



NOTICE OF MEETING

Employment Committee

Tuesday 10 May 2016, 7.30 pm

Council Chamber, Fourth Floor, Easthampstead House, Bracknell

To: Employment Committee

Councillor McLean (Chairman), Councillor Allen (Vice-Chairman), Councillors Mrs Angell, Mrs Birch, Leake, Ms Miller, Mrs Temperton, Virgo and Worrall

Non-Voting Co-optee

Councillor Heydon

cc: Substitute Members of the Committee

Councillors Angell, Brossard, Dudley, Mrs Hamilton and Mrs McCracken

ALISON SANDERS

Director of Corporate Services

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- 3 Use the stairs not the lifts.
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Published: 29 April 2016



Employment Committee
Tuesday 10 May 2016, 7.30 pm
Council Chamber, Fourth Floor, Easthampstead House,
Bracknell

Sound recording, photographing, filming and use of social media at meetings which are held in public are permitted. Those wishing to record proceedings at a meeting are however advised to contact the Democratic Services Officer named as the contact for further information on the front of this agenda as early as possible before the start of the meeting so that any special arrangements can be made.

AGENDA

- | | Page No |
|---|---------|
| 1. Apologies | |
| To receive apologies for absence and to note the attendance of any substitute members. | |
| 2. Declarations of Interest | |
| Any Member with a Disclosable Pecuniary Interest or an Affected Interest in a matter should withdraw from the meeting when the matter is under consideration and should notify the Democratic Services Officer in attendance that they are withdrawing as they have such an interest. If the Interest is not entered on the register of Members interests the Monitoring Officer must be notified of the interest within 28 days. | |
| 3. Minutes from previous meeting | |
| To approve as a correct record the minutes of the meeting of the Committee held on 16 March 2016. | 5 - 8 |
| 4. Matters Arising | |
| 5. Urgent Items of Business | |
| Any other items which, pursuant to Section 100B(4)(b) of the Local Government Act 1972, the Chairman decides are urgent. | |
| 6. Employees Code of Conduct Amendment | |
| This report seeks the endorsement of the Council to an amendment to the Employees Code of Conduct ("the Code") introducing a requirement for all Council employees to declare the existence of criminal charges, cautions and convictions to their directorate lead for HR or the Chief Officer :HR | 9 - 12 |
| 7. Revenue Budget 2016/17 Employment Implications | |
| The purpose of this report is to identify additional staffing implications arising from the revised financial position for 2016/17. This has been considered by the Corporate Management Team and will also have | 13 - 24 |

been to a Special meeting of the Local Joint Committee for consultation. The Employment Committee is now asked to consider the report.

8. **Update from the Chairman of the Local Joint Committee**

A verbal update from the Chairman of the Local Joint Committee.

9. **Minutes of Sub Groups**

The Committee is asked to note the minutes of the Local Joint Committee held on 16 March 2016.

25 - 26

10. **Exclusion of Public and Press**

To consider the following motion:

That pursuant to Section 100A of the Local Government Act 1972, as amended, and having regard to the public interest, members of the public and press be excluded from the meeting for the consideration of the following item which involves the likely disclosure of exempt information under the following category of Schedule 12A of that Act:

(1) Information relating to any individual (Item 11).

11. **Revenue Budget 2016/17 - Employment Implications - Exempt Appendix**

27 - 28

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**EMPLOYMENT COMMITTEE
16 MARCH 2016
8.45 PM**



Present:

Councillors McLean (Chairman), Allen (Vice-Chairman), Mrs Birch, Leake, Mrs Temperton, Virgo and Worrall

Also Present:

Councillor Heydon, Non-voting Co-optee

Apologies for absence were received from:

Councillors Mrs Angell and Ms Miller

50. Declarations of Interest

There were no declarations of interest.

51. Minutes from previous meeting

RESOLVED that the minutes of the meeting held on 10 February 2016 be approved as a correct record and signed by the Chairman.

Arising from minute 47, the Chief Officer Human Resources reported that a paper showing the recalculation of redundancy payments due on the closure of Heathlands Residential Care Home would be circulated to Committee Members shortly, based on the revised closing date for the Care Home of 30 April 2016.

52. Urgent Items of Business

There were no items of urgent business.

53. Employees Code of Conduct Amendment

The Committee considered a report of the Director of Corporate Services seeking the approval of an amendment to the Employees Code of Conduct. The amendment would introduce a requirement for all Council employees to declare the existence of charges brought by the Police, convictions in a court of law or the issue of a caution on any matter, and to report it immediately to the Chief Officer of their service.

