



General Purposes Committee

Tuesday, 23 February 2010 at 6.00 pm

Committee Room 3, Brent Town Hall, Forty Lane,
Wembley, HA9 9HD

Membership:

Members

Councillors:

John (Chair)
Blackman (Vice-Chair)
Bessong
Beswick
Butt
Colwill
Dunwell
Lorber
Sneddon
Wharton

first alternates

Councillors:

Powney
Kansagra
V Brown
R Moher
Arnold
Baker

Dunn
Tancred
Green

Second alternates

Councillors:

Long
Van Colle
Clues
Moloney
Mrs Bacchus
Detre

Hirani
Matthews
Corcoran

For further information contact: Elly Marks, Democratic Services Officer
020 8937 1358, elly.marks@brent.gov.uk

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www.brent.gov.uk/committees

The press and public are welcome to attend this meeting

Agenda

Introductions, if appropriate.

Apologies for absence and clarification of alternate members

Item	Page
1	
Declarations of personal and prejudicial interests	
Members are invited to declare at this stage of the meeting, any relevant financial or other interest in the items on this agenda.	
2	1 - 6
Minutes of the previous meeting	
3	
Matters arising (if any)	
4	
Deputations (if any)	
5	7 - 14
Polling places and stations - Elections 2010	

A review of polling districts was reported to the General Purposes Committee on 3 November 2009 where a number of changes to boundaries and polling stations were agreed. This report seeks approval of the polling places to be used for the forthcoming Local Elections due to be held on 6 May 2010 and also the Parliamentary Elections which must take place by 4 June 2010, responding to suggestions made at the November meeting and in the light of changes to premises since that time.

Wards Affected: Dudden Hill;
Northwick Park;
Stonebridge; Welsh Harp;
Wembley Central;

Contact Officer: Peter Goss,
Democratic Services Manager

Tel: 020 8937 1353
peter.goss@brent.gov.uk

6	15 - 18
Returning Officer Indemnity	

This report discusses the potential liability of the Chief Executive, in his capacities as Registration Officer and Returning Officer in relation to local,

London, Parliamentary and European elections, for significant costs incurred in proceedings arising from his conduct of those posts and recommends appropriate action.

Wards Affected: All Wards; **Contact Officer:** Fiona Ledden, Interim Borough Solicitor
fiona.ledden@brent.gov.uk

7 Managing Change Policy and Procedure

19 - 46

This report covers the revision of the Managing Change Policy and Procedure and sets out the rationale for the revision and principle changes that are proposed. The report seeks the endorsement of the General Purposes Committee as set out in the recommendations.

Wards Affected: All Wards; **Contact Officer:** Tracey Connage, AD Human Resources
tracey.connage@brent.gov.uk

8 Appointments to Sub-Committees / Outside Bodies

9 Any Other Urgent Business

Notice of items to be raised under this heading must be given in writing to the Democratic Services Manager or his representative before the meeting in accordance with Standing Order 64.

10 Date of next meeting

Additional meetings of the Committee will be convened if business requires this.



- Please remember to **SWITCH OFF** your mobile phone during the meeting.
- The meeting room is accessible by lift and seats will be provided for members of the public.
 - Toilets are available on the second floor.
 - Catering facilities can be found on the first floor near the Grand Hall.
 - A public telephone is located in the foyer on the ground floor, opposite the Porters' Lodge

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LONDON BOROUGH OF BRENT

MINUTES OF THE GENERAL PURPOSES COMMITTEE Tuesday, 26 January 2010 at 7.00 pm

PRESENT: Councillor John (Chair) and Councillors Bessong, Beswick, Butt, Colwill, Dunwell, Lorber, Sneddon and Wharton

Apologies were received from: Councillor Blackman

1. **Declarations of personal and prejudicial interests**

None declared.

2. **Minutes of the previous meeting**

RESOLVED:-

that the minutes of the previous meeting held on Tuesday 24 November 2009 be approved as an accurate record of the meeting.

3. **Matters arising (if any)**

None.

4. **Deputations (if any)**

None.

5. **Managing Change Policy and Procedure**

This item was withdrawn.

6. **Calculation of Council Tax Base 2010/11**

Duncan McLeod (Director of Finance and Corporate Resources) introduced the report which set out the council tax base calculation to be used for 2010/11. He explained that the calculation of the tax base was one of the main stages in the process of setting the council tax, which was scheduled for the Council Meeting on 1 March 2010. He added that regulations required that the council tax base be set by 31st January 2010.

Duncan McLeod informed the committee as to how the calculation of the council tax based was formulated. He explained that the council tax based was calculated by adding together 98,628 (the council tax base return submitted to the Department of Communities and Local Government in October 2009) and 302 (the impact of

adding back 40% of the value of second and long term empty furnished properties at Band D equivalent). This total, he explained, was then to be multiplied by the estimated rate of collection. Duncan McLeod highlighted that it was recommended in the report that the collection rate be set at 97.5%. He explained that due to the recession it would be unrealistic to set the figure any higher and that an over-optimistic assumption could lead to the Council having to declare a deficit in later years. Duncan McLeod explained that if Members agreed that the council tax collection rate should be set at 97.5%, the council tax base for 2010/2011 would be 96,457.

In response to a question regarding the effect of using a higher collection rate, Duncan McLeod explained that if, for example, a 98% collection rate was used, it would mean that approximately an extra half a million pounds would need to be collected. However, he stated that experience had shown that this amount would be difficult to collect. If the Council was unable to collect the extra amount, the Council would, he explained, then have to declare a deficit. In response to a query regarding the 25% discount for single adult households, Duncan McLeod explained that he was not aware of any plans for this discount, set by Central Government, to be removed.

RESOLVED:-

- i) that the collection rate for the council tax for 2010/2011 be set at 97.5%;
- ii) that, in accordance with the Local Authorities (Calculation of Council Tax Base) Regulations 1992, the amount calculated by the Council as its council tax base for 2010/2011 be set at 96,457.

7. Amendments to the Council's policy for Admission Agreements

Duncan McLeod (Director of Finance and Corporate Resources) introduced the report which set out the amendments to the Council's policy for Admission Agreements. He explained that to ensure the better procurement of services from external organisations, which was one of the aims of the One Council initiative, a consolidation of the Council's approach to Admission Agreements, that allowed transferring staff continued access to the Local Government Pension Scheme (LGPS), was required.

Duncan McLeod explained that Members were being asked to note that the criteria for Admission Agreements for Community Admission Bodies, detailed in Appendix A of the report, was to remain unchanged. He noted that whilst regulation 5 of the Local Government Pension Scheme stated that charitable and not for profit organisations were entitled to request access to the Local Government Pension Scheme, due to the economic climate it was unlikely that these types of organisations would apply for access to the scheme due to its expense.

Duncan McLeod stated that Regulation 6 (2) of the Local Government Pension Scheme Regulations had empowered the Council to allow organisations, other than community admission bodies, which provided its service or assets, access to the Local Government Pension Scheme. He drew the committee's attention to the proposed new criteria for non-community bodies, as detailed in Appendix A of the report, which Members were being asked to agree. The main difference in the

criteria, he explained, related to the use of risk share agreements. A risk share agreement, he stated, was when the contractor agrees to take on the risks which it would have some control over or those which would be manageable, such as excessive pay rises and early and ill health retirements, and the Council takes on other risks, such as the investment risk, basis risk, and increases associated with changes in legislation.

Duncan McLeod informed the committee as to why officers believed that a risk share agreement often represented a pragmatic way of achieving best value. He explained that a risk share agreement could help provide the necessary assurance to a contractor, thus enabling them to make a more competitive bid. This, he added, might then encourage bids from quality organisations that might have been disinclined to bid because of the pension risk. The new criteria, he explained, would allow the Director of Finance and Corporate Resources to agree to enter into a risk share agreement if satisfied that the pension fund would be no worse off than if the transferring staff had remained in their current employment and if assured that the risk share agreement would achieve best value. He added that the current criteria, for admission agreements for non-community bodies as set out in paragraph 3.16, did not allow for a risk share agreement to be entered into without the matter being referred to the General Purposes Committee for consideration.

In the discussion which followed, it was noted that the Council's policy for admission agreements related to members of staff who were transferring under TUPE as a result of the outsourcing and did not relate to brand new staff who would be providing a new service. In response to a question regarding whether a risk share agreement would pose a risk to the individual, Andrew Gray (Pensions Manager) explained that since 30 September 2007, following a directive by the Secretary of State, a contract with a third party provider must require the contractor to ensure pension protection for council employees who transfer under TUPE as a result of the outsourcing. He added that the risk in a risk share agreement would be shared between the Council and the third party provider. The only risk, he explained, that an individual would face, which would be the same for all council staff on the Local Government Pension Scheme, would be if Central Government changed the Local Government Pension Scheme because it was no longer affordable.

In recognition of the potential impact on the bid price, it was asked whether it would be made known to all bidders before they place a bid that a risk share agreement was possible. In response, Andrew Gray explained that it was important that the Pensions Manager, procurement and legal services be involved with the process at the earliest possible opportunity and that an assessment takes place to decide whether a risk share agreement would be appropriate. He added that if it was decided that it was appropriate, it would be necessary to then provide all the bidders with the same information before they made their bid.

