

Employment Committee Thursday 28th October 2021

A meeting of the above Committee will be held on Thursday 28 October 2021 at the Town Hall, Royal Leamington Spa at 6.00pm and available for the public to watch via the Warwick District Council [YouTube channel](#).

Councillor J Tracey (Chairman)

Councillor L Bartlett
Councillor A Day
Councillor B Gifford
Councillor J Grey
Councillor R Hales

Councillor J Kennedy
Councillor P Kohler
Councillor M Mangat
Councillor R Margrave
Councillor N Tangri

Emergency Procedure

At the commencement of the meeting, the emergency procedure for the Town Hall will be announced.

Agenda

1. Apologies & Substitutes

- (a) to receive apologies for absence from any Councillor who is unable to attend; and
- (b) to receive the name of any Councillor who is to act as a substitute, notice of which has been given to the Chief Executive, together with the name of the Councillor for whom they are acting.

2. Declarations of Interest

Members to declare the existence and nature of interests in items on the agenda in accordance with the adopted Code of Conduct.

Declarations should be disclosed during this item. However, the existence and nature of any interest that subsequently becomes apparent during the course of the meeting must be disclosed immediately. If the interest is not registered, Members must notify the Monitoring Officer of the interest within 28 days.

Members are also reminded of the need to declare predetermination on any matter.

If Members are unsure about whether or not they have an interest, or about its nature, they are strongly advised to seek advice from officers prior to the meeting.

3. Minutes

To confirm the minutes of the meeting held on 7 September 2021. **(Pages 1 to 7)**

4. **Organisational Change Policy Statement Update**

To consider a report from the Chief Executives of Warwick and Stratford-on-Avon District Councils, and Human Resources. **(Pages 1 to 7)**

Published Tuesday 19 October 2021

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Employment Committee

Minutes of the meeting held on Tuesday 7 September 2021 at the Town Hall, Royal Leamington Spa at 6.00pm.

Present: Councillor Tracey (Chairman); Councillors; Cooke, Davison, Grey, Hales, Kohler, Mangat, Russell and Tangri.

9. **Apologies and Substitutes**

- (a) there were apologies for absence from Councillor Bartlett and Margrave; and
- (b) Councillor Cooke substituted for Councillor Day, Councillor Davison substituted for Councillor Kennedy and Councillor Russell substituted for Councillor B Gifford.

10. **Declarations of Interest**

There were no declarations of interest made.

11. **Minutes**

The minutes of the meetings held on 15 June and 1 July 2021 were taken as read and signed by the Chairman as a correct record.

12. **Equality & Diversity Task & Finish Group**

The Committee considered a report from the Overview & Scrutiny Committee that set out the recommendations from the Task & Finish Group, supported by the Overview & Scrutiny Committee, in respect of equalities issues relating to the internal practice and policies, and the experiences by employees of WDC with a Black, Asian and Minority Ethnic (BAME) background.

In June 2020, the Council approved a motion, as part of the international response following the death of George Floyd, and as a result of that Motion the Overview & Scrutiny Committee were asked to establish a Task and Finish Group. The Task and Finish Group were charged with undertaking a review of the Council's approach to equality and diversity, especially with regard to race. Its report to the Committee would include an action plan with a view to the Executive adopting the Committee's recommendations in the report and its action plan. The progress and outcomes of the action plan would be monitored by the Overview & Scrutiny Committee, with the expectation that measurable improvements would be made by 2023.

The Overview & Scrutiny Committee supported the request and appointed a Task & Finish Group at its meeting on 22 July 2020, along with its Scope as set out at Appendix 1 to the report.

The Group met on 11 occasions and spent time collecting a considerable amount of information, as set out at Appendix 2 to the report. This work involved meeting with officers of Warwick District Council, officers of Warwickshire County Council (as the Council's appointed equality advisor),

as well as representatives from Investors in People, a trade union and West Midlands Employers. On completion of that research phase, interviews were conducted with a number of BAME employees at WDC. The interviews were anonymised and conducted by an independent third party.

A significant amount of evidence was provided to the Group, as well as further background reading and research. A list of data provided appeared in Appendix 2 to the report, with a very brief summary of ethnicity data in Appendix 3 to the report.