This followed a decision by Corporate Management Team to review and amend the practice of carrying out three yearly Disclosure and Barring Service (DBS) rechecks to posts where there is no statutory duty to do so. During the time the Council had performed regular re-checks, there was no recorded case of an employee whose employment had been terminated due to new offences being detected by this service. A budgetary saving had resulted from not undertaking the re-checks which had been included in the 2016/17 budget. The imposition of a requirement on employees to disclose new convictions was expected to mitigate any risks which might arise.

The report set out the suggested wording to be included to Employee's Code relating to the proposed new imposition on employees to report. To underpin this approach, it was intended to make an addition to the list of Serious Misconduct outlined in the Council's Disciplinary Procedure specifying "the failure to disclose to the Chief Officer any charge, caution or conviction (not including fixed penalty notices) which affects or is likely to affect the employee's suitability for the position in which they are employed".

A number of reservations were expressed by Members about the proposed addition to the Code of Conduct:

- The requirement to disclose charges, which may subsequently be dropped, could be seen as too severe.
- Was it appropriate to include instances involving a caution?
- Should the requirement to report be applied equally to all types of charge or conviction e.g. sexual offences or those involving children or vulnerable adults may be viewed more seriously than offences such as fraud.
- As the requirement to report was to the relevant Chief Officer (of whom there were approximately 15 across the Council) would there be a sufficiently consistent approach to dealing with such reports?
- In view of this issue, was it appropriate for the Committee to undertake a general review of the Employees Code of Conduct?

After further discussion it was

RESOLVED that the report be referred back for re-working, taking account of the views of members expressed at the meeting (as referred to above),(some of which were ameliorated during the course of discussions) in addition to setting out in more detail the risks to the Council raised by this issue, the steps that can be taken to mitigate the risks, and due consideration to introducing a clear reporting process that would assure a consistency of approach across the Council.

54. **Minutes of Sub Groups**

The Committee received the minutes of the meeting of the Local Joint Committee held on 10 February 2016, noting that the meeting had been chaired by the trade unions rather than Councillor Leake.

A suggestion was made that in future the agenda for the Employment Committee should include an item to allow for immediate feedback, if any, from the Local Joint Committee held prior to the meeting of the Committee.

55. **Exclusion of Public and Press**

RESOLVED that pursuant to Section 100A of the Local Government Act 1972, as amended, and having regard to the public interest, members of the public and press be excluded from the meeting for the consideration of the following item which involves the likely disclosure of exempt information under the following category of Schedule 12A of that Act:

- (1) Information relating to any individual (Minute 56).

56. Environment, Culture & Communities - Reorganisation in Environmental Services

The Committee considered a report seeking approval to an organisational restructuring of the Environmental Services team that may result in two potential redundancies.

The proposals stemmed from the changing business demands on the Council. The primary focus needed to be on recycling more waste and reducing waste overall to reach EU targets in 2020 and 2030. The new structure would bring together the responsibilities for both the day to day operational needs in respect of waste and recycling collections and waste disposal working with re3. In addition there was an operational need for more support for the street cleansing aspect of the public realm contracts following the externalisation of grounds maintenance.

The report detailed the changes to the structure, which would lead to the deletion of two posts, the creation of a new Waste and Recycling Manager post, together with two new full-time Recycling Assistants and a new part-time Street Cleansing Assistant. The cost of the proposed redundancies arising from the deleted posts (as set out in Appendix 3 and 4 to the report) would be met from the Structural Changes Fund. The cost of the new structure was £590 per annum less than the current structure and could therefore be met from within the ECC devolved staffing budget. However, it was recognised that the real pay back to the Council would be secured through increased recycling and reduced waste going to landfill (avoiding landfill tax and gate fees) with a potential saving of circa £600k to £1m a year. The Committee noted the redundancy payment calculations which showed the effect of the Council policy to enhance statutory redundancy pay in cases where the employee did not have immediate access to Local Government Pension Scheme Benefits.

RESOLVED that:

- (1) the restructure shown in Appendix 2 to the report be approved with effect from 1 May 2016;
- (2) subject to redeployment opportunities being offered to those affected, the two postholders be declared redundant in accordance with the terms set out in Appendices 3 and 4, with the costs being met from the Structural Changes Reserve.
- (3) the Chairman would discuss the Council policy on redundancy entitlements with the Chief Officer: Human Resources, according to whether or not the officer involved had access to Local Government Pension Scheme benefits.

