combined both the Grievance policy and procedure, and the Dignity at Work policy and procedure. Only by using the procedure during 2015 did the need for change emerge.

11.0 Access to Information

The background papers relating to this report can be inspected by contacting the report writer:

Name: Karen Begley
Designation: HRBusiness Partner
Tel No: 01270 686305
Email: karen.begley@cheshireeast.gov.uk

Appendix 1



HUMAN RESOURCES PROCEDURE

Grievance, Bullying and Harassment Procedure

CONTENTS

Part 1: Introduction and Principles

Part 2: Informal Procedure – Day to day management of Grievances and Harassment

Part 3: Formal Procedures

Appendix 1 – Harassment/bullying - Examples

Appendix 2 – Formal Grievance and Harassment Notification Form

Appendix 3 - Grievance Appeal Hearing Procedure

PART 1

Introduction and Principles

Scope and Aims

1. This procedure is applicable to all employees of Cheshire East except school based employees. There are specific policies for schools employees which can be accessed via the Schools Intranet Site (link below).
<http://centranet.ourcheshire.cccusers.com/schools/SchoolsHR/Pages/default.aspx>
2. Cheshire East Council believes that every employee has a right to raise grievances about their work, conditions of service or working relationships. These procedures provide a process and guidance for employees and managers on raising and responding to grievances, both informally and formally, including those that relate to harassment. The aims of these procedures are to:
 - enable an employee (or group of employees) to raise a grievance and ensure that it is dealt with quickly and in a fair and consistent manner
 - enable grievances to be dealt with informally, wherever possible
 - enable an employee to raise a grievance relating to concerns that they feel that they are being subjected to harassment or bullying¹ in the workplace
 - ensure there is guidance on the circumstances in which a grievance can be raised and a clear process and timescales
 - ensure staff receive a timely and appropriate response from management, with a view to reaching a satisfactory outcome
3. In implementing this procedure the Council will ensure that managers deal fairly and effectively with employees should they complain about the behaviour of another employee, or if they are complained about.
4. It is emphasised that use of these procedures should not replace normal day-to-day discussions between managers and employees and every effort should be made to resolve issues without recourse to them.
5. Many grievances can be dealt with informally without the need to progress to the formal stage (see Informal Procedure below). Employees should aim to resolve most issues informally with their line manager (or the next senior manager where the complaint is against their line manager), but if they are unable to do so the matter should be raised formally without undue delay.

¹ The definition of harassment used in these procedures includes bullying as a form of harassment, though it is recognised that the terms are sometimes used interchangeably. Where reference is made to harassment it applies equally to bullying. **Harassment** is defined in the Council's Grievance and Harassment Policy as any unwanted attention or behaviour that a person finds objectionable or offensive and which makes him or her feel threatened or uncomfortable leading to a loss of dignity and self-respect.

6. Both managers and employees are required to commit to and support constructive discussions, adopting a positive approach to enable grievances to be resolved at the informal stage, wherever possible.
7. Where it has not been possible to resolve a matter informally employees have a right to raise a formal grievance. It is also possible to use the formal procedure in cases where the employee or manager feels that it is not feasible to resolve the matter informally.

Exclusions

8. The Council reserves the right to decline to consider any matter which it considers inappropriate under these procedures and confirms employees are specifically excluded from using the Procedures as follows:
 - Grievances or complaints involving members – they will be dealt with in accordance with the Council's Code of Conduct for Members and in accordance with the relevant provisions of Part III of the Local Government Act 2000.
 - Concerns regarding Service Users, Consultants, Volunteers, Contractors or employee of partner organisations – such concerns should be raised with the employee's line manager who may seek advice from HR. Most of these concerns will be dealt with under the Council's Complaints Procedure or service specific arrangements agreed for this purpose. Service managers are expected to ensure that appropriate measures are taken in relation to concerns raised in relation to service users, consultants, volunteers, contractors and employees of partner organisations.
 - Complaints relating to a pension, national insurance or income tax matter.
 - Where the employee fails to comply with the relevant time limits within the procedure (unless management agrees in advance to a particular time limit being extended).
 - Where they attempt to restart the procedure in respect of a grievance which has been previously heard under the procedure and the facts of the matter or circumstances have not altered substantially.
 - Where an employee has been notified of the date of an interview or disciplinary hearing concerning an alleged act of misconduct by them and whose declared grievance is connected with that matter.
 - Where an employee has been notified of the date of an interview or formal hearing concerning alleged unsatisfactory performance by them and whose grievance concerns or is connected with that matter or the arrangements for that interview or hearing.
 - Where resolving the grievance is beyond the powers of the Council e.g. where an employee wishes to raise a grievance concerning regulations or legislation.