RESOLVED:-

- i) that the new process and criteria for non community admission bodies, detailed in Appendix A, be agreed;
- ii) that it be noted that the criteria for community admission bodies, detailed in Appendix A, has remained unchanged.

8. Appointments to Sub-Committees / Outside Bodies (if any)

RESOLVED:-

that approval be given to the following changes to committee membership:-

Senior Staff Appointments Sub Committee

Delete Councillor Matthews as 1st alternate for Councillor Sneddon and insert Councillor Lorber

Delete Councillor Lorber as 1st alternate for Councillor Wharton and insert Councillor Matthews

9. Any Other Urgent Business

None.

10. Exclusion of Press and Public

that the press and public be now excluded from the meeting as the following report contains the following category of exempt information as specified in the Local Government Act 1972 namely:

“Information relating to the financial or business affairs of any particular person (including the authority holding that information)” and

“Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings”.

11. Pension Arrangements for Staff transferring to the Camden Society

Duncan McLeod introduced the report which proposed how the pension arrangements for staff transferring to the Camden Society should be resolved. He explained that on the 16 November 2009, the Executive approved the award of the contract for Residential and Respite Care Services for People with Learning Disabilities to The Camden Society. That approval, he added, was subject to the resolution of pension arrangements and to the subsequent endorsement of arrangements by the General Purposes Committee.

Members discussed the proposed pension arrangements as set out in the report. It was noted that Andrew Gray would be writing to the carers at Melrose House to keep them informed of pension arrangements.

RESOLVED:-

- i) that the proposed pension arrangements with The Camden Society as set out in the report be endorsed;
- ii) that authorisation be given to the Director of Finance and Corporate Resources to decide whether or not the council should enter into an admission agreement with The Camden Society;

- iii) that authorisation be given to the Director of Finance and Corporate Resources to decide, subject to recommendation ii), the terms in which the council will enter into an admission agreement with the Camden Society.


12. Date of Next Meeting

It was noted that additional meetings of the committee would be convened if business required this.

The meeting closed at 7.45 pm

A JOHN
Chair

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	<p>General Purposes Committee 23 February 2010</p> <p>Report from the Democratic Services Manager</p>
<p>Wards affected: Dudden Hill, Northwick Park, Stonebridge, Welsh Harp Wembley Central</p>	
<p>Polling places and stations - Elections 2010</p>	

1. Summary

- 1.1 A review of polling districts was reported to the General Purposes Committee on 3 November 2009 where a number of changes to boundaries and polling stations were agreed. This report seeks approval of the polling places to be used for the forthcoming Local Elections due to be held on 6 May 2010 and also the Parliamentary Elections which must take place by 4 June 2010, responding to suggestions made at the November meeting and in the light of changes to premises since that time.

2. Recommendations

- 2.1 That proposed changes to the polling places as set out in paragraphs 3.2.1 – 3.2.8 be noted and approved;
- 2.2 That the list of polling places for elections held 2010 attached as appendix 1 be agreed;
- 2.3 That authority be delegated to the Democratic Services Manager to make any further changes required to the polling places and stations for these elections, in consultation with the leaders of the three largest political groups on the council.

3. Detail

- 3.1 In November 2009, the General Purposes Committee received a report on the outcome of a review of polling district boundaries to bring them into line with the new parliamentary constituency boundaries that come into effect at the next General Election. At that meeting, members approved the polling places for each polling district in the borough.

3.2 A few places have since been found to not be available for this May and alternative locations are proposed below:

3.2.1 **CWG1: Proposed Polling Place – Learie Constantine Centre, 43-47 Dudden Hill Lane** (replacing St Andrew and St Francis CE Primary School, Belton Road)

In recent years, both Learie Constantine Centre and St Andrew and St Francis Primary have been used as polling stations for former polling districts EWG1 and EWG2 respectively. In November 2009 it was agreed to merge these two districts and to use the school as the polling station for the new district. The school have since advised that building works have made the hall unavailable. On inspection it was found that the classrooms that could be used instead of the hall are not easily accessible, being towards the rear of the school and traversing through the school building or alternatively across the playground. It is proposed that Learie Constantine Centre be the polling place for this district for elections in 2010 as access is directly off the main road and disabled access is in place.

3.2.2 **CDU1: Proposed Polling Place – Hut outside Neasden Library, 277 Neasden Lane** (replacing Neasden Library, 277 Neasden Lane)

Last year for the first time, part of Neasden Library was used in place of a second portacabin outside St Catherine's Memorial Hall on Dudden Hill Lane. While this was satisfactory for European Elections 2009, it is thought that space may not be adequate for the local elections or a General Election should one be called for the same day. The area above the library on the first floor was investigated, however it was found not to have sufficient disabled access as the lift was not suitable for wheelchair users. This is being further investigated however should it not be feasible it is proposed to place a temporary hut outside the library.

3.2.3 **CDU2: Proposed Polling Place – Hut outside St Catherine's Church, Dudden Hill Lane** (replacing Hut outside St Catherine's Memorial Hall)

The car park area outside the Church Hall has been used as a location for a portacabin. However the car park has been resurfaced as a play area and is no longer suitable for a temporary hut. The garden area outside the church adjacent to the hall has been paved and is considered a suitable location for a temporary hut. This is a minor change to the arrangements in 2009.

3.2.4 **NNP1 Proposed Polling Place – Hut in the car park outside Northwick Park Station, Northwick Avenue** (replacing Hut outside 31 Rushout Avenue).

In the absence of an alternative permanent building in Polling District NNP1, a temporary hut has been placed on Rushout Avenue for a number of years. There have always been problems in positioning the hut on this residential road which is part of a bus route and well used, especially in the mornings, causing local buses to be delayed for up to 15 minutes. Around the corner, on Northwick Avenue there is an entrance to Northwick Park Station which

has four parking bays, two of which could be used for the temporary hut for the days required. Negotiations have been taking place with Transport for London and will be reported to the meeting. If successful, it is proposed that this be a permanent change of location.

3.2.5 CST1: Proposed Polling Place – The Children Centre (formerly St Raphael’s Community Centre), Rainborough Close (replacing Children Centre, 160 Pitfield Way)

St Raphael’s Community Centre has been used as a polling place for a number of years. Legal action prevented its use in 2009 and voting took place at the Children Centre located on Pitfield Way. This has now been concluded and the premises are due to come under council management following the completion of the refurbishment. It is proposed to revert to the use of the premises on Rainborough Close.

3.2.7 CWH2: Proposed Polling Place - Fryent Primary School, Church Lane

At the General Purposes Committee in November 2009 it was suggested that consideration be given to using Kingsbury Town Football Club, Townsend Lane as an alternative to Fryent School which is also used as a polling place for Polling District NFR6. The football club is at the north eastern end of the polling district but in inspection is considered to be inconvenient to voters as there is some distance from the road to pavilion. Additionally both pedestrians and drivers would have to share the relatively narrow path across the park. In the circumstances it is recommended that Fryent School be retained as the polling place for polling district CWH2. To avoid possible confusion, clear sign posting will be put in place to direct voters to the correct polling station.

3.2.8 NWC1: Proposed Polling Place – Copland Community School, Cecil Avenue

At the General Purposes Committee in November 2009 members requested that an alternative location to Copland Community school be considered in view of its remoteness from voters in this district. This has previously been looked at and the only premises in the vicinity is Park Lane Primary School, access to which requires a walk down either several stairs or along a sloped path through the park. There is no adequate access to these premises for people with disabilities. It is therefore proposed to retain Copland Community School as the polling place for this area.

3.3 In each case, where a change is made, in addition to the normal poll card, a letter will be sent to every elector in the polling district advising of the change of location.

4. Financial Implications

4.1 The costs of local elections have to be met by the council while the General Election is funded by the government. In the event of the elections being on the same day, costs will be shared. The Returning Officer can only reimburse council premises such as schools for incurred costs such as heating and lighting. A rental fee will have to be paid to non-council premises.

5.0 Legal Implications

5.1 The Representation of the People Act 1983 requires the council to divide every parliamentary constituency or part thereof within its area into polling districts and that these be kept under review. The council must also ensure that all electors are given such reasonable facilities for voting as may be reasonable in the circumstances.

6.0 Diversity and Inclusion Implications

6.1 The purpose of this report is to ensure that suitable arrangements are made for all electors to vote without impediment.

7.0 Staffing/Accommodation Implications

7.1 None arising from this report.

8.0 Environmental Implications

8.1 None arising from this report.

Background Papers

- Report from the Democratic Services Manager to the General Purposes Committee – 3 November 2009
- Representation of the People Act 1983
- Correspondence from ward councillors

Contact Officers

Any person wishing to inspect the above mentioned papers should contact Anne Reid, Democratic Services, Brent Town Hall, Forty Lane, Wembley HA9 9HD (tel 020 8937 1359, e-mail: anne.reid@brent.gov.uk).