57. Date of Next Meeting

Special Employment Committee: 10 May 2016

CHAIRMAN

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**TO: EMPLOYMENT COMMITTEE: 10 MAY 2016
GOVERNANCE AND AUDIT COMMITTEE 29 JUNE 2016
COUNCIL 13 JULY 2016**

**EMPLOYEES CODE OF CONDUCT AMENDMENT
Director of Corporate Services – Legal/Human Resources**

1 PURPOSE OF DECISION

- 1.1 This report seeks the endorsement of the Council to an amendment to the Employees Code of Conduct (“the Code”) introducing a requirement for all Council employees to declare the existence of criminal charges, cautions and convictions to their directorate lead for HR or the Chief Officer :HR

2 RECOMMENDATION

- 2.1 **That the provision outlined in paragraph 5.5 is added to the Employees Code of Conduct**
- 2.2 **As a consequence to the proposed changes above, an additional offence (of failing to disclose) as detailed in 5.8 is added to the Disciplinary Procedure as an instance of potential serious misconduct.**
- 2.3 **That recommendation 2.1 and 2.2 have retrospective effect from 1July 2015 (ie from the point at which DBS rechecks ceased to be undertaken)**

3 REASONS FOR RECOMMENDATION

- 3.1 The recommendation follows a decision by Corporate Management Team in July 2015 to review and amend the practice of carrying out three yearly Disclosure and Barring Service (“DBS”) rechecks in respect of posts where there is no statutory duty to do so. However, as a result, the proposal of a requirement on all employees to disclose any new charges, cautions or convictions is expected to mitigate any risks thereby arising from discontinuing DBS rechecks on staff who previously were subject to these.
- 3.2 The requirement for disclosure allows the Council to consider at an early stage the potential impact on the employee’s role and provides an opportunity to safeguard the Council’s reputation.

4 ALTERNATIVE OPTION CONSIDERED

- 4.1 Do nothing to mitigate the identified risk. However, whilst this is an option it is not advisable. The likelihood (based on past experience) of an officer being charged cautioned or convicted is low but the impact could be very high. Therefore the recommendations contained within this report seek to mitigate this risk.
- 4.2 Whilst it is recommended that that the requirement to disclose is applied retrospectively, the alternative would be to enforce the new policy from the date it is agreed by Employment Committee. This does increase the risk slightly.

5 SUPPORTING INFORMATION

- 5.1 Currently, DBS checks are carried out on prescribed categories of employees whose duties require contact with young people and vulnerable adults either directly or via access to sensitive personal data. The checks take place upon an individual commencing employment with the Council and where s/he moves to a new and different role within the organisation.
- 5.2 The Council's position on which posts required DBS checks was reviewed by Corporate Management Team in July 2015 at which point they considered their current approach to rechecks.
- 5.3 Whilst there is no statutory requirement to re-check in the majority of cases, it does exist for some non-employment cases ie taxi licensing and fostering/adoption and there is no suggestion that the rechecks should stop for those areas. There is no expiry date on a DBS Disclosure if the person remains in the same type of employment with the same employer. Increasingly Councils are redefining their position on rechecking because the landscape has changed over the last few years and the CQC and Ofsted no longer require it. The majority of the Berkshire Authorities do not perform automatic rechecks. There is a budgetary saving resulting from not undertaking rechecks which has been included in the 2016/17 budget.
- 5.4 In deciding whether to continue with re-checks one of the issues for consideration by CMT was the Council's appetite for risk; it was clear that the risk to vulnerable adults and children would be very low were rechecks to be discontinued. It is true to say that there is an excellent network of information sources available to the Council which have, in the past, readily identified any occasion when an employee has fallen foul of the law. These include the local press, local police contacts, work colleagues, social networks, the Magistrates Court system etc. Therefore if an employee did commit any offence, particularly one which might prove problematic to their continued employment in a Regulated Activity, it is clear the Council could find out very quickly and be able to act accordingly.

During the time the Council has performed regular rechecks, there is no record of there having been any employee whose employment has been terminated due to new offences being detected through this process. This must inevitably lead to the conclusion that whilst the current approach is extremely risk-averse, it is committing the Council to significant expense at a time of restricted budgets with little evidence that it makes any material impact.

- 5.5 However CMT did agree that in order to mitigate any potential risks the Employee Code of Conduct should be amended to require employees to declare any criminal charges, cautions and convictions imposed upon them subsequent to their appointment. It is considered that whilst the original DSB recheck procedure applied specifically to those staff previously subject to pre employment checks, the recommendation should extend to all Council employees as it would be difficult to legally justify limiting the application of any provisions within the Employee Code to discrete categories of staff.
- 5.6 Cautions are issued at police stations for less serious offences where an offender admits guilt. The inclusion of cautions is consistent with the system of DBS checks where they are also referenced as part of an individual's criminal record.