Advice and Support for Employees

9. The Council recognises that raising certain grievances, including those that relate to harassment, can be difficult and the Council will ensure that all employees involved

receive support where appropriate. Employees may seek support from HR who can give informed advice in confidence and without pressure. It should be noted, however, that complete confidentiality cannot always be guaranteed as the Council has an obligation to investigate serious concerns/allegations. The objective of contacting HR is to help an employee to decide which course of action to take, and to support employees during both informal and formal action. Employees who are the subject of complaints may also seek advice from HR. Employees may also seek advice from their line manager or trade union representative.

10. Where a grievance relates to alleged harassment, in appropriate circumstances (and where both parties agree), they will be referred for mediation in an attempt to re-establish a positive working relationship.
11. Access to confidential counselling will also be available to employees through Occupational Health and/or the Employee Assistance Scheme.

Hate Crime

12. Any complaint that is perceived to be potential hate crime by the employee, their colleagues or management, must be reported to the Monitoring Officer under the appropriate procedures. The Head of Service will then use this procedure to investigate the matter.

Timescales

13. Whilst it is appreciated that in some cases employees may be reluctant to initiate this procedure, it is important that grievances are raised promptly in order that they can be investigated and resolved swiftly, avoiding any unnecessary stress and anxiety for all involved.
14. Employees are encouraged to raise complaints within 3 months of the event occurring, or final event where there is a sequence of events. However, this should not deter them from highlighting issues which occurred prior to this timescale, which form a sequence or pattern of events and give substance to the complaint.
15. Time limits are specified for each stage of the procedure to ensure the efficient resolution of complaints and to avoid delays. Such timescales should be followed unless both management and the employee or their trade union representative, mutually agree that speed is not essential or where there are exceptional circumstances. An extension may be necessary where a detailed investigation of the allegations made in a grievance is required.
16. If a complaint is not dealt with by an appropriate manager within a specified time limit, the employee shall have the right to proceed to the next stage of the procedure. Where an employee fails to comply with a time limit the procedure will cease and the complaint will be considered settled or withdrawn, unless it is agreed that the failure was not the fault of the employee. This will not apply if the manager and the employee agree that the time limits should be extended. There may be some cases where action is required by management, even if the employee decides not to proceed with their complaint.
17. The timing and location of any meetings should be reasonable and the employee must take all reasonable steps to attend. If the person accompanying the employee cannot attend on a proposed date, the employee can suggest a suitable alternative date/location. This must not be more than 5 days after the date originally proposed by the Head of Service.

Victimisation

18. Action will be taken to protect employees from intimidation, victimisation or discrimination for filing a complaint or assisting an investigation. Retaliating against an employee for complaining under these procedures or assisting in an investigation is a disciplinary offence.

Malicious Allegations

19. If an employee makes an allegation in good faith but it is not confirmed by the investigation, no action will be taken against them. If, however an employee makes an allegation frivolously, maliciously or for personal gain, disciplinary action will be taken against them.

Anonymous Allegations

20. The Council does not encourage the making of anonymous allegations and will only consider these in exceptional circumstances. Any decision to consider anonymous allegations will be at the absolute discretion of the Council. In exercising this discretion the following factors will be considered:

- the seriousness of the issues raised;
- the credibility of the concern; and
- the likelihood of being able to confirm the allegation

Equality

21. Cheshire East Council will ensure that when implementing these procedures no employee will be disadvantaged on the basis of their gender or transgender, marital status or civil partnership, racial group, religion or belief, sexual orientation, age, disability, pregnancy or maternity, social or economic status or caring responsibility. This means that the procedures may need to be adjusted to cater for the specific needs of an individual including the provision of information in alternative formats where necessary.
22. Before introduction, the potential equality impact of the procedures was assessed to ensure that it promotes equality for all staff and does not discriminate unfairly against any protected groups.