PETER GOSS
Democratic Services Manager


Appendix 1

Polling District	Polling Place
	Dollis Hill Ward
CDO1	Braintcroft School, Warren Road, NW2 7LL
CDO2	John Kelly Girls High School, Crest Road, NW2 7SN
CDO3	Our Lady of Grace RC Junior School, Dollis Hill Lane, NW2 6HS
CDO4	Our Lady of Grace R C School (Infants & Nursery), Dollis Hill Avenue, NW2 6EU
	Dudden Hill Ward
CDU1	<i>Hut outside Neasden Library, 277 Neasden Lane, NW10 1QJ</i>
CDU2	<i>Hut outside St Catherine's Church, Dudden Hill Lane, NW10 2TS</i>
CDU3	Northview School, Northview Crescent, NW10 1RD
CDU4	Gladstone Park School, Sherrick Green Road, NW10 1LB
CDU5	Hut outside St Mary's Willesden Parish Church, Neasden Lane, NW10
CDU6	Pakistan Community Centre, Marley Walk, Station Parade, NW2 4PU
	Harlesden Ward
CHA1	Church End & Roundwood Unity Centre, 103 Church Road, NW10 9EG
CHA2	Leopold Primary School, Hawkshead Road, NW10 9UR
CHA3	St Joseph's RC Primary School, Goodson Road, NW10 9LS
CHA4	St Matthews Hall, St Mary's Road NW10 4UA
CHA5	Harlesden Primary School, 101/119 Acton Lane, NW10 8UT
	Kensal Green Ward
CKG1	John Keble CE Primary School, Crownhill Road entrance, NW10 4DR
CKG2	Cardinal Hinsley High School, Harlesden Road, NW10 3RN
CKG3	All Souls' Church Hall, Station Road, NW10 4UJ
CKG4	Furness Primary School, Furness Road, NW10 5YT
CKG5	St Mark's Church Hall, All Souls Avenue, NW10 5HX
CKG6	Harlesden Assembly, 29-31 Purves Road, NW10 5TG
	Mapesbury Ward
CMA1	Mora Primary School, Mora Road, NW2 6TD
CMA2	Anson Primary School, Anson Road, NW2 4AB
CMA3	Pakistan Community Centre, Marley Walk, Station Parade, NW2 4PU
CMA4	St Gabriels Hall, Chichele Road (near Anson Road, NW2)
CMA5	Community Centre, Watling Gardens, Shoot-Up-Hill, NW2 3UB
	Stonebridge Ward
CST1	<i>Children's Centre, Rainborough Close, Pitfield Way, NW10</i>
CST2	Mitchell Brook School, Bridge Road, NW10 9BX
CST3	Centre for Staff Development, Gwenneth Rickus Building, Brentfield Road, NW10 8HE
CST4	Brentfield Primary School, 41-43 Meadow Garth, NW10 0SL
CST5	Bridge Park Community Leisure Centre, Brentfield, NW10 0RG

CST6	Stonebridge Primary School, (Shakespeare Avenue Entrance) NW10 8NG
	Tokyngton Ward
CTO1	Hut outside Manager's Office, Danes and Empire Courts, North End Road, Wembley HA9
CTO2	St Joseph's Social Club, Empire Way, Wembley HA9 0RJ
CTO3	Oakington Manor Primary School, Oakington Manor Drive, Wembley HA9 6NP
CTO4	St Michael's Church Hall, Babington Rise, Wembley HA9 6SN
CTO5	Elsley Primary School, Tokyngton Avenue, Wembley HA9 6HT
	Welsh Harp Ward
CWH1	Hut between 21 and 23 Mallard Way at junction with Alington Crescent, NW9 8JP
CWH2	Fryent Primary School, Church Lane NW9 8JD
CWH3	St Andrew's New Church Hall, Old Church Lane, NW9 8TG
CWH4	Wykeham Primary School, Aboyne Road, NW10 0EX
CWH5	St Margaret Clitherow RC JM & I School, Quainton Street, NW10 0BG
CWH6	Hut on Crispian Close Car park, off Neasden Lane, NW10
CWH7	Woodfield School, Room 9, Glenwood Avenue, NW9 7LY
	Willesden Green Ward
CWG1	<i>Learie Constantine Centre, 43-47 Dudden Hill Lane, NW10 2ET</i>
CWG2	St Mary Magdalen's RC JM School, Linacre Road, NW2 5BB
CWG3	Kings Hall, 155 Harlesden Road NW10 2BS
	Alperton Ward
NAL1	Lyon Park Infants School, Vincent Road, Wembley HA0 4HH
NAL2	Alperton Baptist Church Hall, Between 155-157 Ealing Road, Wembley HA0 4BY
NAL3	Alperton Community School (Annexe), Ealing Road, Wembley HA0 4PW
NAL4	Abbey Estate Community Centre, Queensbury Road, Alperton HA0 1NL
	Barnhill Ward
NBA1	Preston & Mall Youth & Community Centre, The Mall, Kenton (near Arnold Close) HA3 9TX
NBA2	Harrow and Wembley Progressive, Synagogue Hall, 326 Preston Road, Wembley
NBA3	The Parish Hall, Church of The Ascension, The Avenue, Wembley HA9 9QL
NBA4	Brent Town Hall, Forty Lane, Wembley HA9 9HD
NBA5	Chalkhill Primary School, Barnhill Road, Wembley HA9 9YP
NBA6	English Martyrs Church Hall, Chalkhill Road, Wembley HA9 9EW
	Fryent Ward
NFR1	Father O'Callaghan Centre, Hay Lane, NW9 0NG
NFR2	Holy Innocents Church Hall, Bacon Lane, NW9 0AY
NFR3	Hut outside Pizza Hut, 497 Kingsbury Road, NW9 9ED
NFR4	St Robert Southwell School, Slough Lane, NW9 8YD
NFR5	Hut outside 205-209 Edgware Road NW9 6LP
NFR6	Fryent Primary School, Church Lane, NW9 8JD
NFR7	Oliver Goldsmith Primary School, Coniston Gardens, NW9 0BD

	Kenton Ward
NKE1	Lindsay Park Baptist Church Hall, The Mall, Kenton HA3 9TG
NKE2	Claremont High School, 6 th Form Common Room, (access via Greenway), Kenton HA3 0UH
NKE3	Uxendon Manor Primary School, (Dining Hall), Vista Way, Kenton HA3 0UX
NKE4	St John's United Reformed Church Hall, Woodcock Hill, Kenton
NKE5	Mount Stewart Junior School, Mount Stewart Avenue, Kenton HA3 0JX
	Northwick Park Ward
NNP1	<i>Hut in car park outside Northwick Park Station, Northwick Avenue (or Hut opposite nos 29-31 Rushout Avenue, Kenton HA3 0AS)</i>
NNP2	St Cuthbert's Church Hall, Junction of Carlton Avenue West and Watford Road HA0 3QY
NNP3	Byron Court Primary School, Spencer Road, Wembley HA0 3SP
NNP4	Wembley Technical College, East Lane, Wembley HA0 3NT
NNP5	St George's Church Hall, St Andrew's Avenue, Wembley HA0 2QD
NPR1	Preston Ward
	Preston Park Primary School, College Road, Wembley HA9 8RJ
NPR2	Huts on Pellatt Road, off Preston Road, Wembley HA9
NPR3	Preston Manor High School, Carlton Avenue East, Wembley HA9 8NA
NPR4	Wembley Manor Junior School, East Lane, Wembley HA9 7NW
	Queensbury Ward
NQY1	Queensbury Methodist Church Building, Beverley Drive, Edgware HA8 5ND
NQY2	Hut adjacent to Mecca Club, Burnt Oak Broadway, Edgware HA8 5LD
NQY3	White Cross Hall, St. John Ambulance Building, corner of Winchester & Princes Avenues, NW9
NQY4	Hut Outside One Stop Shop, 522-524 Kingsbury Road, NW9 9HE
NQY5	Roe Green Primary School, Princes Avenue, NW9 9LJ
NQY6	Grove Park School, Grove Park NW9 0JY
	Sudbury Ward
NSU1	Sudbury Methodist Church Hall, Harrow Road, Wembley HA0 2LP
NSU2	LNER Sports & Social Club, Maybank Avenue, Wembley HA0 2TE
NSU3	Sudbury Baptist Church Hall, Station Approach Entrance, Wembley HA0 2LD
NSU4	Sudbury Primary School, Watford Road HA0 3EY
NSU5	St John's Evangelist Church Hall, Crawford Avenue, Wembley HA0 2AF
	Wembley Central Ward
NWC1	Copland Community School, Cecil Avenue, Wembley HA9 7DU
NWC2	Huts at Ealing Road Library, Coronet Parade, Ealing Road, Wembley HA0 4BR
NWC3	Barham Primary School, Danethorpe Road, Wembley HA0 4RQ
NWC4	Methodist Church Hall, Ealing Road, Wembley HA0 4BN
NWC5	Copland Community School, Cecil Avenue, Wembley HA9 7DU
	Brondesbury Park Ward
HBP1	Willesden Green Library, 95 High Road, NW10 2SF
HBP2	Stember Hall Scouts Hut, Leighton Gardens, NW10 3PR