The Task & Finish Group were aware of the partnership work with Stratford-on-Avon District Council, which it was anticipated would see all employee policies aligned. Therefore, it was vital that the recommendations and this work was adopted by Stratford-on-Avon District Council and so a conversation needed to be had to this effect. If this did not happen, it would make it significantly harder to bring forward these changes and enable broader cultural change.

The Group were generally reassured with the position the Council was in, in terms of equalities, and that a significant amount of work had been undertaken over a number of years on equalities in general. The HR department provided a significant amount of information including policies, procedures and data that was held by WDC, and additional data held by WCC. WDC collected and monitored the diversity of its staff to better understand its profile compared with local and national data and to ensure that the workforce was reflective of the communities served. Compared with data from the 2011 Census, WDC's Black, Asian and minority ethnic (BAME) representation of 10.32% was roughly representative of BAME communities within Warwickshire (11.8%). At June 2020, 58 out of 512 WDC employees were BAME, while 46 officers had chosen not to record their ethnicity (disclosure of ethnic background was optional for staff and Members). The Group was disappointed that more recent local data could not be provided to show the ethnicity of Warwick District residents to provide a more accurate comparison with the community the Council serves, but recognised this would be updated when the 2021 census data was published.

WDC's BAME employees were not evenly spread across the organisation, nor were they evenly spread across pay bands, as set out within the Ethnicity Pay Gap report that was considered by Council. At 31 March 2020, the highest concentration of BAME employees was in the lower middle quartile (15.5%), although a small increase had been seen in the middle and upper quartiles since 2018. WDC was to be praised for having reported on the Ethnicity Pay Gap ahead of many other Councils and organisations. However, although the gap had reduced significantly in recent years, there was an 8.9% pay gap between the mean hourly rate for BAME employees and those White British/unknown at 31 March 2020, and an 11.2% pay gap between the median hourly rate. In view of this evidence, the Group felt there was a need to introduce proactive measures to try and increase the racial and ethnic diversity representation within senior management.

There was a commitment at WDC to having a diverse and inclusive workforce, and strategies had been adopted that should result in greater recruitment of BAME employees as well as better opportunities for

development. Input from West Midlands Employees (WME) regarding recruitment for Head of service level and above had resulted in the adoption of 'anonymising' candidates to remove unconscious bias in selection, and the Group strongly endorsed this approach; the Group believed further recommendations could be adopted to widen the media channels used so more BAME applicants were attracted.

Following the research phase, it was clear that further evidence was needed from the point of view of WDC's BAME employees, to ascertain the extent to which policies were embedded in practice. The Group appointed WME to conduct interviews, and nine WDC staff of BAME background provided their (anonymous) experience. While the Group acknowledged that the sample was small (nine out of an estimated BAME workforce of 58), and that their views might not be wholly representative of BAME staff in general, the small sample should not in any way detract from the findings. Put simply, although two thirds felt valued and respected, one third did not; around half believed they did not have the same opportunities as their white counterparts, and two thirds felt that the selection process for roles was not transparent. In general, it was felt that the correct policies were in place, but that having a diverse workforce was not promoted by the organisation's culture and equality was not being led from the top and that there were no promises or commitments to promote the Equality agenda from the Senior Management Team. These findings, taken alongside employment data and the ethnicity pay gap, had convinced the Group that further racial equality initiatives were needed, together with strategies such as adoption of the Race Equality Code and application of the Rooney Rule.

The research undertaken identified that there was a wider community and cultural aspiration for promoting diversity within the workplace, and that a body of 'best practice' strategies had been developed. A number of models existed to illustrate the embedding of inclusive practice, and while WDC had shown commitment to this, there was opportunity to improve. In order for WDC to develop inclusion 'maturity', the Group believed it should adopt best practice from examples, such as the Race Equality Code 2020 and the Race at Work Charter. Other Local Authorities (Birmingham City Council, for example) had worked towards the adoption of the Code. It did not create new obligations but provided one set of standards and an overarching accountability framework based on four principles: (Reporting – it's time to report on race; Action – it's time to demonstrate accountability from the top; Composition – it's time to get to define the right targets; and Education – it's time to provide psychologically safe places). Adoption of the Code would help to further develop a culture of inclusivity within the Council.

