


To ALL MEMBERS OF THE TOWN COUNCIL

You are hereby summoned to attend an Additional Meeting of **Rye Town Council** to be held on **Monday 11 November 2019, immediately following Planning & Townscape (but no earlier than 6.45pm)** at **The Town Hall, Market Street, Rye**, when it is proposed to transact the business following:

- 111 APOLOGIES**
To accept any apologies for absence.
- 112 CODE OF CONDUCT**
To receive any declarations of interest required under the Council's Code of Conduct – and to consider any written applications made by Members to the Clerk for a dispensation to allow them to participate in, and vote on an agenda item for which they have a Disclosable Interest.
- 113 RESTRUCTURING POLICY**
To adopt the draft Restructuring policy. **HRWG**
- 114 EXCLUSION OF THE PUBLIC AND PRESS**
Item 115 includes discussion about the terms that could be offered to prospective tenants – as well as the terms of employment of staff - and it therefore recommended that the public and press be excluded in accordance with the Public Bodies (Admissions to Meetings) Act 1960 (1)(2).
- 115 LETTING OF RYE HERITAGE CENTRE**
To receive an update and, if necessary, to agree a course of action.

ROBES WILL NOT BE WORN

Supporting/Associated documents distributed with this agenda
113 Draft Restructuring policy; Employment Stability policy



4 November 2019

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**MEETINGS OF RYE TOWN COUNCIL AND ITS COMMITTEES
ARE OPEN TO THE PUBLIC**

RYE TOWN COUNCIL

Draft Restructuring Policy

Note *This policy replaces the Employment Stability policy*

1 Introduction

This policy sets out the Council's approach to managing restructures to ensure a consistent, transparent and fair approach is applied across the Council. The policy outlines the principles and steps required when undertaking restructures.

2 Policy aims

The aim of this policy is to provide clarity to managers and employees when the Council undertakes organisational restructuring to improve services and/or efficiency.

3 Consultation

At least 3 months prior to a proposed new structure being put into effect, the Town Clerk (or nominated representative) will consult stakeholders, including all affected employees and any recognised trades unions about any proposed restructuring process.

The consultation will include:

- The rationale for the change
- The identification of the group of employees affected (ring-fencing)
- The current and proposed revised structure
- Number of posts, grading/level of posts and post locations
- An outline of the intended content of the new posts
- The selection process that will apply to the ring-fenced staff
- The timetable to implement the new arrangements
- Any additional information relevant to the proposal

As part of the consultation process, consideration will be given, where practicable, to whether the application of voluntary redundancy/retirement would be appropriate in the circumstances, including whether voluntary retirement could be used to create 'bumped' opportunities (members of staff in comparable jobs, but outside of the ring fence, electing to retire early – thereby creating a potential redeployment opportunity).

Consultation will begin at the earliest opportunity and every effort will be made to produce all of the relevant information prior to consultation.

Following consultation, the Town Clerk (or nominated representative) will ensure that all employees affected by the proposal continue to have access to relevant documentation.

4 Population of the new structure

Prior to populating the new structure, all employees will receive an 'At Risk' letter detailing the selection process and relevant timescales.

A process of assigning and appointing employees into posts following a restructure will be used to ensure all employees are treated fairly and consistently. As a general principle, the highest-grade/level posts (if any) will be assigned/appointed to first.

The stages below shall be followed:

STAGE 1 – ‘Slotting in’ of employees

a) Comparable posts at the same level of responsibility/skill/qualification

(i) More posts than people

Where the overall purpose of a post in the new structure matches the employee's current post by at least 70% of the duties, the postholder will be advised that there is no change in their employment status and will be slotted into the post.

This is applicable when the number of posts equates to, or is greater than, the number of people.

(ii) Fewer posts than people

Where an employee's current post matches the new post by at least 70% of the duties, but there are more employees than posts available, all the employees will be ring-fenced to the posts and a competitive selection process (undertaken in accordance with the Council's normal recruitment and selection practices) will take into account:

- How closely the employee matches the new post's person specification.
- The degree to which the employee has the experience, motivation, skill and ability to achieve and maintain high standards of performance in the new role.
- Any conduct issues over the past 12 months.
- Attendance record over the last 12 months.
- Any performance issues over the last 12 months.

b) Comparable posts at a higher level of responsibility/skill/qualification

Where the comparable post is at a higher level than the individual's substantive role, a selection process (undertaken in accordance with the Council's normal recruitment and selection practices) will take place to assess the suitability of the employee against the new post's job description and person specification.