- 5.7 It is recommended that employees should also be required to disclose the fact that they have been charged with an offence at a time when they are employed by the Council. Such a requirement provides safeguards for the Council in situations where the Crown Prosecution Service has concluded that it has sufficient evidence to prosecute the employee. In these circumstances the requirement for disclosure would provide a safeguard for the Council against the employee placing individuals or Council systems at risk. Examples would include employees charged with offences of a violent or exploitative nature who are employed by the Council in a caring capacity or those charged with financial offences that have access to Council financial systems. It must be emphasised here that disclosure in such circumstances would not lead to automatic censure. Indeed in some cases it may be entirely appropriate that the Council takes no further action, disciplinary or otherwise. The rationale behind the proposal is to create a framework which places the obligation on the employee to disclose, enabling the Chief Officer to undertake a risk assessment (with HR/Legal advice where appropriate) to determine whether or not the individual can continue in their role pending the conclusion of criminal proceedings. An appropriate response in such cases could include moving the individual temporarily to another role, suspension or in exceptional cases disciplinary action.

The suggested wording is as follows:

Reporting of Criminal Charges and Convictions

Where an employee is charged by the Police for any offence or convicted in a court of law or issued with a caution on any matter that occurs during or outside of their work then they must report this immediately to their directorate HR lead or the Chief Officer:HR.

A charge, conviction or caution for any offence may result in disciplinary proceedings being taken against the employee where, in the opinion of the Council, it;

- ***affects, or is likely to affect, the suitability of the employee for the position in which he/she is employed, or***
- ***brings the Council into disrepute, or***
- ***could, in the opinion of the Council, otherwise seriously undermine the trust and confidence that the Council has in the employee.***

NB. There is no requirement for an employee to report to the directorate lead for HR or Chief Officer HR where they have received a fixed penalty notice for any offence, eg speeding offences, parking offences etc.

- 5.8 In order to underpin this approach, it is intended this is added to the list of Serious Misconduct outlined in the Council's Disciplinary Procedure specifying "the failure to disclose to the directorate lead for HR or the Chief Officer:HR any charge, caution or conviction (not including fixed penalty notices) which affects or is likely to affect the employee's suitability for the position in which they are employed" as recommended in 2.2

- 5.9 Such a provision is both necessary and proportionate in order to give the proposals the necessary degree of authority to ensure that employees adhere to the requirement. Proportionality will be achieved by virtue of employees having the safeguards inherent in the Council's HR processes and in Employment law.
- 5.10 Where an employee fails to make a disclosure the disciplinary procedure would only be engaged where the criteria set out in paragraph 5.8 above is satisfied and the appropriate advice has been sought and received.

6 ADVICE RECEIVED FROM STATUTORY AND OTHER OFFICERS

Borough Solicitor

- 6.1 The Borough Solicitor is the author of this report.

Borough Treasurer

- 6.2 Nothing to add to the report.

Other Officers

- 6.3 The Chief Officer: Human Resources comments are included in the report.

Equalities Impact Assessment

- 6.4 Not relevant

Strategic Risk Management Issues

- 6.5 Implementation of the proposal will serve to mitigate any risk arising from the fact that the Council no longer undertakes DBS rechecks except in those limited cases where there is a statutory requirement to do so.

7 CONSULTATION

Principal Group Consulted

- 7.1 The recommendation in this report will be considered by by the Local Joint Committee and both the Employment Committee and Governance and Audit Committee

Method of Consultation

- 7.2 Through this report.

Background Papers

None

Contact For Further Information

Sanjay Prashar – Borough Solicitor – 01344 355679
e-mail: sanjay.prashar@bracknell-forest.gov.uk

**TO: EMPLOYMENT COMMITTEE
10 MAY 2016**

**REVENUE BUDGET 2016/17 – EMPLOYMENT IMPLICATIONS
(Director of Corporate Services – Human Resources)**

1 INTRODUCTION

- 1.1 The purpose of this report is to identify additional staffing implications arising from the revised financial position for 2016/17. This has been considered by the Corporate Management Team and will also have been to a Special meeting of the Local Joint Committee for consultation. The Employment Committee is now asked to consider the report.