Adopting the Race at Work Charter introduction would demonstrate a commitment from the Council in the most senior Leadership roles to undertake service and leadership transformation, then building in expectations and the right culture regarding equalities, diversity and inclusion, especially racial equality. From the WME reports, it was clear that leadership of equality was not the job of HR, and in order to further improve the culture of and inclusiveness, commitment from top leadership was essential.

The Task and Finish Group welcomed the production and publicity of an ethnicity pay gap report and the commitment from the Council to continue

to publish this data annually alongside the gender pay gap report. This had been specifically highlighted as one of the positive steps the Council had taken in promoting equality generally and being open with its community. The Group were aware that there would be ongoing monitoring of the recruitment process to identify applications being made to the Council, how these were progressing and the diversity within the Council overall.

Within the information provided to the Group, no member of SMT identified as BAME, which was not reflective of the wider organisation and community. It was recognised that to promote engagement with the wider community and to encourage a more diverse workforce, the community and applicants would look to see themselves within senior positions. The lack of BAME representation in senior management was considered to have a direct effect on the wider recruitment and engagement from and with the community. A positive change of culture was needed within the Council to help achieve a more diverse and inclusive workforce. This focus on recruitment and talent development processes would itself be dependent on data collection and analysis, fostering safe, open and transparent dialogue, mentoring, support and sponsorship, and working with a more diverse set of suppliers and partners.

Adopted in 2003, the Rooney Rule was a USA National Football League policy requiring every team with a head coaching vacancy to interview at least one or more diverse candidates. In 2009, the Rooney Rule was expanded to include general manager jobs and equivalent front office positions. The introduction of the Rooney Rule was considered appropriate for the Council to promote a more inclusive senior management team. Application of the Rule for key managerial positions required a racially diverse set of candidates for consideration and would widen the talent pool.

The work undertaken by WME with colleagues within the Council highlighted some areas of concern. It was recognised that although a limited number of staff participated, it identified, along with examples of best practice considered by the Group, that there was significant more progress to be made in developing the Council's overall maturity in relation to race equalities. The view of one of the interviewees summarised the current position succinctly: "*The WDC culture is 'treating everyone the same'* when this was not the solution, and it was about giving people equal opportunities and addressing the imbalance." To achieve this, an action plan needed to be drawn up that set out what steps would be taken, and the Council needed to be realistic about its current level of available resources for this. This would need the support of an expert, and under current resource constraints it was considered this would not be possible. An action plan could be developed as part of the transformation process for the possible merger with Stratford-on-Avon District Council, which would see a cultural shift for both Councils. As well as the above, the specialist could review the work and findings of this Group and develop a wider action plan for consideration by Senior Management and Members.

With this action plan there was a need to look for evidence of engagement and change within the Council over time. It might be considered advisable to bring forward focussed inclusion groups for employees within the Council but this would need careful consideration to ensure appropriate

engagement. For these reasons it was considered that a specialist in this area of work was needed to help the Council move forward.

It was important for the Committee to monitor progress on the recommendations. Considering the detail of these, it was important that sufficient time was provided to bring these forward.

The recommendations were reported to the Overview & Scrutiny Committee at their meeting on 6 July 2021.

The Cabinet had considered the report on the 12 August 2021. The decision from the Cabinet had been circulated to the Committee prior to the meeting so that they were aware of this.

Therefore, in taking its decisions this Committee needs to be mindful of taking the Cabinet decision. It should, however, be noted that the remit of this Committee was clear in that it was responsible for "To approve any policies affecting staff employment, working conditions or conditions of services e.g. the content of the Personnel Handbook and Personnel Strategy", therefore the decisions on these matters were for the Committee to take.

Councillor Mangat took the opportunity to thank all who had been involved in the work of the Task and Finish Group and emphasised the positive step forward for the Council this work had brought.