PART 2

Informal Procedure – Day to Day Management of Grievances and Harassment

Timeframe Standards:

- **Management acknowledgement within 5 working days of receipt of informal grievance**
 - **Meeting with employee and management decision within 20 working days**
23. Many grievances can be resolved quickly and informally through day to day discussions between an employee and their manager/supervisor. Effective supervision, one to one meetings, support and informal counselling can help establish an environment where an employee feels comfortable discussing concerns and has regular opportunities to raise any problems.

24. Managers need to be alert and respond promptly to grievances raised informally, especially where they may develop into more serious issues or where they involve concerns over any form of harassing behaviour. Examples of inappropriate behaviour are listed at Appendix 2. The employee should be directed to or given a copy of these procedures.

Action by Manager

25. The manager should normally respond to the grievance **within 5 working days**, either orally or in writing, when the grievance concerns harassment or where a written response is requested by the employee. In some cases this response may, at this stage, only be an acknowledgement of the issues and confirmation that the grievance will be investigated. If there is no response within 5 working days the employee may proceed to the Formal stage.
26. Sufficient investigation must be undertaken to establish the facts of the case. The nature and extent of the investigation will depend upon the individual circumstances. In more serious or complex cases, particularly under the Formal Procedure, it may be decided to appoint an Investigating Officer.
27. The manager should hold a meeting as soon as possible to explore the employee's (or group of employees²) concerns and agree how to move forward, identifying any appropriate support needed for the employee or other action to be taken. Advice should be sought from HR colleagues where appropriate. A note of any agreed action must be shared with the employee.
28. The manager should normally give a decision **within 20 working days** from receipt of the informal grievance. (Absences of the respective parties on annual leave or sickness absence may affect this timescale e.g. by delaying an investigation interview).

Grievance against Line Manager

29. If the employee's immediate line manager is the subject of the grievance it is very unlikely that it will be appropriate for them to deal with the complaint. In such cases the matter should normally be referred to a manager of equivalent status who has no direct involvement. In the first instance, the employee should, therefore, refer their grievance to their Head of Service or Director, as appropriate. They may also approach HR, who will also be able to advise on referral to an appropriate manager.

Mediation

30. In some circumstances, managers may consider whether using a mediator to help resolve issues would be appropriate. Mediation is a voluntary process where someone with an independent focus tries to facilitate a resolution. Mediation will only be used where appropriate and where all parties agree to take part. If mediation is used it is expected that the process will be completed within the overall 20 working day timeframe.

² A group of employees (two or more) with the same or similar grievance may use the procedure and be represented by a member of the group or through their trade union. All employees involved must jointly agree to do this.

Grievances involving harassment

31. Prompt action is especially important where a grievance relates to harassment. If possible, an employee who believes that they (or a colleague) have been subjected to any unacceptable behaviour should, in the first instance, ask the person to stop the behaviour. The individual must make it clear what aspect of the behaviour is offensive, upsetting, intimidating or in any other way unacceptable and explain the effect it is having on them (or their colleague). It should also be made clear that if the behaviour continues, a formal complaint will be made.
32. It is recognised that this can be a difficult thing to do and if the employee feels unable to make this approach on their own, it can be made with the support of a Trade Union representative or work colleague employed by the Council.
33. An employee may also report any unacceptable behaviour directly to their line manager or, if the behaviour involves their line manager, to the next tier of management. Complaints concerning Members of the Council must be reported to the Council's Monitoring Officer.
34. Employees may also approach any HR Officer, a manager of their own gender if preferred, or any other employee who they feel would be able to support their individual needs.
35. Employees should identify at this stage the outcome they are seeking (if known). They should also be advised by their manager (or HR Officer) of the options for both formal and informal resolution.
36. Where the grievance relates to alleged harassment the manager will undertake some initial enquiries, including discussing the complaint with the employee against whom the allegation has been made. The manager will consider the following options for informal resolution:-
 - i) Arrange a meeting with all those involved, either altogether or meeting the complainant separately where there are obvious sensitivities or the complainant may find a joint meeting too intimidating, with the aim of establishing understanding, recognition and acceptance of:
 - the alleged unacceptable nature of the behaviour.
 - the impact on the employee to whom the behaviour is directed.
 - the feelings of the complainant and the person against whom the allegation is made.
 - the motivation, or lack of it, of the alleged perpetrator.
 - the expected standards of behaviour.
 - how the employees involved will work together following the meeting.
 - what steps the manager will put in place to monitor and review the situation (a confidential written record of the meeting and outcomes should be kept).
 - ii) Act as mediator or appoint an independent mediator to conduct further discussions with the complainant and with the person against whom the complaint has been made, with the aim of improving understanding and establishing common ground from which to agree a practical resolution.