If an individual does not demonstrate fully all the necessary skills for the higher level post during their selection process, a judgment will be made about whether the skills gap could be addressed by giving the employee a trial period of up to 3 months. If the skills gap is not addressed during the trial period the employee will not be offered the post.

c) Comparable posts at a lower level of responsibility/skill/qualification

Where the post has been graded at a lower level within the new structure the individual will be 'slotted' into the lower level post and their current level of

remuneration will be protected, with no annual cost of living increases, for a period of 2 years – unless, within those 2 years, the salary of the new post exceeds that of the protected salary.

STAGE 2 – Employees not ‘slotted in’

Following Stage 1, any posts remaining will be ring-fenced to employees affected by the restructure who were not ‘slotted in’ during Stage 1.

Posts will usually be ring-fenced to those employees whose existing post is most comparable. The posts remaining will be filled on a level by level basis, with the highest level posts being filled first.

Employees on fixed term contracts (with less than 12 months’ service) should will not be included in the ring-fence.

Employees remaining after Stage 1 will be notified of any unfilled posts and provided with the relevant job descriptions and person specifications. Employees will be asked to express an interest in remaining vacant posts within the new structure, in accordance with their grade/level and will be invited to participate in a competitive selection process (undertaken in accordance with the Council’s normal recruitment and selection practices), provided they broadly meet the relevant person specification.

Once offered a post, the employee will be removed automatically from the ring-fence and will not be considered for any further posts. Individuals who decline to accept the offer of a suitable alternative post at the same level, rate of pay and broadly similar duties will be classed as redundant – and may not be entitled to redundancy pay.

5 Employees not at work or on secondment

Employees who are not at work – or are on secondment – during a restructuring process will be included in any consultation process and will receive the same information as their colleagues.

6 Following the conclusion of the restructuring process

Any employee without a post will be declared redundant.

7 Right of appeal

A member of staff can appeal against decisions that resulted in them being without a post and being declared redundant. This also applies to the range of circumstances around the redundancy. To appeal they should write to the Town Clerk within 5 working days of the written decision, stating their grounds for appeal. The Town Clerk will arrange for three members of the Personnel Committee* – who were not involved in the employee’s redundancy selection - to hear the appeal and the procedure shall reflect the processes set out within the Grievance Procedure. The three Personnel Committee members can uphold the original outcome or decide it is not upheld. In these circumstances (redundancy dismissal) a further level of appeal will be allowed.

*If 3 eligible members of the Personnel Committee cannot be identified – or are not available – the quota shall be made up by appointing other Members of Council.

To appeal against the decision of the 3 members of the Personnel Committee, the staff member should write to the Town Clerk within 5 working days of receiving the written statement from their meeting, stating his/her grounds for appeal. The appeal shall be heard by the full Council and the procedure shall reflect the processes set out within the Grievance Procedure. The decision of the full Council shall be final and signify the end of the appeal process.

8 Redundancy pay

The Council uses the Government's Redundancy Pay Calculator for calculating the number of weeks' statutory entitlement for eligible* employees.

*Those who have worked for the Council for a minimum of 2 years continuously.

Where a financial saving can be demonstrated the Council may consider applying an enhancement factor to this redundancy payment.

Under certain circumstances the Council will consider allowing any redundancy or enhanced redundancy to be used to purchase years within the Council's pension scheme.

RYE TOWN COUNCIL

EMPLOYMENT STABILITY POLICY

Introduction

- 1 In an organisation like a Town Council reorganisation of services can occur occasionally which may have staff resourcing implications. When reorganisation or other circumstances compel any reduction in the number of people the Council is able to employ in specific activities, a main objective for the Council will be to avoid compulsory redundancies wherever possible; and to that end it will give the highest priority to maintaining the employment security of established employees.

General Measures

- 2 Before firm decisions are taken on any proposal concerning reorganisation of services which might have staff resourcing implications or affect job security there will be full consultation with the trade unions (or professional bodies) of any affected staff.
- 3 In consulting the trade unions, the Town Council will set out its proposals for dealing with the staff resourcing implications of the reorganisation, including the steps it proposes to take to preserve continuity of employment for any Town Council staff affected. From the date on which a firm decision is reached, the employee concerned and his/her trade union will receive 3 months notice before it is put into effect, including any necessary notices served, unless by mutual agreement this period is waived. In a re-deployment situation, all vacancies will be notified to all employees who are likely to be re-deployed.