HBP3	Queens Park Community School, Aylestone Avenue entrance NW6 7BQ
HBP4	North West London Jewish School, 180 Willesden Lane, NW6 7PP
HBP5	Community Centre, Landau House, Christchurch Avenue entrance NW6 4BQ
	Kilburn Ward
HKi1	Christchurch (Brondesbury) C of E School, Willesden Lane, NW6 7TE
HKi2	College of North West London Staff Development Suite, Glengall Road entrance, NW6
HKi3	Kilburn Square Housing Co-Operative, Kilburn Square Tower, NW6
HKi4	The OK Club, Neville Close NW6 5BT
HKi5	Marian Community Centre, (entrance off Cambridge Road), NW6 5RS
	Queens Park Ward
HQP1	Manor Special School, Okehampton Road, NW10 3NT
HQP2	Princess Frederica C of E Primary School, College Road, NW10 5TP
HQP3	Kensal Rise Primary School, Harvist Road, NW6 6HJ
HQP4	Salisbury Primary School, Salisbury Road, NW6 6RG
HQP5	Moberly Sports & Education Centre, Kilburn Lane, W10 4AH

 <p>The logo of Brent Council, featuring a central coat of arms with a shield, a crown, and two lions, surrounded by the words 'BRENT' at the top and 'COUNCIL' at the bottom in a circular arrangement.</p>	<p>General Purposes Committee 23 February 2010</p> <p>Report from the Interim Borough Solicitor</p>
For Action	Wards Affected: ALL
<p>Returning Officer Indemnity</p>	

1.0 Summary

- 1.1 This report discusses the potential liability of the Chief Executive, in his capacities as Registration Officer and Returning Officer in relation to local, London, Parliamentary and European elections, for significant costs incurred in proceedings arising from his conduct of those posts and recommends appropriate action.

2.0 Recommendations

- 2.1 that the authority provide an indemnity to cover the legal costs of the Chief Executive in his capacity as Registration Officer and Returning Officer in any proceedings arising from the conduct of these posts, to the extent that liability falls upon him either:
- i. because the scope of the authority's own insurance does not extend to cover such liability; or
 - ii. to the extent that such liability falls within the deductible applying to the authority's own insurance;
- 2.2 that for this purpose the authority approve the Indemnity Resolution set out in Appendix One to this report;
- 2.3 that the decision as to whether to insure any potential liability arising out of the Indemnity Resolution should rest with the Chief Finance Officer.

3.0 Detail

- 3.1 By Brent's Constitution the Chief Executive is appointed as Registration Officer and Returning Officer, posts in which he discharges official duties but not strictly as officer of the authority. He is exposed to personal liability in respect both of his conduct of elections and of registration of electors; in particular, the legal costs of election petitions which can run to tens of thousands of pounds. The statutory immunity

afforded to Council officers acting as such does not protect him in his capacity as Registration Officer or Returning Officer.

- 3.2 Historically the risk of claims arising out of the running of elections has been covered under the general arrangements made for insurance cover, however there is a £307k excess across the board but insurers are now prepared to remove this excess in respect of this particular cover, as the risk exposure is minimal. This cover relates to Local Elections and there is a contingent cover for all other elections such as Parliamentary and GLA. Although all the gaps appear to be covered to be totally sure the Chief Executive is not exposed in any way for events arising out of the running of elections an indemnity from the Council would be appropriate.
- 3.3 For both London (both GLA and Mayoral) and European Parliamentary elections insurance has been arranged centrally – by the GLA Returning Officer in the one case, and by the Ministry of Justice in the other.
- 3.4 The Council has power to indemnify the Returning Officer; such indemnity would extend to actions taken in good faith, but exclude covering liability for any deliberate or reckless wrongdoing; and to take insurance cover to cover any liability arising from that indemnity.

4.0 Financial Implications

- 4.1 As described in paragraph 3.2, the cover provided by insurers does not carry an excess, however, there may be a period in future where cover is with another insurer and similar terms will not be enjoyed. The indemnity would provide cover for the Returning Officer until the appropriate cover could be arranged. The risk of the indemnity being called in on a scale from 1 to 10 is less than one, therefore, the financial exposure is negligible.

5.0 Legal Implications

The statutory background

- 5.1 The authority is required to appoint a Returning Officer to conduct local elections and a Registration Officer in connection with maintenance of the electoral register for all purposes.
- 5.2 The Returning Officer is also appointed as the constituency Returning Officer for London elections.
- 5.3 The Registration Officer also discharges the duties of the Acting Returning Officer for Parliamentary elections; and is responsible for entire conduct of the election. The Mayor, as Returning Officer, is responsible only for receiving the writ, announcing the result, and returning the result to the clerk of Parliament.
- 5.4 The Returning Officer in relation to Parliamentary elections also acts as the local Returning Officer for European Parliamentary elections.
- 5.5 The Chief Executive for the time being is appointed to those offices.

Statutory immunity

5.6 Officers of the authority acting as such are usually immune from action

5.7 The Registration Officer and Returning Officer however, have no such immunity. While he is appointed to his offices by virtue of his employment by the authority s/he will incur personal liability for, for example, the costs of defence of any election petition in relation to proceedings in respect of an issue with the election. It is in relation to Local elections only that this is of relevance

5.8 An authority is able to indemnify an officer in relation to an action or omission to act which either (a) is authorised by the authority or (b) forms part of, or arises from, and duties placed upon that officer as a consequence of any function being exercised by that officer (whether or not as an officer of the authority) (i) at the request (or with the approval of), or (ii) for the purposes of the authority.

5.9 The proposed indemnity is worded in such a way as to ensure the Officer is protected where he has undertaken his/her tasks properly and in accordance to his duties.

6.0 Diversity implications

6.1 The proposals in this report have been subject to screening and officers believe that there are no diversity implications.

Fiona Ledden
Interim Borough Solicitor

Appendix One

Indemnity

- 1 The authority will indemnify its officer acting in his/her capacity as Registration Officer and Returning Officer in relation to local, or such other elections as falls within his/her function, the reasonable costs which he/she may incur in securing appropriate legal advice and representation in respect of any civil or criminal proceedings to which he/she is subject.
- 2 This indemnity shall extend only so far as the officer's liability arises as a result either of the authority or any other body not holding insurance indemnifying the officer in his capacity as Registration officer or Returning Officer in relation to the particular events or elections in question, or of any such policy being subject to a deductible or excess.
- 3 For the purpose of this indemnities, costs shall be deemed to have arisen to the officer "in his/her capacity as Electoral Registration Officer and Returning Officer" where the act or failure to act was outside the powers of the authority, or outside the powers of the officer, but the officer reasonably believed that the act or failure to act was within the powers of the authority and within the powers of the officer at the time that he/she acted or failed to act, as the case may be.

Recovery of Sums from Members and Officers

- 4 The authority undertakes not to seek to recover from any officer any loss which it has suffered as a consequence of any act or omission of that officer in his/her capacity as Electoral Registration Officer and Returning Officer, subject to the following exceptions:
 - 4.1 Where the loss has resulted from a criminal offence, fraud or other deliberate wrongdoing or recklessness on the part of the officer; or
 - 4.2 Any action or omission by the member or officer otherwise than in his/her capacity as Electoral Registration Officer and Returning Officer in relation to the elections identified at Clause 1 of this Resolution.

General

- 5 These indemnities and undertaking will not apply if a member or officer, without the express permission of the authority or of the appropriate officer of the authority, admits liability or negotiates or attempts to negotiate a settlement of any claim falling within the scope of this resolution.
- 6 These indemnities and undertaking are without prejudice to the rights of the authority to take disciplinary action against an officer in respect of any action or omission.
- 7 These indemnities and undertaking shall apply retrospectively to any act or failure to act which may have occurred before this date and shall continue to apply after the member or officer has ceased to be a member or officer of the authority or to act as Electoral Registration Officer and Returning Officer, as well as during his/her membership of or employment by the authority.



General Purposes Committee 23 February 2010

Report from the Assistant Director of Human Resources

For Action

Wards Affected: ALL

Managing Change Policy and Procedure

Forward Plan Ref:

1.0 Summary

This report covers the revision of the Managing Change policy and procedure and sets out the rationale for the revision and principle changes that are proposed. The report seeks the endorsement of the General Purposes Committee as set out in the recommendations

2.0 Recommendations

It is recommended that the General Purposes Committee agree:

- 2.1 The content of the new Managing Change Policy and Procedure.
- 2.2 That training and development initiatives are put in place by the Corporate Learning & Development Team, to equip managers and HR personnel for their new roles under the new policy and procedure.
- 2.3 That the Assistant Director, Human Resources, is authorised to determine the effective date at which the new Managing Change Policy and Procedure is implemented across the Council, such as to ensure by that date the above mentioned training and development initiatives have been put in place to ensure effective implementation.
- 2.4 That the Assistant Director, Human Resources, is authorised, after consultation with the Borough Solicitor and then consultation with the relevant trade unions, to amend the Managing Change Policy and Procedure from time to time.