2 RECOMMENDATIONS

The Special Employment Committee is recommended to:

- 2.1 **Approve the deletion of the posts identified in Exempt Appendix B with effect from the dates indicated.**
- 2.2 **Agree that the postholders are declared redundant in accordance with the terms set out in that Exempt Appendix with the costs being met from the Structural Changes Fund (subject to any redeployment opportunities offered to those affected).**

3 REASONS FOR RECOMMENDATIONS

- 3.1 To make financial savings to meet the requirements of the revised budgets for 2016/17.

4 ALTERNATIVE OPTIONS CONSIDERED

- 4.1 Additional savings are also being planned in areas where no action can be taken until further Public Consultation has taken place and decisions made accordingly which may arise on any potential service changes. This will necessitate a further report to the Employment Committee.

5 SUPPORTING INFORMATION

- 5.1 To achieve a balanced budget in 2016/7, based on estimates of the likely level of budget settlement, the Council has already agreed to make economies of £4 million to partially bridge the budget gap of £10.1 million, not all of which were from staffing costs. Since the budget settlement was announced a further gap of £2.4m has been identified and proposals to meet this further gap have been the subject of consultation and discussion with Members and with staff. This report deals with the staffing implications as a result of proposed changes following the budget consultation.
- 5.2 The budget proposals focus, as far as possible, on making savings and efficiencies in areas which will have the least direct impact on services to residents. However, the scale of financial reductions required mean that this is not possible to achieve in all instances.

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5.3 All staff who are potentially affected by the emerging proposals were fully briefed by managers during January 2016 and received a formal “At Risk” letter on 5 February or week commencing 8 February. More in-depth meetings with those employees were held by departmental HR staff and managers responsible for the service to talk directly to them and to accord with the agreed Organisational Change timetable. A copy of that Protocol is attached as Appendix A; this follows a similar approach to previous years.

5.4 The proposals impact on the following areas with the detail outlined in Exempt Appendix B:

5.5 **Corporate Services/Chief Executive’s Office**

(a) **Construction and Maintenance, Property Team**

This section of the property team deals with Council buildings, and there has been a reduction in the number of buildings to be maintained, including schools changing to Academy status; there is also a substantial reduction in the Council’s planned maintenance and capital budgets for this area. As a result, the team can now be managed directly by the Chief Officer: Property and it is proposed that the post of Head of Construction and Maintenance is deleted.

STAFFING IMPACT: 1 POST (1 FTE)

Ref 1 in Exempt Appendix B.

5.6 **Environment, Culture and Communities**

(a) **Highways Engineering**

In order for the Council to continue funding preventative highway maintenance a significant reduction in minor transport improvement schemes is required. A reduction in work budgets consequently reduces the staff resources required and it is proposed to remove 3 FTE’s: 1 Senior Engineer and 2 Assistant Engineer posts. The affected post holders were placed ‘At Risk’, pending a selection process which has become unnecessary following 3 suitable requests for voluntary redundancy.

STAFFING IMPACT: 3 POSTS (3FTEs)

Ref 2 in Exempt Appendix B

(b) **Highways Inspection**

A reduction in funding for highway inspections at Development sites will reduce the staff resources available. The proposal is to remove 0.5 FTE from the Clerk of Works team which currently comprises 1.5 FTE. The affected post holders were placed ‘At Risk’, pending a selection process which has become unnecessary following 1 suitable request for voluntary redundancy.

STAFFING IMPACT: 1 POST (0.5 FTE)

Ref 3 in Exempt Appendix B.

(c) Road Safety Education

A reduction in funding for Road Safety Education will remove the Road Safety Officer post (1 FTE) and this proposal makes the post holder redundant. Support for 'Safer Roads Berkshire', a road safety partnership providing road safety information and initiatives will continue alongside cycling and pedestrian training in schools.

STAFFING IMPACT: 1 POST (1 FTE)

Ref 4 in Exempt Appendix B

(d) Highway Drainage

A reduction in funding for highway drainage will reduce the resource available by 1 FTE. In future only urgent repairs will be undertaken and no improvement schemes commissioned that would otherwise resolve local flooding.

STAFFING IMPACT: 1 POST (1 FTE)

Ref 5 in Exempt Appendix B

(e) Redeployments

An additional number of posts which were At Risk of redundancy do not appear as proposed redundancies in this report as the postholders were successfully redeployed. These include one postholder in Concessionary Fares (ECC), a postholder in the Business and Enterprise team (Chief Executives) and two postholders in Early Help (CYPL).