iii) Consider whether it is practical or desirable for either party to voluntarily move to another job or location either on a temporary or permanent basis, to support their wellbeing or the maintenance of an appropriate working environment.

37. Acknowledgement, recognition and agreement on a resolution strategy between the parties at this stage will preclude the need for further investigation.

38. The management decision will be completed within **20 working days** of the initial complaint being raised.

PART 3

Formal Procedure

Timeframe Standards:

- **Management acknowledgement within 5 working days of receipt of formal grievance**
- **Meeting with employee and management decision within 20 working days**

39. The Formal Procedure will commence where:-

- informal action does not result in the grievance being resolved (or the offending behaviour ceasing where harassment is alleged).
- the employee who raised the grievance, or the employee who is the subject of the grievance, is dissatisfied with the informal action taken.
- an employee wishes to make a formal complaint in the first instance.
- the complaint is so serious that informal action is inappropriate.

40. The grievance should be submitted in writing to the employee's Head of Service³ (or Director where the Head of Service is the subject of the grievance) using the Notification Form at Appendix 3. Managers should be aware that any written complaint by an employee may be considered to be a formal grievance - where it is the employee's intention to have their complaint dealt with as a grievance they should be asked to complete the form.

41. The Head of Service (or a manager they nominate) – referred to as the 'manager' in the subsequent paragraphs - will provide an acknowledgement **within 5 working days** and a written response and decision **within 20 working days** of receipt.

42. During this period, as appropriate, they will arrange any required fact-finding and an investigation where required. They will also arrange a meeting with the employee to hear further details, informing the employee of their right to be accompanied by a trade union or work colleague of their choice as a 'companion' (see 'Role of the Companion' below). The meeting will allow the manager to explore the issues and enable the employee to fully explain their complaint and how they think it should be resolved.

³ The Head of Service is defined as the most senior officer in the operating unit.

43. The manager will subsequently provide a written response that will outline their decision, the reasons for it and the employee's right of appeal. Any extension to the 20 day timescale should only be in exceptional circumstances.
44. If an informal resolution is not appropriate, the Investigating Officer will conduct a full formal investigation. If the Investigating Officer determines, either at the outset or during the investigation, that the investigation is likely to extend the process beyond the 20 working day timescale, this should be immediately communicated by the manager to the employee.