3.0 Detail

- 3.1 The Improvement and Efficiency Plan required a new approach to managing organisational change and identified that Brent would undergo unprecedented transformation between 2010 and 2014. This required a Managing Change policy that would be responsive, fair, user-friendly and cost effective. The focus of the revised policy therefore needed to emphasise the minimisation of redundancy where practicable and encourage the transferability of employee skills. The policy also needed to ensure that the Council retained employees with core skills.
- 3.2 The new Managing Change policy and procedure (attached at Appendix 1) provides a framework for managing change in a clear stage by stage process with key safeguards built in to ensure change is in line with organisational objectives. This has been developed in conjunction with Legal Services.
- 3.3 The new Managing Change policy and procedure applies to all employees of the Council. The policy does not apply to employees of Brent based in schools where the school's delegated budget has not been suspended and where the governing body has not elected to adopt this procedure.
- 3.4 The overall intention of the Managing Change policy is to provide a structured framework for dealing with organisational change during a period of downsizing. This will provide more autonomy for managers to assess the skills and competencies they require when assessing suitability for roles. This also allows employees to demonstrate transferable skills and thus provide new job opportunities.
- 3.6 The new Managing Change policy provides:
- A set of key principles that underpin the approach, including:
 - Organisational change will become business as usual
 - Staff should expect that all jobs will need to change
 - Redundancies will be minimised and avoided where practicable
 - Job security and employability will be promoted
 - Transferable skills will be identified and developed
 - Redeployment to alternative roles will be promoted
 - Redundancy will be the exception not the rule
 - Fair treatment and support for staff face redundancy

The main revisions to the policy are:

- **Avoiding compulsory redundancy.** This section details the attempts the council will make to avoid compulsory redundancy.
- **Establishing a redundancy selection pool.** This provides an objective method for the council to select employees for redundancy where change has been proposed.
- **Competitive Assimilation grades.** Staff will be considered for roles that are 1 or 2 grades up or 1 grade down from their existing grade to

enable greater flexibility for managing change (assimilation was previously restricted to the same grade)

- **Ring fenced interviews grades.** As with above employees will be ring fenced for roles which are 1 or 2 grades up or 1 grade down from their existing grade to enable greater flexibility for managing change (ring fenced interviews were previously restricted to 1 grade difference up or down).
- **The skills matching process.** A new skills matching process will be carried out by the manager responsible for the change (previously job-matching carried out by job evaluation team). The aim is to give managers more autonomy and accountability for managing the change process whilst ensuring the needs of the role are translated into required skills.
- **Extended trial period.** Where staff accept an alternative post on the basis of acquiring new skills / or new ways of working (new systems / technology) an extended trial period of normally 8 weeks will be in place.
- **Pay protection.** Where employees accept a job on a lower grade they will be paid their previous substantive salary for one year. Previously employees were paid at the maximum scale point of the grade immediately below that of their former substantive post. The efficiency justification is to reduce potential redundancy claims and associated costs. The aim is to ease the transition for moving potential redeployees to lower graded posts by guaranteeing 1 year protection of status.
- **Criteria for severance pay.** A new criteria for severance pay has been developed which provides that the severance payment paid in addition to the statutory redundancy payment is only payable if the employee has a satisfactory performance, attendance and disciplinary record.
- **Appeal Process.** The appeal process is now in writing only, to a manager who should, as far as is reasonably practicable, be more senior than the manager who made the decision appealed against. The previous policy allowed for a hearing, however there is now no legal requirement to hold an appeal at all.

4.0 Impact on other policies and procedures

- 4.1 The appendices referred to throughout the policy and procedure relate to the Pay Protection, Redeployment and Redundancy, Severance and Pension policies which have been amended to reflect the revisions to the Managing Change Policy.

5.0 Financial Implications

- 5.1 The pay protection proposal will have implications for the cost of managing change. However, the impact is limited as the maximum payment period remains at one year. It is anticipated that implementation of the policy will reduce redundancy/severance costs overall by reducing statutory redundancy payments for employees who refuse alternative jobs and that redundancy costs will also be reduced through more flexibility in the redeployment/job matching processes. The criteria for severance pay will help the council to reduce costs of redundancy by introducing criteria for the first time.

6.0 Legal Implications

- 6.1 The revised policy and procedure fully meets the council's statutory obligations in relation to the handling of organisational change and the policy has been developed in the context of the legal framework as currently understood. Legal advice has indicated that the policy will adhere to employment law and anti-discrimination principles.

7.0 Diversity Implications

- 7.1 The policy is designed to meet requirements of current diversity and anti-discrimination legislation and contribute positively to the achievement of the council's diversity strategies. An impact assessment will be underway on the policy and procedure. It is anticipated that this will have a positive impact on enhancing job opportunities for minority staff.

8.0 Staffing/Accommodation Implications

- 8.1 This policy is designed to improve retention of staff.

Contact Officer:

Marcelle Moncrieffe-Johnson, Strategic HR Manager (Business Transformation)



Managing Change Policy

February 2010

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The Policy

1. Purpose

This policy sets out how the council will approach and manage organisational change. The main aim of the policy is to ensure fair and effective procedures are followed in managing staff involved in change including informing and consulting individuals and unions.

The Council is committed to ensuring that it has an effective organisational structure in place which delivers cost effective, integrated services which meet the organisation's vision, values and performance objectives and delivers excellent services to the people of Brent. The focus on excellence in delivery means that the structure of the organisation may be altered, new working methods may be introduced and employees may be required to perform new tasks, to work different hours, work in different locations and participate in other changes to their roles. While change is inevitable where service delivery is of paramount importance, the Council recognises the uncertainty that it can bring if not managed properly and will implement any requirements to reorganise its operations using a fair and reasonable process which fully informs unions and employees of the business needs and consults with them appropriately

2. Scope and Exceptions

This policy will apply in all change proposals involving reorganisation except where there are:

- Creation of new posts only
- Changes to line management only
- Variations are proposed to an employee's or to a number of employees' job descriptions which the manager does not consider significant

Note: establishment control protocols must be followed from 1 January 2010

The contracting out of part of the Council's operations is referred to in this policy as part of the reorganisation process, but does not come within the scope of this Policy. Outsourcing is dealt with in the Council's Blue Book provisions.

The following staff are covered by this policy:

All employees covered by NJC conditions of service for Local Government Services or the JNC conditions of service for Chief Officers in Local Authorities who are permanent employees of the Council or temporary employees covered by either of those conditions of service who have 12 months' continuous employment with the Council by the date of the implementation of the organisational change or change to terms and conditions of employment.

The following Council employees are not covered by this policy:

Employees based in schools maintained by the Council where the school's delegated budget has not been suspended and where the school's Governing Body has not elected to adopt this procedure.

Nothing in this policy, or the other policies and procedures referred to in this policy is intended to be contractually binding upon the Council, and the provisions may be unilaterally varied by the Council after such consultation with the trade unions recognised by the Council for collective bargaining purposes ("recognised trade unions") as the Council considers to be reasonable and appropriate.

3. Principles

The key principles are:

- Organisational change will become business as usual
- Staff should expect that all jobs will need to change
- Redundancies will be minimised and avoided where practicable
- Job security and employability will be promoted where practicable
- Transferable skills will be identified and developed where practicable
- Redeployment to alternative roles will be promoted where practicable
- Redundancy will be the exception not the rule
- Fair treatment and support for staff face redundancy

The policy will assume that planned, strategic and coordinated change is the norm and that ad hoc change is the exception. The purpose of this is to allow the Council to respond to unprecedented service and transformational change. Over the coming years this policy will need to be flexible enough to deal with fundamental changes to the structure and functions of the organisation. Therefore, we need to be more flexible in our approach to changing job requirements.

In order to do this we need to build the understanding/expectation that most jobs will change. This will require leadership and cultural change in mindsets of all staff. This policy will enable managers and staff to assume transferability of skills and competencies in old and new roles. This will require adequate learning and development interventions and assessments based on skills and competencies rather than job descriptions. By moving to skills and competency based assessments we will be able to match a greater number of people to posts than we have been able to in the past.

The policy aims to prevent and /or minimise redundancy where practicable . This means that where possible redundancies will only be based on reductions in the number of posts available, whereas current practice is that redundancies also occur largely because of changing job roles.

The reason for focussing on preventing and minimising redundancy where practicable is to ensure job security in the current climate, which is a positive message for staff. The other factor is the financial costs of making staff redundant. In addition, there is often a loss of productivity during the notice period, potential for the redundancy to be challenged and additional resources required to manage the redundancy process (redeployment, consultation, potential sickness). In order to preserve the council's current severance package, we need to manage the number of posts which are made redundant in a strategic way.

There will be occasions where the job has fundamentally changed (e.g. different skill set and/or different functionality); in these instances the council will attempt to redeploy staff into new roles. Again, this will be based on transferable skills rather than job categories.

The policy will be careful to ensure that staff are not forced into unsuitable roles but rather that a flexible and reasonable approach is taken with the emphasis on broadening the definition of 'suitable alternative' posts.