The Process

5.7 When considering budget reductions, officers first scrutinise the requirements for a particular service or function ie whether it could be changed/reduced/reshaped or what the impact would be if it were no longer provided. Having done so and made a judgement in that context, they then consider what the staffing impact will be. Where staffing reductions in multi-occupancy posts are required, if no suitable voluntary redundancies/early retirements emerge, the method of selecting employees for available posts follows the Council's Redundancy Handling Procedure and takes into account the following factors:

- Skills/experience
- Attendance/disciplinary record

Any recommended redundancy or severance payments thereafter are brought to this meeting and will be made in accordance with the relevant legislation and/or statutes, and the Council's Policy on Early Retirements and Redundancies.

5.8 In the majority of cases the notice period will be worked before the effective date. In some cases the individuals will not have the opportunity to work their full notice period between notification of redundancy and the effective date; in these cases, the balance of notice will be paid as pay in lieu of notice.

Conclusion

- 5.9 The total number of Full Time Equivalents affected by these proposals is 7.

As the process of actively seeking redeployment opportunities will continue right up to the termination date, some staff will secure alternative posts with the Council between the date of decision on redundancy and the effective date as specified on the exempt appendices.

6 ADVICE RECEIVED FROM STATUTORY AND OTHER OFFICERS

Borough Solicitor

- 6.1 Any service restructure involving a reduction of employees has to reflect the requirements of the Employment Rights Act 1996 and the Council's own Redundancy Handling Procedure to ensure that the case for redundancies is genuine and thereafter to ensure that any decisions are predicated on ;

- (1) (Where appropriate) the establishment of a reasonable selection criteria
- (2) Adequate consultation
- (3) Consideration of suitable alternative employment

The Council's compliance with this criteria is set out in the main body of the report.

Borough Treasurer

- 6.2 The total cost of the proposals outlined in this report is £187,434. The average payback period is 7 months.
- 6.3 The overall cost will reduce if redeployment opportunities are identified. The final cost can be met from the Structural Changes Reserve which currently stands at £1.2m.

Equalities Impact Assessment

- 6.5 An Equalities Screening Record Form has been completed in accordance with Council policy and is attached as Appendix C. Service areas are responsible for EIAs on the service impact of any major changes.

Strategic Risk Management Issues

- 6.6 Failure to implement proposals involving staff reductions will result in significant alternative savings needing to be found in the Council's budget. There may be resource capacity issues in parts of the organisation as a result of these measures which will need to be managed.

7 **CONSULTATION**

Principal Groups Consulted

- 7.1 Employees affected have been individually consulted. Trades unions have been formally consulted throughout the process commencing with statutory consultation letters and including a special meeting of the Local Joint Committee.

Background Papers

None.

Contact for further information

Timothy Wheadon, Chief Executive ext 5601

timothy.wheadon@bracknell-forest.gov.uk

Nikki Gibbons, Chief Officer: Human Resources ext. 2049

nikki.gibbons@bracknell-forest.gov.uk

Alan Nash, Borough Treasurer ext 2180

alan.nash@bracknell-forest.gov.uk

**MANAGEMENT OF ORGANISATIONAL CHANGE CHECKLIST & TIMETABLE
PHASE 2 BUDGET CONSULTATION ONLY (6 WEEKS) – NO FURTHER PUBLIC
CONSULTATION OR EIA**

FOR ADDITIONAL BUDGET REDUCTION PROGRAMME

Ref	Dates	Description	Responsible Officer(s)
1	15/2/16	Publish Executive papers on budget proposals	
2	23/2/16	Executive meeting to consider and decide savings proposals	
3	24/2/16 – 5/4/16	Start 6 week budget consultation period	BT
4	22/1/16	Notify Trade Union(s) of anticipated redundancies – subject to the Executive agreeing them	CO:HR
5	25/1/16 – 26/1/16	Initial Consultation with all staff potentially affected, in groups and then individually as necessary (Issue letter summarising discussion of proposals including information given, process and deadline for feeding back comments and describing next stage.)	Departmental HR and Director/CO
6	26/1/16 - onwards	Consider vacancies in light of proposals before advertising; potential to hold or advertise internally in some cases. If new jobs are to be created job descriptions/person specifications/JIQs prepared and submitted for job evaluation	Departmental HR and CO
7	5 Feb	Send “At Risk” letters – effective date of any redundancy tbc. All subject to consultations, committee decisions. Redeployment discussions may already have begun informally, but here the formal redeployment meetings begin.	Departmental HR
8	27/1/16 – 2/3/16 (6 weeks)	Further discussion and consultation with staff on proposals	Director/CO
9	7/3/16	Feedback to affected employees on staff consultation comments and any resulting changes	Director/CO

