

Employment Committee
26th April 2021

Title: Warwick District Council and Stratford District Council Joint Policies

Lead Officer: Tracy Dolphin/Elaine Priestley

Portfolio Holder: Councillor Day

Public report / Confidential report: Public

Wards of the District directly affected: All

Contrary to the policy framework: No

Contrary to the budgetary framework: No

Key Decision: No

Included within the Forward Plan: No

Equality Impact Assessment Undertaken: No

Consultation & Community Engagement: No

Final Decision: Yes

Accessibility checked: Yes

Officer/Councillor Approval

Officer Approval	Date	Name
Chief Executive/Deputy Chief Executive	31.3.21	Chris Elliot
CMT	6.4.21	Chris Elliott, Andrew Jones, Dave Barber
Section 151 Officer	6.4.21	Mike Snow
Monitoring Officer	6.4.21	Andrew Jones
Portfolio Holder(s)	6.4.21	Andrew Day

1. Summary

- 1.1 This report recommends the adoption of three new employment policies to be implemented by both Warwick District Council and Stratford District Council to support parity, clarity and consistency in relation to staffing matters as the Councils seek to align services and staff.

2. Recommendations

- 2.1 That the Employment Committee approves the adoption of:
- a. Joint Organisational Change Policy Statement – Appendix A
 - b. Joint Redundancy Policy and Procedure – Appendix B
 - c. Joint Redeployment Policy and Procedure – Appendix C

With effect from 1st May 2021.

3. Reasons for the Recommendations

- 3.1 Stratford on Avon and Warwick District Councils have committed to the principle of joining up of services and working together in order to ensure on-going efficiency and value for money to our customers and residents
- 3.2 Both Authorities have been working together to draft a suite of joint procedures which will bring together our approaches to joint working, redeployment and redundancy (in case its needed). The purpose of this is to facilitate re-structuring of joint teams. These procedures will also supersede existing procedures for single council redundancy and redeployment situations.
- 3.3 There are a number of key issues on which it is needed to reach a shared approach in relation to staffing matters for both authorities. In reaching these proposals careful consideration has been given to the financial position of the councils, and what is a reasonable and proportionate approach at the present time. The key material differences are identified below.

3.4 Joint Organisational Change Policy Statement

1. Lead Employer Approach to Joint Teams

In bringing together SDC and WDC teams into joint/shared teams, it is proposed that a 'lead employer' model is used. A decision would be reached between the Chief Executives as to who is to be the lead Council for each joint team. Then employees from the other Council would be transferred in accordance with TUPE Regulations. Re-structuring of the joint team would follow the transfer.

Proposal: To adopt the principle of using TUPE to merge joint teams.

This will ensure teams working together have the same employer and thereby ease communication and management, enable economies of scale in relation to procurement and enable ring fenced recruitment between the two authorities.

3.5 **Joint Redundancy Policy and Procedure**

1. Clarity Regarding Consultation Timetable

WDC has supported a longer consultation than Stratford as follows:

- WDC consultation process is 'normally' up to 84 days
- SDC - adopts a 28 day consultation process (subject to extension where necessary), unless a 45 day collective consultation period applies.

Proposal: To move to a 45-day consultation period, which could be extended to 8 weeks (56 days) if required to complete the consultation

This is in line with ACAS Guidance and recognises that lengthy periods of uncertainty can be difficult and demotivating for employees.

2. Security of Employment / Notice Period

- WDC – the day after CMT have confirmed the redundancy, a notice of redundancy is issued. However, there is a minimum of 12 weeks 'security of employment' guaranteed during notice period during which WDC actively seeks redeployment. There is no pay in lieu of notice
- SDC – after selection for redundancy has been completed there is a final consultation meeting, and if no redeployment is identified at this stage then a notice of redundancy is issued with contractual notice in accordance with the length of service. In most cases the termination of employment is immediate with pay in lieu of notice, although there is flexibility to determine this on a case by case basis.

Proposal: To move to a 6 week 'security of employment', which could be either worked or paid in lieu of notice. If the notice period is in excess of 6 weeks the balance would be paid in lieu.

This exceeds both local government and legal requirements, and most redeployment opportunities are secured within the first four weeks. The majority of WDC staff are entitled to in excess of two months' contractual notice and many are entitled to a lengthier legal notice period based on length of service.

This proposal also gives the option for employees to choose to either be paid in lieu of notice or work their notice period. Previously staff were required to work during their 12 weeks' notice.

3.6 **Joint Redeployment Policy and Procedure**

Both Councils have a redeployment procedure, for which the principles are largely compatible. However, there is a variance in relation to pay protection periods where the employee moves to a lower graded post. In summary, WDC guarantees a 3 year pay protection period, whilst SDC will pay 'up to three years', and in practice the most recent have been either 1 or 2 years.

- WDC - Employees redeployed in a lower graded post (whether as a result of redundancy, ill health or incapacity), receive salary protection for three years as follows:

For a period of 12 months on the individual's existing salary grade, including any outstanding increment and annual pay awards. For a further period of 24 months the salary will be frozen at that point, during which time there will no further cost of living awards or incremental progression.