By taking the approach described above, Brent will be able to up skill staff to successfully carry out new roles, prepare for more generic roles as we transition to the Civic Centre, enable the organisation to continue to change and to continually embed change principles during the transformation programme.

4. Staff Consultation and Engagement

Formal and informal consultation is an essential stage in managing organisational change affecting groups of staff. Managers should actively prepare for and embrace their responsibilities to consult with staff and trade union representatives. There are statutory processes that need to be incorporated in consultation exercises. However, outside of these statutory requirements, effective consultation is a key management and leadership tool to enable change to be implemented successfully.

There is overwhelming evidence that actively engaging staff during change is highly correlated to successful change initiatives. Conversely, failure to consult and engage staff appropriately and effectively is more likely to lead to delay or failed change initiatives.

The council will consult with recognised trade unions and staff on issues which:

- Involve change to contracts of employment, other than where all individuals affected by the changes are in agreement
- Relate to discretionary aspects of implementation of national agreements
- Potentially lead to redundancy
- Involve major changes in working practices, location of employees, etc. irrespective of whether these changes are provided for in the employment contract
- Involve introduction of or changes to local procedural agreements.

5. Equality Impact Assessment of Change Proposals

An Equality Impact Assessment (EIA) considers whether the proposed change is likely to have a negative impact on one or more groups of employees i.e. places them at a disadvantage. The EIA begins at the proposal development stage and evaluates the impact on affected staff.

Equality Impact Assessments are required by law, and pre-empt the possibility that a proposed change could affect some racial groups/ men/women/people with disabilities unfavourably. Unfavourable treatment could mean that the Council is failing to meet its statutory duties under the Race Relations Act, Disability Discrimination Act and Sex Discrimination Act to eliminate unlawful discrimination and promote equality of opportunity. If EIAs are not carried out, the Equality & Human Rights Commission can commence enforcement proceedings against the Council.

Line managers should use the Council's Equality Impact Assessment toolkit to evaluate the impact of the business reorganisation/change to terms and conditions [[Link](#)].

The Equality Impact Assessment will form part of the collective consultation process as set out in stage 2 of the procedure.

6. Keeping records

It is important that written records are kept of all stages of the process, including minutes of meetings and all communications with unions, employee representatives and individual employees.

Where there is a dismissal, records must include:

- why the manager contemplated dismissing the individual;
- any views put forward by the employee;
- the reason/s for deciding to dismiss;
- whether an appeal was lodged;
- the outcome of the appeal;
- any grievances raised during the process.

In addition, copies of meeting records should be given to the employee if requested .

7. Appeal against Dismissal

If an employee does wish to appeal he or she must submit their appeal in writing to a manager (in the service area managing the change) within 5 working days of receiving the decision letter. This manager should, as far as is reasonably practicable, be more senior than the manager who made the decision appealed against and must be on the same level of seniority as the manager who made the decision appealed against. In exceptional circumstances it might be appropriate for the manager hearing the appeal to extend the deadline and cases should be judged on their individual merits. The appeal must be in writing and must be clear and specific about the grounds of appeal . At the discretion of the Assistant Director (Human Resources and Diversity) or his/her delegated representative the right of appeal may be disallowed where the letter of appeal does not meet these requirements. Appeals will be addressed and dealt with only in writing. Normally a decision will be issued within 20 working days.

Grounds of Appeal

An employee has the right of appeal against dismissal taken under this procedure on the following grounds:

- The decision – maker came to a conclusion on a material point of fact which no reasonable person could have come to
- Failure to follow this procedure which had a material effect on the decision
- The decision to delete the post/select the employee for redundancy was one which would not have been reached by any reasonable person
- There is information which the employee wishes to introduce for the first time at the appeal which the employee could not reasonably have provided to the decision maker by the time the decision was made and the absence of which had a material effect on the decision.

Appeals will not be allowed on any other grounds.

It will only be permissible to overturn the decision to delete/ the decision to select for redundancy if the manager hearing the appeal is satisfied that it would be reasonably

practicable to implement such an appeal decision, having regard in particular to the impact on service delivery and other staff.

The decision of the appeal is final.

8. Monitoring the Managing Change Policy

The Council will regularly monitor the Managing Change Policy to ensure that the purpose of the Policy is being achieved, those using the Policy abide by the operating principles and procedures and that the standards expected of managers in its application are being achieved.

9. Link Policies

- Recruitment and Selection Policy
- Redeployment Policy (Appendix 8)
- Redundancy and Severance Pay (Appendix 4)
- Pay Protection (Appendix 3)



Managing Change

Procedure

February 2010

The Procedure

1. Stage 1: Define the extent and nature of the change / reorganisation

In approaching a service or business reorganisation, managers must:

- **Define the purpose or business objective(s) for the change**, for example a need to reduce service costs by £x by a specific date or period or introduction of new service performance indicators / new service delivery methods e.g.. joint provision.
- **Develop clear proposal for change including revised organisation** and workforce structure, new ways of working, skills and workforce development requirements.
- **Review and compare the current versus the proposed organisation structure and workforce requirements** and identify any requirements for change in relation to staffing establishment, working arrangements, skills or knowledge.
- **Take account of the existing establishment** and the extent to which this would need to be changed to achieve the new business or service objectives as below:

Type of Change Required	Impact on existing workforce	Outcomes
Function or service no longer required	Existing jobs are no longer required	Redeployment Redundancy
Function or service remains, but will be delivered differently e.g. new systems or terms and conditions	Some job functions remain without any reduction or change in purpose	Assimilation (Job-matching)
	Same or similar number of staff required but the job functions, roles and or working arrangements change	Assimilation
	Existing jobs functions remain but some change in the role or working arrangements	Assimilation
	Existing jobs functions remain but reduction in staff required to perform the jobs	Competitive Assimilation Redeployment Redundancy
Function or service to be delivered in partnership	As above + contractual change e.g. change in terms and conditions linked to new employer / management arrangements	Contractual (Appendix 7 & 8)
Function / Service to be contracted out	Business transfer of existing job functions to new external employer	TUPE Regs apply – {link}

The following are examples of where a job may have ceased or changed to a significant extent:

- (i) The duties of the 'new' post are so different that the nature of the job has fundamentally changed and/or a fundamentally different set of skills are required
- (ii) A key component of the job is significantly different and or the way the job will be delivered requires a different skill set e.g. involves the use of significantly different systems and/or technology.
- (iii) The 'new' job requires qualifications that the 'old' job did not e.g. a license to practice; CQSW.
- (iv) Terms and conditions have changed resulting in a significantly different working pattern.

In the above scenarios the manager needs to identify the appropriate options e.g. additional training/development, assimilation and/or redeployment. Where agreement to new terms or working conditions is required contractual changes may be involved – **see Appendix 5 & 6.**

- Where an existing job remains, with no, or hardly any, change at all, then managers will be required to inform the affected employees and consult with them and receive any views they wish to put forward.
- Employees' contracts should allow the Council to require them to work in any of the Council's offices and in this procedure a change in work location refers to a major relocation of the business e.g. a change that would require the employee to move their home or result in an unreasonable journey to and from work, eg a location outside the borough.

Change by contractual authority

A contract of employment can be changed provided a flexibility clause clearly allowing the change is contained within the contract. Reasonable notice of the change must be given to the employee following consultation on the reasons for the change and consideration of the employee's views. The procedure to be followed is set out in Appendix 5.

Change by mutual consent – dismissal/reengagement where no agreement is reached

It is advisable to get the employee's written agreement to any contractual changes. Any such agreement must be made voluntarily and the written agreement should say it has been made voluntarily.

Where the employee does not agree to the changes, the contract of employment should be terminated with notice and an offer of re-engagement should be made on the new terms and conditions. A dismissal in this instance can lead to an unfair dismissal claim even if the employee accepts the new job.

When assessing whether the 'dismissal' is reasonable, the following should be considered:

- i) was there a sound business case?;
- ii) was a reasonable procedure followed, including consulting with the employee?;
- iii) where reasonable objections to change were put forward, did the employer attempt to reach some form of compromise?
- iv) were the changes free from discrimination?
- v) was a new contract offered at the end of the notice period on the revised terms?
- vi) were attempts made to look for alternative employment?

Dismissal should be the last resort and may only happen after a reasonable process has been followed.

Establishing a sound business case is a two stage process:

- (i) there must be a real business need built on sound economic, operational, organisational or administrative grounds;
- (ii) the method chosen to achieve that business need is a rational way of achieving the results required;

The procedure to be followed is set out in Appendix 6.

2. Stage 2: Authority to progress change proposals

Once managers have established the business case for change and developed proposals as above, the following authority / approvals must also be in place:

Establishment Control

Establishment control protocols must be followed e.g. authorisation to create or change establishment.

Standing orders

Check Standing Orders and delegated powers under the Constitution to see if Committee or Executive approval is required for any proposed changes. Currently the Executive must make the decision concerning the restructure if it would or would be likely to result in the redundancies of more than 20 people.

The Constitution states that Members must make a decision concerning a restructure if it would or is likely to result in redundancies of more than 20 people.

Finance Approval

You will need to notify the Director of Finance of any proposed redundancy situation as soon as it becomes apparent.