RESTRICTED

10	11/3/16	Appeals against being placed At Risk to be lodged	Individual/ Departmental HR
11	11 to 16/3/16	Appeals against At Risk status heard	Departmental HR/CO
12	(14 th if no appeals) 16-24/3/16	Selection processes for posts where applicable. (Where there is an appeal against At Risk status this must be resolved before concluding the selection process for the posts for which they are in a selection pool.)	CO/Departmental HR
13	30/3/16	Appeals lodged (against selection decision)	Individual/ Departmental HR
14	4/4/16	Appeals heard (as above). Posts no longer At Risk, confirm by letter. Post still At Risk, send Pre-Committee letter: must include effective date of redundancy and date notice to be given	CO/Departmental HR Departmental HR Departmental HR
15	By 6/4/16	Prepare CMT report for accessing Restructures Fund (subject to appeals).	BT/CO:HR
16	12/4/16	Executive Briefing on budget	BT
17	13/4/16	CMT consider report on Restructure Fund subject to appeals and budget consultation	CMT
18	18/4/16	Finalise report for Special Employment Committee and LJC	BT/Directors/CO: HR
19	10/5/2016	Executive approves budget	Executive
20	10/5/2016	Local Joint Committee Special Employment Committee	Directors/CO:HR
21	11/5/2016	Write out to staff. Notice period begins 1 – 3 months	Departmental HR
22	11/6/2016 – 11/9/2016	New structures/posts become live	Departmental HR/Director/CO

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Initial Equalities Screening Record Form (Appendix C)

Date of Screening: April 2016	Directorate: Corporate Services	Section: HR		
1. Activity to be assessed	Revenue Budget 16/17 – Employment Implications			
2. What is the activity?	<input type="checkbox"/> Policy/strategy <input type="checkbox"/> Function/procedure <input type="checkbox"/> Project <input type="checkbox"/> Review <input type="checkbox"/> Service <input checked="" type="checkbox"/> Organisational change			
3. Is it a new or existing activity?	<input checked="" type="checkbox"/> New <input type="checkbox"/> Existing			
4. Officer responsible for the screening	Nikki Gibbons			
5. Who are the members of the screening team?	Pat Butler, Angela Lee			
6. What is the purpose of the activity?	Make additional organisational change necessary to achieve the required budget savings. To assess if any part of the workforce will be disproportionately impacted. Redundancies are handled in line with the Council's organisational change policy/procedure.			
7. Who is the activity designed to benefit/target?	Staff – 7 will be made redundant if no further suitable redeployment can be found. Four others have already been successfully redeployed into other posts. It is part of our organisational change procedure to seek alternative employment for all those at risk of redundancy.			
Protected Characteristics	Please tick yes or no	Is there an impact? What kind of equality impact may there be? Is the impact positive or adverse or is there a potential for both? If the impact is neutral please give a reason.		
8. Disability equality	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%; text-align: center;">Y</td> <td style="width: 50%; text-align: center;">N ✓</td> </tr> </table>	Y	N ✓	None.
Y	N ✓			
9. Racial equality	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%; text-align: center;">Y</td> <td style="width: 50%; text-align: center;">N ✓</td> </tr> </table>	Y	N ✓	One individual is BME, the others are all White British. (The BME individual volunteered for redundancy from within the pool concerned so there is no reason to suspect discrimination in the selection.) The non school workforce is 11.5% BME
Y	N ✓			
What evidence do you have to support this? E.g equality monitoring data, consultation results, customer satisfaction information etc Please add a narrative to justify your claims around impacts and describe the analysis and interpretation of evidence to support your conclusion as this will inform members decision making, include consultation results/satisfaction information/equality monitoring data				