In response to questions from the Committee the Democratic Services Manager & Deputy Monitoring Officer explained that:

- the recommendation, from the Cabinet, in respect of the second part of the work of the Task & Finish group, was to be considered by the Task & Finish Group on 14 September who would then make their views known to Overview & Scrutiny Committee, before it took a decision on the second phase of the work by the Task & Finish Group; and
- the monitoring reports referenced within the recommendations would continue to be provided to the relevant Committee or body within the Council for consideration, for example the ethnicity pay gap report would come to the Employment Committee, along with the gender pay gap report, before going to Council for approval.

Councillor Hales took the opportunity to thank all who had been involved in this comprehensive piece of work.

It was proposed by Councillor Hales and seconded by Councillor Cooke and

Resolved that

- (1) the Transformation PAB take the work forward from the Group with our partners at Stratford-on-Avon District Council; and
- (2) the Overview & Scrutiny Committee is asked to consider moving the proposed work on the

second part of the Task & Finish Group to the Transformation PAB for consistency reasons.

13. **Corporate Apprenticeship Programme Update**

The Committee considered a report from People & Communications that proposed an amendment to the Apprenticeship Pay Scales and period of security of employment and an overall update of the scheme.

In April 2021, the government amended the minimum wage criteria which WDC Apprentice Pay Scales were linked to. Whilst updating to reflect changes to legislation, consideration had been given to awarding progression at age 18 after one years' service. This would be in line with other apprenticeship progression points as shown in Appendix 2 to the report.

In April 2021, the Employment Committee approved the Joint Redundancy Policy and Procedure which set a six week period of protection of employment. This recommendation aligned the period of protection of employment to ensure consistency.

The Corporate Apprenticeship Programme had been in place since late 2017, with a launch in 2018. A budget of £154,700 was made available each year to fund Apprenticeships across the Authority. There was significant progress towards the Public Sector Apprenticeship Target and the positive results being achieved through the introduction of the Corporate Apprenticeship Programme.

Since its inception, it had funded the intake of six apprentices each year. There was a public sector target for an average of 2.3% apprenticeships from April 2017 to March 2021. This had now been extended to March 2022.

The Committee welcomed the report and the significant positive news that it provided and as such encouraged public promotion of this success.

Resolved that

- (1) the amendment to the WDC Apprenticeship Pay Scales to allow for progression at the age of 18 with one years' service (Appendix 2 to the report), be approved;
- (2) the amendment of the 12 week security of employment period to 6 weeks security of employment in line with the existing organisational policies, be approved; and
- (3) the progress towards the Public Sector Apprenticeship target and the content of the Apprenticeship Update (Appendix 1 to the report), be noted.

14. **Responsibilities of Employment Committee**

The Committee considered a report from People & Communications and Law & Governance that brought forward proposals on recruitment to Senior Officer positions within the Council and sought the approval of Policies jointly with Stratford-on Avon District Council.

Senior management roles across both Warwick District Council and Stratford-on-Avon District Council were shared, with the exclusion of the role of Chief Executive.

This process could be achieved through the establishment of a Joint Committee for these appointments under the Local Government Act 1972, subject to procedures for the meetings being confirmed. Officers were confident these could be agreed between the two Councils based on the work previously undertaken for a Joint Cabinet Committee for the joint Local Plan. This would need approval from both Councils which were next due to meet week commencing 18 October 2021.

Building upon this, there would be a need to review key employment policies and terms/conditions over the coming months to provide consistency. Therefore, it was proposed that at the same time officers explored the potential to have a Joint Employment Committee for the entire remit of the responsibilities of this group. This could take a little longer to process to ensure the consistency of remit and agreement from all parties including wider membership/proportionality.

In response to questions from the Committee, the Democratic Services Manager & Deputy Monitoring Officer explained that in terms of a joint Committee there were a few options on the remit which would be discussed with Chairs. This was because there were key areas where it would be beneficial to have a meeting take the decisions, but in respect of statutory officer matters there could be a need to retain a specific Committee at each Council.

Resolved that

- (1) officers work with the Chairman of the Committee and their equivalent at Stratford-on-Avon District Council to bring forward proposals for a joint recruitment process for Heads of Service and Deputy Chief Executives to Council on 18 October 2021 (at Stratford-on-Avon District Council) and 20 October 2021 (at Warwick District Council); and
- (2) officers bring back proposals, to a future meeting of the Committee, for a joint Employment Committee with Stratford-on-Avon District Council.