Equality Impact Assessment

You will need to carry out an Equality impact Assessment. Please refer to the Equality Impact Assessment procedures – **Link** for full details.

Job Evaluation

All posts within the new organisation structure need to be evaluated by HR in accordance with the Council's job evaluation procedure.

3. Avoiding compulsory redundancy

Before consultation, management should consider the following ways of avoiding redundancy:

- The process of natural wastage, where possible within the Council's financial constraints
- Deletion of vacant posts
- Recruitment restrictions
- Retraining staff
- Reduction or cessation of overtime working other than contractual or emergency overtime.
[n.b. To avoid overtime working, some changes in normal working hours may be necessary.]
- Retirement of those employees already beyond normal retirement age (nb a statutory procedure under which the employee can request to work beyond normal retirement age must be followed – see the guidance “ Request To Work Beyond Retirement”).
- Termination of casual/ agency workers and non renewal of temporary or fixed term contracts (nb for the purposes of unfair dismissal claims non-renewal of a fixed term contract counts as a dismissal)
- Freezing the filling of posts which may offer the prospect of redeployment and give “at risk” staff first consideration for such vacancies
- Voluntary reduction in hours
- Any other means the Council may consider necessary in consultation with employee representatives. e.g. short-term deferment of redundancy date if a suitable vacancy is anticipated within a reasonable time scale (say three months)
- [n.b. The foregoing factors will need to be balanced by consideration of the needs of the service.]

4. Stage 3: Consultation on change proposals

Once proposals are developed and approved managers must ensure that individuals and groups of staff and trade unions are properly informed and consulted. The purpose of the consultation stage is to communicate with and involve affected staff in the development and implementation of the change proposal.

The aim of the managing change policy is where practicable to minimise redundancy due to changing job requirements. The statutory requirements are focused on consultation regarding potential dismissals or changes in terms and conditions. Where new ways of working rather than redundancy is the objective of the change proposal the consultation process and documentation should clarify the purpose and outcome for staff. For example, the introduction of flexible and or new ways of working including systems, skills or training development.

Varying Employment Contracts

If employment contracts need to be changed for efficiency or service reasons, management will attempt to reach agreement through consultation with staff and trade unions at the earliest opportunity, in accordance with the formal consultation procedure.

If it is not possible to reach agreement with either the trade unions on a collective basis or individual employees it may be necessary to inform staff and their representatives that the change will be introduced from a stated future date. Employees will then be given the appropriate notice of termination of their existing contracts and offered immediate re-engagement on a new contract under the new or revised terms. Employees should also be told that given the need to recruit to their posts in the event they do not accept the new contract that the offer of reengagement on a new contract will only remain open for acceptance up to a specified date prior to the expiry of the notice of termination.

If a member of staff reasonably refuses to accept a new contract of employment or the new contract does not constitute suitable alternative employment, the redeployment procedures will be used to assist the employee in finding alternative work within the council.

Informal Consultation

Managers should ensure meaningful consultation by engaging staff early in the consultation process. Effective consultation can only occur where employees and their representatives are given detailed, clear and good-quality information with enough time to allow them to respond to management proposals before decisions are made.

Informal consultation and communication should also take place where managers are considering changes to working practices which fall outside of formal consultation processes.

Considering whether there is a redundancy

It will be necessary to assess if the proposals could mean making someone redundant. A redundancy will arise if an employee is dismissed wholly or mainly due to the fact that:

the employer has ceased or intends to cease to carry on the business for the purposes for which the employee was employed or to carry on the business in the place where the employee was so employed; or

the requirements of the business for employees

- to carry on work of a particular kind or
- to carry on work of a particular kind in a place where they were so employed, have ceased or diminished or are expected to cease or diminish

Formal collective consultation

See Appendix 2– Framework for Staff Consultation.

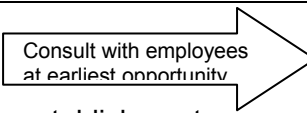
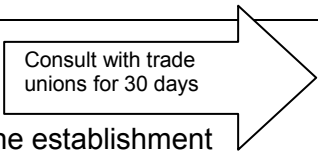
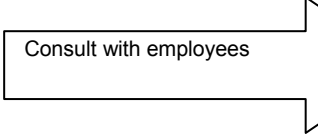
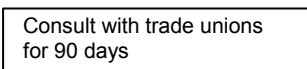

There is a statutory duty on the Council to consult recognised trade union representatives of affected employees where a manager is considering dismissing :

- 20 or more employees as a result of a business reorganisation or change in terms and conditions
- at one “establishment”
- Within a period of 90 days or less

Case law indicates that an “establishment” is the unit to which the affected workers are assigned to carry out their duties – it is not necessary that the management of the unit have the power to make redundancies nor that the unit has its own dedicated management nor that the unit has any legal, economic, financial, administrative or technological autonomy. Given this, the “establishment” that needs to be considered in deciding whether the statutory duty arises will be at the most the Service Unit in which the affected workers work and may in certain circumstances be a smaller part of the Council’s operation. If in a particular case what precisely is the “establishment” is unclear and the identity of the establishment will be relevant to whether the statutory duty arises, then managers should seek advice from one of the Council’s Employment Lawyers.

Affected employees are employees who may be affected by the proposed dismissals or who may be affected by the measures taken in connection with the proposed dismissals i.e. a reorganisation in one area may cause a re-organisation of work, in another area, in which case the recognised trade union representatives of the employees in the second area also need to be consulted.

Formal Consultation at a Glance

Group	30 calendar days	90 calendar days	Comments
Less than 20 employees affected at one establishment 			No set timescale. Need sufficient time for consultation to be meaningful but normally a minimum of 15 calendar days (can be 2 weeks but must ensure adequate consultation)
20 or more employees affected at one establishment  			Consultation with employees must conclude only after the consultation with unions has ended.
100 or more Employees at one establishment affected  			Consultation with employees must conclude only after the consultation with unions has ended.

The statutory time limits require that the consultation process must begin in good time before any dismissals are likely to happen but in any event no later than:

Number of employees involved:	Timescales:
Involving 100 or more employees	90 days before the proposed date of the first dismissal
Involving 20 – 99 employees	30 days before the proposed date of the first dismissal

The 'number of employees involved' is based on an estimate of the number of positions where dismissal may be the outcome. The fact that the Council may be confident that employees will accept their change of role or accept redeployment or voluntary redundancy does not alter the starting total.

Managers should assume that consultation is required to start at the point that dismissals might be possible, rather than waiting until there is a firm proposal.

"Recognised trade union representatives" will be representatives of the trade unions recognised by the Council for collective bargaining purposes for the employees affected, whether or not they actually have any members in the area affected by the dismissals.

Timescales

Formal consultation is a minimum of 15 working days. Longer or shorter periods can be agreed with the recognised trade union representatives. When the consultation has finished (which may be before the end of the consultation period) , where no Committee decision is required, the proposals as amended by the consultation process will be implemented,

Notice to Secretary of State

The Council is required to notify the Secretary of State for the Department of Business, Innovation and Skills on form HR1 of proposed dismissals as a result of a business reorganisation or changes in terms and conditions involving 20 or more employees at one establishment within a period of 90 days or less. Notice must be given before any of the employees are given notice of dismissal. Where the Council proposes to dismiss 100 or more employees at one establishment within a period of 90 days or less the HR1 form must be given at least 90 days before the first dismissal is proposed to take effect. Where the Council proposed to dismiss 20 to 99 employees at one establishment within a period of 90 days or less the HR1 form must be given at least 30 days before the first dismissal is proposed to take effect. The HR1 can be obtained from <http://www.dbis.gov.uk/er/redundancy/hr1.pdf>. It must be completed by the Directorate HR Manager and forwarded to the Department of Business Innovation and Skills, Redundancy Payments Office, 83-85 Hagley Road, Birmingham B168QG.

A copy of the HR1 form should be sent to the Branch Secretary of each of the recognised trade unions/employee representatives).

Commencing Consultation

Formal consultation begins with information being provided to each of the trade union representatives. This will be in writing to the Branch Secretaries of those unions.

The information must include the:

- reasons for the contemplated dismissals;
- numbers and types of jobs of those who may be dismissed;
- total number of people employed in those jobs at the establishment in question
- proposed method of selecting those who may be dismissed;
- the proposed method of carrying out the dismissals and the period over which they will take place

The consultation will normally be carried out by the Head of the Service Unit in which the dismissals/contractual changes are proposed. Exceptionally, the initial notice to representatives and first consultation meeting may be handled corporately by Human Resources where dismissals are proposed across the Council.

The consultation process will include:

- seeking views about the ways of avoiding dismissals; and
- reducing the numbers of employees who may be dismissed
- mitigating the consequences of the dismissals

Consultation must aim to reach agreement with the representatives, through a genuine exchange of ideas and opinions. If alternative proposals are put forward by the representatives, they must be considered and if rejected, written reasons provided.

Union representatives must be given the facilities to report back to, and seek the views of, the employees they represent. Where possible, joint communiqués should be used to summarise the issues discussed, the points agreed and matters for further consideration.