10. Gender equality	Y ✓	N	Adverse to males	Five males and two females are affected. The non school workforce generally is 71% female but the department in which the majority of the redundancies occur is 56% female.
11. Sexual Orientation equality	Y	N ✓		3 individuals identified as heterosexual and the remainder did not specify orientation.
12. Gender re-assignment	Y	N ✓		No known instances of staff concerned having had gender reassignment.
13. Age equality	Y	N ✓		The age distribution amongst the redundant employees is fairly evenly spread across age bands, with the youngest in the 20-29 age band and the eldest in the over 65 age band. Four are 50 or over, and the non schools workforce has 37.7% who are 50+; however the accessibility of pension may make it more likely for those over 50 to volunteer in a redundancy situation.
14. Religion and belief equality	Y	N ✓		4 identified as Christian, one declared they had no religion, one declared "other" and one did not declare. In the non schools workforce 46.9% are Christian.
15. Pregnancy and maternity equality	Y	N ✓		None known
16. Marriage and civil partnership equality	Y	N ✓		None known
17. Please give details of any other potential impacts on any other group (e.g. those on lower incomes/carers/ex-offenders) and on promoting good community relations.				
18. If an adverse/negative impact has been identified can it be justified on grounds of promoting equality of opportunity for one group or for any other reason?	The small numbers involved make comparisons on the basis of percentages misleading.			
19. If there is any difference in the impact of the activity when considered for each of the equality groups listed in 8 – 14 above; how significant is the difference in terms of its nature and the number of people likely to be affected?	The personal characteristics of the individuals to be made redundant are not known to decision makers at the initial stages ie when the decisions are taken to reduce services. The numbers affected are quite small and this can lead to a disproportionate impact on percentages. There is no significance perceived in the adverse impacts identified.			

20. Could the impact constitute unlawful discrimination in relation to any of the Equality Duties?	Y	N✓	No. There is no evidence that discrimination is a factor in the selection of services to be reduced or employees to be made redundant.
21. What further information or data is required to better understand the impact? Where and how can that information be obtained?	None		
22. On the basis of sections 7 – 17 above is a full impact assessment required?	Y	N✓	The explanations offered above are deemed sufficient not to warrant a full EIA. The impact on the individuals At Risk of redundancy is mitigated by seeking redeployment for them; by holding individual meetings with them to discuss their skills and experience, and to explain their severance package. Posts in the teams affected are “ringfenced” for At Risk employees. Other posts which become vacant during this period are looked at on a case by case basis, and those which could potentially provide a redeployment opportunity are advertised internally only to allow those At Risk to apply before any external competition is considered.
23. If a full impact assessment is not required; what actions will you take to reduce or remove any potential differential/adverse impact, to further promote equality of opportunity through this activity or to obtain further information or data? Please complete the action plan in full, adding more rows as needed.			
Action	Timescale	Person Responsible	Milestone/Success Criteria
Ensure equality of opportunity throughout the redeployment period		HR Heads of Service	
24. Which service, business or work plan will these actions be included in?			
25. Please list the current actions undertaken to advance equality or examples of good practice identified as part of the screening?	Individuals will be individually contacted by an HR adviser to discuss possible redeployment, and to help them where necessary with CVs and other aspects of job search.		
26. Chief Officers signature.	Signature: Nikki Gibbons		Date: April 2016

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**LOCAL JOINT COMMITTEE
16 MARCH 2016
4.00 - 4.20 PM**



Present:

David Allais (Chairman),
Councillors Leake, Allen and Worrall

Apologies for absence were received from:

Councillors Mrs Angell
Lorna Cameron, Unison
Nikki Dancey, GMB

In Attendance:

Nikki Gibbons, Chief Officer: Human Resources
Sanjay Prashar, Borough Solicitor

43. Declarations of Interests

There were no declarations of interest.

44. Minutes from Previous Meeting

The minutes of the meeting held on 10 February 2016 were approved as a correct record.

Matter Arising

Minute 41: Revenue Budget 2016/17 – Employment Implications

The Chief Officer: Human Resources reported that the work of the Transformation Programme was continuing and the Board would continue to consider how the challenges of meeting the £26m funding gap could be addressed. The Director of Corporate Services had emailed staff updating them on the work of the Board and there had also been an article in Forest Views.

45. Urgent Items of Business

There were no items of urgent business.

46. Employment Committee: Agenda and Related Matters

1) Employees Code of Conduct Amendment

The Borough Solicitor reported that following the decision by senior management to undertake DBS rechecks only where statutorily required, it was proposed that a requirement be introduced for all Council employees to declare the existence of any criminal charges, cautions and convictions to their Chief Officer.

The Committee expressed concern that where allegations were made, it may not be appropriate or reasonable to expect an employee to declare these, unless charges are subsequently proven.

It was reported that robust employment procedures needed to be in place and that each case would be considered individually.

2) Environment, Culture & Communities – Reorganisation in Environmental Services

The Committee noted the reorganisation in Environmental Services. It was reported that staff had been kept informed throughout the process.

47. Matters to be Raised by Trade Unions

No matters were raised.

CHAIRMAN

By virtue of paragraph(s) 1 of Part 1 of Schedule 12A
of the Local Government Act 1972.

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