- SDC - Employees redeployed as a result of being 'at risk' of redundancy; or due to ill health or incapacity, may be entitled to a maximum of 36 months' pay protection.

The level and duration of pay protection will be determined on an individual basis, by the Head of Paid Service, having regard for cost efficiencies, personal circumstances and hardship, salary differentials and length of service.

In exceptional circumstances, an ex-gratia payment may be considered as an alternative.

Proposal: To move to a 30 month pay protection period (cost of living pay awards and any increments due to be paid in the first 12 months only, and then frozen thereafter)

Both local and national benchmarking in relation to salary protection indicate that very few Councils offer as much protection as 30 months.

3.7 **Union Consultation**

Both Warwick District Council and Stratford District Council's Unions were fully consulted and were supportive of the proposal for joint working. Agreement was reached in relation to the proposed policy changes for forthcoming service redesigns subject to an implementation date of 1st May 2021 and *the joint procedures were agreed at Stratford's Employment & Appointments Committee on Tuesday 16 March.*

However, having heard from UNISON that some members did not feel that they had been sufficiently consulted, Chris Elliott, (Chief Executive) was keen to ensure that staff felt involved in the process from the outset and withdrew the papers from WDC's Employment Committee on Tuesday 23 March to allow for more time.

Despite the fact that WDC has followed its normal consultation process, it was agreed that UNISON would consult with their members over the next 4 weeks to allow for further clarification in the ongoing discussions about these policies and procedures. To ensure we are being fair and transparent in the process, this time period will also provide the same opportunity for all staff to share their views before Tuesday 20 April, on these policies and they will inform the proposals recommended to this Employment Committee. Given the timescales for circulating the reports an addendum with the latest position will be circulated prior to this meeting of 26th April 2021.

Consultation will continue with UNISON in relation to a timeline and plan for further harmonisation of joint policies and procedures.

4. **Policy Framework**

4.1 **Fit for the Future**

4.1.1 The Council's FFF Strategy is designed to deliver the Vision for the District of making it a Great Place to Live, Work and Visit.

4.1.2 The FFF Strategy has 3 strands, People, Services and Money, and each has an external and internal element to it, the details of which can be found on the Council's website.

4.2 **FFF Strands**

4.2.1 External impacts of proposal(s)

People - Health, Homes, Communities – The proposal could assist with the attainment of the Council's objectives across all its policy priorities.

Services - Green, Clean, Safe – The proposal could assist with the attainment of the Council's objectives across all its policy priorities.

Money- Infrastructure, Enterprise, Employment – The proposal could assist with the attainment of the Council's objectives across all its policy priorities.

4.2.2 Internal impacts of the proposal(s)

People – Right People with Right Skills – The proposals will help to address further review of SMT and how we can deliver our services effectively

Services - Maintain or Improve Services - It will enable the Council to further align its services

Money - Firm Financial Footing over the Longer Term – This would help the Council to address the unfolding financial issue arising from the Covid 19 emergency on top of the underlying pressures

4.3 **Supporting Strategies**

Each strand of the FFF Strategy has several supporting strategies and the relevant ones for this proposal are explained here.

4.3.1 People Strategy

The People Strategy outlines the future needs of our workforce to enable us to attract, recruit and retain the right people; provide the development they need to allow them to grow and progress; manage potential and plan for the future. The way in which we lead and support our people is key to the successful delivery of quality services.

4.3.2 The report is not contrary to the aims of the Fit for the Future programme of work.

4.4 **Changes to Existing Policies**

These policies would supersede existing Warwick District Council policies in relation to redundancy, redeployment and salary protection

4.5 **Impact Assessments**

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

5. **Budgetary Framework**

There is not an impact on the Budgetary Framework.

6. **Risks**

In not implementing these proposals there is the risk that staff being bought together would be subject to different policies and procedures thereby undermining at the outset the principles of openness, transparency and fairness of joint working.

7. **Alternative Option Considered**

- 7.1 Not to implement joint working policies and retain current working practices. This would result in a lack of consistency, equality of treatment, clarity and transparency when seeking to bring together joint teams from two different councils.

8. **Background**

Members are aware that during the past year, Warwick District Council has been working with Stratford District Council in a number of areas to respond to the coronavirus pandemic in the wake of substantial losses to income and budgets. This is coupled with the ambition of both councils to preserve, improve and expand the valuable services we provide for our residents across South Warwickshire.

With these developments will come a period of transition and change. WDC is committed to supporting this transition with fair policies and procedures to ensure that employees of both authorities are treated fairly and consistently.

To this end WDC and SDC have been working closely with both Unison Branches to bring forward agreed proposals to this Employment Committee. *Stratford District Council agreed the implementation of the policies with effect from 1st May 2021 at its Employment & Appointments Committee on Tuesday 16 March.*

The Joint Organisational Policy statement is the Employers document of intent on how they wish to proceed throughout the merger process and is therefore not a negotiable document.

As a statement of intent and does not, of itself, implement any operational change which affects job prospects or security, or specific change to any contract of employment or working environment.

9. **Conclusion**

In adopting these proposals, a fair and consistent basis will be applied to future staff changes.