(The meeting ended at 6.23pm)

CHAIRMAN
28 October 2021

Title: Organisational Change Policy Statement Update
Lead Officers: Chris Elliott/David Buckland/Tracy Dolphin
Portfolio Holders: Councillor Hales/Cargill
Wards of the District directly affected: None

Summary

This report seeks approval to amend the Joint Organisational Change Policy Statement from a Lead Authority/TUPE approach to Stratford-on-Avon (SDC) and Warwick (WDC) District Council's service integration, to a process based on the extended use of Section 113 Agreements and delegated authority to the Heads of Paid Service to implement this.

Recommendations to Council

- (1) To replace the wording, agreed in March/April 2021 by the respective Committees of SDC and WDC, which approved the joint Organisational Change Policy Statement, paragraphs 4.1 and 4.2:

4.1 Where a joint team is to be set up, a 'lead employer' will be agreed by the Chief Executives of the Councils, all staff within scope for the joint team, who are not employed by the lead employer will transfer to the employment of the lead employer under the Transfer of Undertakings (Protection of Employment) Regulations 2006 ("TUPE regulations"); and

4.2 Once the lead employer has been agreed the process followed will be in accordance with the TUPE regulations and then, if necessary, the Joint Redundancy and Redeployment Procedures.

with:

4.1 To use Section 113 of the Local Government Act 1972 jointly across the organisations, which allows a local authority to enter into an agreement with another authority to place its officers at the disposal of the other authority, subject to consultation with the staff concerned.

- (2) To approve the Heads of Paid Service at (SDC) and (WDC) to enter into a Collective Agreement with both SDC and WDC branches of UNISON to vary terms and conditions of employment to incorporate the use of S113 Agreements in employee contracts.
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1 Background/Information

- 1.1 At the respective SDC and WDC Cabinet meetings in July 2020, the following recommendations were approved:

(1) That the principle of shared working with Stratford-on-Avon District Council/Warwick District Council be confirmed as part of the adopted policy framework; and

(2) That agreement(s) be entered into with Stratford-on-Avon District Council/Warwick District Council pursuant to Section 113 of the Local Government Act 1972 and all other enabling powers so that employees can be placed at the disposal of the other Council as may be required, subject to the Leader of the Council endorsing business cases for any such services.

- 1.2 Under this agreement, the use of S113 was used on an individual basis for all Joint Deputy Chief Executive and Joint Head of Service posts.
- 1.3 Prior to commencing the service integration for all staff, an alternative approach was considered. The approach favoured a lead authority model which would result in staff being transferred by TUPE to the nominated lead employer for that service. This approach received the agreement of both UNISON branches at Stratford-on-Avon District Council and Warwick District Council.
- 1.4 In March/April 2021 the respective Employment Committees approved the Joint Organisational Change Policy Statement which determined that where joint teams were to be established, a 'lead employer/TUPE' model should be used. The approach relied upon a decision being reached between the Chief Executives as to who would be the lead Council for each joint team. Employees from the other Council would be transferred in accordance with TUPE Regulations with re-structuring of the joint team following the transfer.

Reviewing the Approach

- 1.4 Since the agreement to use the 'Lead Employer/TUPE' model in spring 2021 there has been the opportunity for further review.
- 1.5 Consideration has been given to the strength of feedback from both Unison and employees through regular joint meetings, communication through briefings and the Working Together Hub. Concerns were raised by both Unison and staff that the use of the Lead Employer Model implied a 'takeover'. There was also angst about using TUPE when the workforce may need to be transfer again in April 2024 with the potential political merger into a new Council.
- 1.6 In addition, further discussions have taken place with other Councils who have completed or are on a similar journey; ensuring we are continually reviewing considering best practice and learning points.
- 1.7 In reviewing the approach, external specialist legal advice has been taken and reviewed to ensure there has been robust consideration to the revised recommendations.
- 1.8 The proposed change is to extend the use of S113 of the Local Government Act 1972 (the Act) as a mechanism for legally enabling staff to carry out work for

both authorities. As detailed above, this approach has been used for the Joint Management Team posts.