Particular Measures

- 4 The steps to be taken, in consultation with the appropriate trade unions, to preserve continuity of employment will include (not necessarily in this order or priority):
 - a) abolition of the use of contracting and agency services and temporary employees in the service affected or in other services where this would create employment opportunities for displaced employees;

Note: This clause shall not be interpreted so as to prevent the Council from raising contracting, agency and temporary employee issues.
 - b) approaches to East Sussex County Council, Rother District Council, other District Councils, other Town/Parish Councils and public authorities to ascertain whether Rye Town Council employees could be employed to deal with schemes/work which their employees cannot undertake, including work for which they would normally retain outside agencies, consultants or contractors;
 - c) compilation of a list of employees who are being considered for transfer or re-employment which will be supplied to the appropriate trade unions;
 - d) cessation of normal recruitment procedures in the employee categories concerned and in any other area of work where displaced employees might be

absorbed. (In this event the Council will then not advertise any such vacancy until affected employees have been given an opportunity to say whether they wish to be considered for redeployment; will interview those who wish to be interviewed; and unless there is reasonable justification for not doing so will select one of these employees for the vacancy);

- e) retirement of employees already beyond retirement age or when that age is reached;
- f) offers of voluntary early retirement to employees whose jobs would provide employment opportunities for displaced employees; or alternatively negotiated agreed redundancy payments to the displaced employees;
- g) reviewing overtime in any areas where this would provide employment opportunities for employees whose jobs are at risk;
- h) in a re-deployment situation all vacancies will be notified to all employees who are likely to be re-deployed.

5 In the case of a redeployment appropriate individual training in the skills of the new job will be given to employees who are being re-deployed from one type of work to another. In the event of a member of staff being placed on salary protection active consideration will be given to providing further training to enable them to apply for vacancies within the organisation. The purpose of this would be to enable them to move to a post where they are no longer on a protected salary. This will be conditional on whether the proposed training is realistic and appropriate and also that training resources are available. It will still require the individual to take part in the normal selection procedure.

Implementing the Policy

6 The Town Clerk will ensure that all practicable steps are taken to re-deploy established employees whose jobs may be coming to an end into alternative jobs where they can continue to be usefully employed.

Terms and Conditions for Employees who are Re-deployed

- 7 a) If the salary in the discontinued job exceeds that of the new job the Council will preserve, on a personal basis, the salary of the employee immediately prior to re-deployment. No further cost of living awards or increments would apply. The preserved salary of the employee will then 'mark time' until either it is overtaken by the salary grade of the new post, or the employee leaves the Council's service. This is on a clear understanding that the employee, the employee's trade union and the Town Council will at all times use their best endeavours to secure, at the earliest possible date, the transfer of the employee to a post where the protected remuneration matches or more nearly matches the preserved salary grade.
- b) Agreements regarding protection of conditional or conditioned overtime payments shall be negotiated separately according to the circumstances appertaining to the particular case or cases under review.

- c) An employee incurring additional travelling expenses through re-deployment will be paid an allowance equal to the difference between
 - i) the cost of travelling from his/her home to his new place of work and
 - ii) from his home to his/her old place of work.

Such allowances to be paid for a period of two years at the full rate based on either:

- a) Second class train and/or bus fares or
 - b) Mileage allowance in respect of the additional mileage actually involved in the change of work place where public transport is not available, according to the Council's prevailing mileage rate.
 - c) In the case of individual employees the change of work place may give rise to exceptional hardship; in such cases the Policy, Resources & General Purposes Committee will consider the particular circumstances on merit and make a recommendation to Council.
- 8 Offers of employment will be made in writing and will include, as a minimum, the following details:
- a) the type of work to be undertaken and the training to be given where appropriate;
 - b) the location of the new job;
 - c) the rate of pay applicable to the appointment and any other terms and conditions which may be different from those applying to the previous employment (*but see paragraph 7 above*);
 - d) the normal hours of work of the new appointment;
 - e) any consequences resulting from non-acceptance of the offer of re-deployment.

Appeals

- 9 Appeals arising from this employment will be dealt with through the Council's Grievance Procedure.

Adopted by the PRGP Committee on 12 October 2009