Harassment cases

45. Where the grievance relates to harassment the complainant should include the additional details shown on the Notification Form. It is important this information is provided in full to enable the manager to provide a prompt and effective response, including a written response and decision within the 20 working day timescale.
46. The manager will acknowledge receipt of the Notification Form within 5 working days, confirming that an investigation will take place, the name of the Investigating Officer and reminding the employee of the support available to them. The manager provides details of the complaint to the person against whom the allegations have been made, advises them of their rights under these Procedures and explains what will happen next.
47. Where the Informal Procedure has not been used, the Investigating Officer will interview separately both the complainant and the person against whom the complaint has been made in order to establish the issues, the seriousness of the complaint and whether informal resolution is still possible.
48. If an informal resolution is not appropriate, the Investigating Officer will conduct a full formal investigation. If the Investigating Officer determines, either at the outset or during the investigation, that the investigation is likely to extend the process beyond the 20 working day timescale, this should be immediately communicated by the manager to the employee.
49. Where an employee alleges that sexual harassment or other serious harassment has occurred managers must ensure that such complaints are handled sensitively. For example, careful consideration should be given to arranging meetings when in the immediate aftermath of a complaint of harassment e.g. by ensuring the employee is comfortable with the proposed meeting location and asking if the employee wishes to be accompanied by an appropriate person/colleague as a companion. The manager should also ensure that the employee is fully briefed on the procedure, in liaison with HR.
50. In circumstances where it is considered that an employee requires additional support and does not have trade union representation or an experienced companion, the manager, with HR advice, may consider making support available to ensure the employee is fully aware of the procedure and any options available to them. This may be particularly appropriate in cases of alleged sexual harassment. The support would normally be an experienced officer of the same gender, from another Directorate, who could brief the employee and accompany them to meetings as required. It is stressed, however, that the support is not intended to be a 'representative' of the employee.

51. If, at any time, the manager considers that the circumstances constitute misconduct they should move to the Disciplinary Procedure. Suspension or relocation of an employee(s) may be appropriate in some circumstances, for example where their presence is likely to impede the investigation. In accordance with the Disciplinary Procedure, any employee who is suspended must be notified in writing of the reasons for the suspension and the conditions attached to it, including confirmation that any breach of the conditions of their suspension may of itself be a disciplinary matter.
52. The Investigating Officer will prepare a report of their findings including notes of interviews with any witnesses. The report should include a summary of the issues, the evidence available, where appropriate an assessment of any alleged unacceptable behaviour, and the impact on the complainant.
53. The manager will consider this report and make it available to both the complainant and any alleged perpetrator (and their representative where appropriate).

Hearing – Harassment Cases

54. The manager will arrange a hearing and invite the complainant and the person against whom the complaint has been made to attend in order to consider the contents of the Investigating Officer's report.
55. The manager will have the discretion to invite both parties into the hearing together or separately, depending upon the circumstances (and any sensitivities) of the case.
56. The employees will be advised of their right to be accompanied by a work colleague or represented by their Trade Union Representative at the hearing. At the meeting the complainant will be given an opportunity to explain their case and the resolution they are seeking.
57. The manager may decide that:
- i) there is sufficient evidence of unacceptable behaviour of a serious nature to require that a disciplinary hearing be held in accordance with the Disciplinary Procedure. The Disciplinary Hearing will be chaired by another Head of Service.
 - ii) unacceptable behaviour has occurred, but that in the circumstances it is not considered serious enough to warrant disciplinary action. In this case an action plan and monitoring arrangements should be agreed to ensure the behaviour stops. A record should be kept of these arrangements.
 - iii) there is no evidence (or insufficient evidence) to substantiate allegations of unacceptable behaviour. The Head of Service Manager will discuss this outcome with all parties and ensure that continued personal support is available to them.
58. The manager will confirm his/her decision in writing to both parties within 20 working days of the initial receipt of the complaint, or within any extended timescale where appropriate. The decision should include the right of appeal (see below).

Third Party Harassment

59. In circumstances where an employee makes a complaint about harassment from a third party who is not employed by the Council, the manager must take reasonably

practicable steps to safeguard the Health and Safety of all employees and to minimise the risks of such incidents reoccurring.

60. Reasonably practical steps might include:

- notifying third parties that harassment of employees is unacceptable and in some cases unlawful and will not be tolerated, for example by the display of a public notice;
- inclusion of a term in all contracts with third parties notifying them of the employer's policy on harassment and requiring them to adhere to it;
- encouraging employees to report any acts of harassment by third parties to enable the employer to support the employee and take appropriate action;
- taking action on every complaint of harassment by a third party.

61. Please also refer to the Violence at Work Policy.

Withdrawn Complaints

62. Where a complainant withdraws a serious complaint or resigns before the issue has been investigated, the Council reserves the right to continue to apply this procedure according to the circumstances and severity of the issues raised.