- 1.9 The Act states that *"a local authority may enter into an agreement with another local authority for the placing at the disposal of the latter for the purposes of their functions, on such terms as may be provided by the agreement, of the services of officers employed by the former, but shall not enter into any such agreement with respect to any officer without consulting him."*
- 1.10 One benefit of using the S113 approach across the whole workforce would be to give the essence of working together in partnership as the foundation of the joint working. However, staff remain with their current employer and all staff transfer together to the proposed new authority in 2024. This follows the approach agreed and adopted for JMT and negates the necessity to potentially transfer employers twice within a short space of time. Furthermore, should the proposed merger not progress, the use of S113 agreements will allow greater flexibility.
- 1.11 In addition, it is now recognised that in the event that a political merger to a new authority is not agreed by the Council's or approved by the Government, S113 would provide greater flexibility in respect of next steps.
- 1.12 The use of S113 requires a variation in staff employment contracts. As is usual practice, where a workforce wide change in terms and conditions is proposed, both Councils are seeking to reach a 'collective agreement' with Unison (the authorised body for collective bargaining) which will agree the change for all staff.
- 1.13 In addition to the collective agreement, the Councils are required by the Act to carry out individual consultation with each member of staff affected. This consultation will be carried out as part of the re-structuring consultation process for each team in accordance with the service integration timeline.

2 Alternative Options available to the Committee

- 2.1 The Committee could decide not to agree the recommendation and continue to proceed with the Lead Employer/TUPE approach agreed earlier this year. However, this would not reflect the feedback received and subsequent research and could have a detrimental impact upon staff morale.
- 2.2 The Committee could decide to delay the decision pending further information. If this option was taken the service integration work would be delayed which would impact on the ability to deliver full integration before March 2024.
- 2.3 The Committee could decide not to agree to the principle of entering into a Collective Agreement to vary terms and conditions to enable use of S113 Agreements. In the event that collective agreement is not reached, and the S113 approach is still agreed, this would result in a significantly lengthier process to agree the change individually with staff, which could also leave the Councils more vulnerable to legal challenge.

3 Consultation and Members' comments

- 3.1 The report and recommendations have been developed in consultation with senior members at both Councils.

- 3.2** Members of staff and Unison Regional and Branch Representatives have been consulted on the proposals and their views actively sought. Based on the timing of the deadline of this report the outcome of that consultation will be reported verbally to the respective Committees as an addendum to this report.

4 Implications of the proposal

4.1 Legal/Human Rights Implications

- 4.1.1 The ultimate vision is to create a single workforce to support both authorities, and after considerable review this report recommends below the legal options to deliver service team integration, including:

* Section 113 of the Local Government Act 1972, which allows a local authority to enter into an agreement with another authority to place its officers at the disposal of the other authority.

- 4.1.2 External legal advisors have stated that the use of S113 is a variation of employment contract and therefore this can only be implemented either by reaching a collective agreement with the recognised body for collective bargaining, Unison, or by individual agreement with each employee. Reaching a Collective Agreement with UNISON in relation to the use of S113 agreements will enable both Councils to proceed efficiently to deploy officers more flexibly and efficiently.
- 4.1.3 In addition, individual consultation will be carried out with all staff, subject to a S113 Agreement, on an individual basis at the time of their team restructure.

4.2 Financial

- 4.2.1 Any delay in agreeing the process for integrating teams will delay the delivery of the estimated savings and have a further adverse impact on the financial profile of both Councils.

4.3 Council Plan

- 4.3.1 The proposals included in this report supports the Stratford-on-Avon Council Plan to become a more agile and resilient Council, and support all the aims of the Plan.
- 4.3.2 The Warwick District Council's Business Plan has six core themes, which impact either internally or externally. This proposal will have the following relevance and impact as set out below.
- 4.3.3 People - Health, Homes, Communities – The proposal will enable the Council to be better able to deliver its agreed services and projects.
- 4.3.4 Services - Green, Clean, Safe – The proposal could assist with the attainment of the Council's objectives across all its policy priorities.
- 4.3.5 Money - Infrastructure, Enterprise, Employment - The proposal will enable the Council to be better able to deliver its agreed services and projects.
- 4.3.6 People - Effective Staff – The policies will help to address how we can integrate our services consistently and effectively.
- 4.3.7 Services - Maintain or Improve Services – the Council will be better able to maintain or improve its services and will have greater resilience overall.
- 4.3.8 Money - Firm Financial Footing over the Longer Term – the Council will be able

to make savings in the time and on the scale needed as set out in the agreed MTFS.