APPEALS

63. Appeals are intended to ensure consistency of approach, that procedures in previous meetings have been properly conducted and that a reasonable conclusion was reached. To be progressed an appeal must have proper grounds that should normally related to one of the following:

- There was a procedural error.
- New evidence has emerged that was not available at the grievance meeting.
- The decision/conclusion reached by the manager who heard the hearing was unreasonable.

In the event of new evidence coming to light this will be provided to the Chair of the original hearing so that it can be investigated and the Chair can consider the matter at a reconvened hearing, and decide whether it changes the outcome. This will be before the formal appeal.

64. Appeals are not intended to re-hear the case, though they will require sufficient detail to reach a fair outcome.

Exercising the Right of Appeal

65. An employee who feels that their grievance has not been resolved has the right of appeal, they should inform the Executive Director in the appropriate service area in writing setting out the grounds of their appeal and outcome they are seeking, within 10 working days of receiving the grievance decision.

66. The procedure for Grievance Appeals is outlined at Appendix 3.

67. The subsequent decision of the Appeals Staffing Sub-Committee will be final – there are no further appeal rights.

Role of the Companion

68. A companion can only attend a hearing in a trade union capacity if they are either a full time official or accredited by their union as having the necessary experience or training to perform such a role. Work colleagues may also act as companions.

69. Companions may:

Address the meeting and put the employee's case on their behalf; sum up the employees case; respond on the employees behalf to any view expressed at the hearing and sum up on behalf of the employee at the end of the hearing.

70. Companions are **not** entitled to answer any questions put directly to the employee, these should be answered by the employee themselves, although companions may care to add to any response given. Neither must the companion participate in any way that the employee has specifically requested them not to, or disrupt the meeting or its progress.

Monitoring Arrangements

71. All instances of alleged harassment of employees, including any dealt with informally, will be notified to the HR Business Partner and copied to the Head of Human Resources.

72. In harassment cases, the Head of Service responsible for the work area will hold a meeting with both the complainant and the employee against whom the allegation was made, 3 months (or other period as agreed) after the outcome, to review the situation and determine whether further action is necessary.

73. Data relating to harassment cases will be collated and monitored regularly by HR to ensure that the Procedure is operating fairly, consistently and effectively. Issues that are identified from the data will be dealt with appropriately.

Review

74. This procedure will be reviewed in the light of operating experience and/or changes in policy or legislation.

Useful Links:

Prepared by:	HR
Date :	20 March 2015
Revisions and reasons:	
Review Date:	20 March 2017

Harassment/Bullying at Work – Examples- Not an exhaustive list

The following gives examples of inappropriate behaviour by an employee or directed at an employee by a third party who does not work for the Council

- Unwelcome sexual advances
- unwelcome physical contact or invading a person's personal space
- suggestive comments, questions or innuendo
- persistent unwelcome attention
- singling out or victimisation
- consistently undermining someone and their ability to do their job
- inappropriate detailed checking of work, times of coming and going or excessive supervision
- unreasonably withholding information, resources or training
- setting impossible objectives
- changing priorities or objectives unreasonably
- shouting at an individual to get things done
- humiliating an individual in front of their colleagues
- belittling or patronising comments
- display or issue of offensive, sexist or racist literature and images
- practical jokes or initiations
- behaviour or language which is intimidating, physically abusive or threatening
- isolation or non co-operation
- intrusion by pestering, spying or stalking
- other forms of harassment can include the use of e-mails, the sending of faxes or making telephone calls within the working environment or to a person's home invading their privacy.

Certain forms of harassment at work will amount to unlawful discrimination e.g. if it is because of a person's;

Race
 Nationality
 Skin colour or ethnic background
 Gender or transgender
 Disability
 Age
 Social or economic status
 Sexual orientation, marital status or civil partnership
 Pregnancy or maternity
 Caring responsibilities
 Religious or political beliefs
 Suspected or actual HIV/AIDS status
 Trade union membership or activity
 Assertion of contractual rights as an employee
 Status as an ex offender
 Willingness to challenge harassment/bullying and consequently being victimised
 Reporting of a breach of the Council's Standards of Conduct and consequently being victimised

Form GH1**Appendix 2****Formal Grievance, Bullying and Harassment Notification Form****Section1: To be completed by employee(s)**

Name	
Service and Team	
Name of line manager	
Name of Trade Union (if a member)	
Name of person who will accompany you to any meetings (if known)	
Date Grievance lodged	
<p>Details of Grievance (attach a separate sheet if necessary) including</p> <p>1. Nature of alleged Grievance</p> <p>2. Evidence to support it, including any witnesses if appropriate.</p> <p>For harassment/bullying grievances please include:</p> <ul style="list-style-type: none"> • the name of the person(s) responsible for the alleged behaviour • the nature of the behaviour; • where possible details of specific incidents; • names of witnesses to any incidents; • any action already taken by the complainant to stop the behaviour; • what would be an acceptable outcome to the complainant, if known (attach a separate sheet if necessary) 	
Date of response already received from line manager (if appropriate)	
The outcome you are seeking, if known. (attach a separate sheet if necessary)	

Employee(s) Signature _____ Date: _____

Appendix 2 (continued)**SECTION 2: To be completed by management**

Name of complainant(s)	
Department and Service/Section	
Name of line manager	
Formal Stage – Date notification received	
Date response required by (to meet 30 working days standard)	
Date written response/decision sent to employee	
Date Employee's Appeal Received (within 10 working days of receipt of decision by employee)	
Date Hearing Notification sent (giving 15 working days' notice) and Hearing date	
Hearing date (to be held within 30 days)	
Final Outcome/Decision and date notified to employee	

Manager signature _____

Date _____

This form should be sent to the HRO

Procedure for Grievance Appeal Hearing

It is important that grievance appeals are dealt with as soon as possible and, therefore, the appeals hearing will normally take place within 30 working days of the appeal being received.

The grievance appeal will be heard by the Staffing Sub-Committee.

The employee will be given, in writing, a minimum of 15 working days' notice of the time and place of the appeal hearing. They will be allowed to be accompanied by a work colleague or represented by the trade union representative. The procedure for the hearing will be circulated to all parties involved in advance.

Employee must send any supporting documentation to the Case coordinator at least 7 working days before the date of the hearing.

Appeal Hearing Procedure

The procedure will be as follows:

1. The Staffing Sub-Committee consists of Elected Members of the Council, with a person acting as secretary in attendance. An HR advisor and a Legal advisor will also be present. The members will elect a Chair prior to the commencement of the hearing.
2. Introductions of all parties
3. The Chairman of the Sub-Committee will satisfy himself/herself that both parties are familiar with, and understand, the procedure to be followed at the hearing
4. The employee (or their representative) will present their grounds of appeal and may call witnesses in support. Witnesses will only attend for the duration of their evidence.
5. The Chair and members of the committee and the Management representatives may then ask questions of the employee and/or witnesses
6. The Appellant or their representative will have the opportunity to re-examine their witness on any matter referred to in the examination by the Members of the Sub-Committee or the Management representative.
7. At the conclusion of the Appellants evidence the Management representative and Members of the Sub-Committee will have the opportunity to ask questions of the Appellant and or their representative.
8. The Management representative will respond to the appeal grounds and may call witnesses. Witnesses will only attend for the duration of their evidence.
9. The Chair and the appellant or their representative may then ask questions of the Management representative and witnesses.

10. At the conclusion of the Management evidence the Appellant or their representative and Members of the Sub-Committee will have the opportunity to ask questions of the Council's representative.
11. The Management representative will have the opportunity to re-examine their witnesses on any matter referred to in the examination by the Members of the Sub-Committee, the Appellant or their representative.
12. The management representative then sums up.
13. The appellant or representative then sums up
14. Both parties withdraw. The Chair (with the other committee members, HR advisor, Legal advisor and the secretary present) will consider the evidence and make a decision. If it necessary to recall either party to clear points of uncertainty both parties will return, notwithstanding that only one is concerned with the point giving rise to doubt.
15. Both parties will be recalled to hear the decision of the Chair, which will be confirmed in writing within 7 working days.

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