4.4 Other Service Implications

4.4.1 It is proposed that the first three pilot teams (Legal, ICT and Environment & Operations) will commence preparing for their team integrations in November 2021. Any delays to agreement of the process as proposed in this report will potentially delay the integration work and impact on the deadline of March 2024 for completion of the merger process.

4.5 Environmental/Climate Change Implications

4.5.1 The report has no direct Environmental/Climate Change implications. Any direct impacts will be from within the service integration work and will be detailed in the relevant business cases for each integration.

4.6 Health and Wellbeing

4.6.1 Both Councils are dedicated to ensuring the health and well-being of staff is a priority. This is a period of significant change and it is important to ensure that the process is both transparent and clear. Support for staff is consistent for both Councils through a variety of sources including Human Resources, Occupational Health, 24 hour phone line Employee Assistance, Unison, Mental Health First Aiders (SDC) and Employee Support Officers (WDC).

4.7 Analysis of the effects on Equality

4.7.1 Compliance with equality legislation has been incorporated throughout the procedures, particularly in relation to the redundancy selection criteria.

4.8 Data Protection

4.8.1 There are no employee data protection implications of this proposal as the proposal will be broad and not detail individual names. However, it is recognised that in the integration of services, further consideration will need to be given to data sharing and this is being explored with the Information Governance Manager.

5 Risk Assessment

5.1 If this amendment is not approved there is significant risk in delays to the integration of services, because the TUPE process requires significant additional information and consultation as part of each proposed service integration.

5.2 In the event that collective agreement is not reached, and the S113 approach is still agreed, this would result in a significantly lengthier process to agree the change individually with staff, which could also leave the Councils more vulnerable to legal challenge. It is hoped to avoid this through the consultation and engagement process that is proposed.

5.3 The bringing together of teams both under S113 agreements and TUPE transfers leads to co-workers being employed on different terms, conditions and salaries. If this is sustained it will inevitably lead to dissatisfaction. This is recognised and both authorities are committed to working with UNISON and staff to agreeing joint protocols and transitional arrangements.

6 Conclusion/Reasons for the Recommendation

6.1 The recommendation will enable the Councils to proceed with their progress on service integration and so deliver the savings needed to help to continue

services.

Background papers:

Reports to JASG July/September 2021

Reports to Cabinet 23.9.21 (WDC) 6.10.21 (SDC)

Supporting documents:

None.

Report Information Sheet

Committee/Date	WDC Employment Committee 28.10.21 SDC Appointments Committee 28.10.21
Item No/Title of report	Organisational Policy Update
Consultations undertaken	
Consultee	Unison (SDC/WDC) Staff (SDC/WDC) Consultation for Collective Agreement MTU (WDC 27.10.21 tbc) JNCG (SDC 28.10.21 tbc)
Ward Members	Not applicable
Portfolio Holder WDC & SDC *Required	CLLrs Hales and Cargill
Financial Services * *Required	Mike Snow
Legal Services * *Required	Phil Grafton
Other Services	All Heads of Services
Chief Executive (s)	Chris Elliott/David Buckland
Head of Service	Tracy Dolphin
Section 151 Officer	Mike Snow
Monitoring Officer	Phil Grafton
CMT (WDC/SDC)	Chris Elliott, Andy Jones, Tony Perks, Dave Barber
Other organisations	
Final decision by this Committee or recommendation to another committee/Council?	Final decision
Contrary to Policy/Budget framework	No
Does this report contain exempt information/Confidential? If so, under which paragraph(s) ?	No
Does this report relate to a key decision (referred to in the Cabinet Forward Plan)	No