Failure to comply with any of the statutory collective consultation duties may result in compensation payments being awarded in favour of the affected employees against the Council. In addition, a procedural failure could render the dismissals unfair.

Individual staff consultation

An individual consultation meeting enables each employee to consider the implications for them personally and put forward their views. This exchange of views should be made in a formal meeting at which the employee has the right to be accompanied by a trade union representative or work colleague. Their views should be listened to and given careful consideration.

Individual consultation can commence before the collective consultation stage has been completed. However, meaningful consultation with Trade Unions means that proposals can change significantly during the consultation period. If changes impact significantly on employees, then it is important that they are told about these changes. In all cases, the meeting that confirms the outcome of the individual consultation (the determination meeting), cannot take place until after collective consultation has concluded.

A checklist showing how to undertake individual consultation is set out in the Key Stages of the Process – Appendix 2, Step 3.

Absent Staff

Staff who are absent from work must also be consulted, for example, employees on long-term sickness, maternity leave, adoption leave, parental leave, paternity leave, emergency family leave and secondment should not be overlooked. It is also important to adapt to the circumstances, e.g. by visiting an employee at home. Particular care must be taken when dealing with long-term ill health situations and the

employee's condition must be assessed before deciding upon the most appropriate course of action.

Closing the consultation phase

At the end of the consultation phase the final outcome and decisions regarding the final proposals should be clearly communicated to individuals and trade unions including the timetable for implementation, if revised from original timescale including in consultation documents.

Group and/or individual meetings should be held with staff affected to confirm the outcome of the consultation Staff and trade unions should be consulted on the proposed implementation plan.

Establishment of a selection pool

In carrying out a redundancy exercise management should begin by identifying the group of employees from whom those who are to be made redundant will be drawn. This is the "pool for selection" and it is to these employees that management will apply the chosen selection criteria and determine who will be made redundant.

In the event of an establishment closing down or a complete function ceasing to operate, then consideration will need to be given by management concerning whether the employees directly affected will be the selection pool or whether these employees and other employees should make up the selection pool. Provided the management decision concerning the scope of the pool is one which a reasonable person could have made then this decision will withstand legal challenge. Factors to be taken into account in determining the pool include whether there are other groups of employees doing similar work to the directly affected employees, whether the jobs of the directly affected employees and the other employees are interchangeable (i.e whether the directly affected employees could do the other employees' jobs) , whether t an employee's inclusion in the pool is consistent with his or her previous position and whether the selection pool chosen was agreed with the relevant trade unions. .

Similarly, where it is evident that the redundancy applies to one or more specific posts, consideration will need to be given by management concerning whether the holders of the specific posts will be the selection pool or whether these employees and other employees should make up the selection pool.

It is advisable to obtain details of redundancy entitlements of the employees in the pool.

There should be consultation with trade unions on the pool for selection in order to avoid potential dispute at a later stage of the process.

5. Stage 4 Implementing reorganisation and change proposals

Implementing change is a management responsibility and must be completed with HR assistance to ensure a consistent and objective process. HR advice will be required prior to implementing job-matching, ring-fencing or redundancy selection procedures. In order to avoid compulsory redundancies managers should first identify the potential for:

- Assimilation
- Early retirement

- Voluntary and transferred (bumped) redundancies

Job matching and Selection Criteria

Job-matching and selection will always be based on matching the employee's skills, knowledge and experience with the skills, knowledge and experience required by the person specifications for the new roles. Comparison between old and new jobs will be based on the new role's person specification to allow greater flexibility to place individuals into alternative jobs. The employee's performance in their current post can be taken into account, where relevant, in assessing whether s/he meets the new post's person specification.

Assimilation (job matching without selection)

Assimilation applies where an employee is matched to a post without the need for an interview and the:

- new or existing post is available in the same service unit or Council wide if looking at functional groups (e.g. Accountants across the council) and the post is substantially similar to the post which is being deleted or changed
- new or existing post's grade is no more than two above or one below that of the post being deleted or changed ; and
- there is the same number or fewer potential redeployees than available matching posts

A match will need to be undertaken between the employee's skills profile and the new post's person specification . The skills matching process is carried out by the manager responsible for the new post . HR will support managers to undertake the skills matching process. See Appendix 7 for the skills-matching process.

Competitive Assimilation (job-matching with selection process)

- Competitive assimilation will apply where substantially similar roles are available within the same service unit or Council wide if looking at functional groups but there are more potential redeployees than available matching posts
- As with above a match will need to be undertaken between the employee's skills profile and the new post's person specification. The skills matching process is carried out by the manager responsible for the new post . HR will support managers to undertake skills assessment. The potential redeployees will need to be interviewed to decide which of them gets the job(s),

As with assimilation, staff must be considered for roles that are at most 1 or 2 grades up or at most 1 grade down from the grade of their existing post to enable greater flexibility for managing change.

Ring fenced interviews

These will take place when :-

- There is a new or existing post available in the same service unit
- The new or existing post's grade is no more than two above or one below that of the post being deleted or changed

(If posts meeting these criteria exist the employee should be provided details and invited to complete a skills profile)

- The employee is willing to attend a ringfenced interview and has provided a completed skills profile
- Following a comparison of the employee's skills profile with the new/existing post's person specification the employee appears to be potentially suitable for the new existing post.

In deciding whether at a ring-fenced interview to appoint an employee to a post the manager must decide whether and to what extent the employee meets the post's person specification. The employee's performance in their current post can be taken into account, where relevant, in assessing whether s/he meets the post's person specification. In addition to the criteria set out in the person specification the employee's attendance and conduct record over the previous two years or since they started employment (whichever period is the shorter) and their timekeeping record over the previous six months or since they started employment (whichever period is the shorter) should also be taken into account in deciding whether to select him/her for the post.

As a general rule the process should be as informal as possible in order to reduce stress for the employees involved.

If successful, the terms and conditions of the new role will be confirmed in writing by way of the offer of a new contract of employment and upon acceptance the employee will be deemed to have accepted the alternative job.

Employees may express an interest in particular posts at the individual consultation stage. If so they should be provided with details of the posts and invited to complete a skills profile.

There is no right of appeal against the outcome of the job-matching process. An employee can write to ask for the outcome of the job-matching process in their case to be reviewed if they feel the outcome involved breach of this procedure. The review will only be carried out if the employee gives clear and specific reasons for why this procedure was breached. The manager who made the queried decision will normally carry out the review in consultation with their HR Adviser. The employee should be informed in writing of the outcome of the review and the reasons for the outcome.

Where an employee fails to participate in the job-matching process selection of the employee for a new role may take place by management assessment without the employee's participation (for example by using documents and other information about the employee).

Where staff are successfully matched to new posts in the structure changes must be confirmed to the successful candidates in writing within one month of taking up the post.

Where staff are not successfully matched to new posts they will form part of a redundancy / redeployment selection pool. (See below)

If an employee is offered a post as a result of the job-matching process, then subject to the right to a trial period the employee will lose his/her right to any redundancy payment due. In order to ensure the right to a redundancy payment is lost the offer must be made before the ending of the employee's current contract of employment

and the new employment must start within 4 weeks of the end of the employee's current contract of employment.

6. Stage 5 Redundancy

It is important that the Council retains the best people - those most capable of delivering the services required. The selection criteria for redundancy will be based on the skills, experience, qualifications and performance levels required to undertake the new duties i.e. the selection criteria are based on who the Council needs to keep and not who it might most appropriately lose. It is important for organisational effectiveness that this principle is maintained throughout the process.

The selection criteria for redundancy may include:

- Competence (Skills and experience)
- Standard of work performance or aptitude for work
- Attendance and disciplinary record

Recognised trade unions should be consulted over which selection criteria for redundancy are used. The Council will make every reasonable effort to give existing staff an opportunity to obtain a post in the new structure and avoid redundancy. However, when an organisation is changing, redundancies are sometimes inevitable.

Voluntary redundancy

Volunteers for redundancy should normally be invited from the group of employees who are vulnerable to redundancy. However, the decision whether to accept a request by an employee to take voluntary redundancy is at the discretion of the Council, who will retain the employees best suited to the 'new' jobs. This should be made clear to staff who volunteer for redundancy.

Bumped redundancy

Bumped redundancy may also be appropriate. HR advice should be sought prior to finalising a redundancy decision.

A bumped redundancy is where an employee (who is not in the original redundancy selection pool) volunteers to be made redundant and their job is given to the potentially redundant employee. Bumped redundancies can only take place where a redundancy situation has arisen and the manager is satisfied that a bumped redundancy is in the interests of the Council. Full account should be taken of the costs of such a proposal. In all cases of bumped redundancy arrangements for the redeployment must be finalised before agreeing to the release of the volunteer.

Determination Meeting

Where individuals are selected for redundancy a determination meeting should be held to confirm the outcome of the consultation stage to those employees who are to be dismissed.

Managers should write to the employee setting out the response to any views expressed and invite them to a meeting (accompanied by a work colleague or Trades Union Representative if they wish). The meeting should be held at a reasonable time and place and the employee must take all reasonable steps to attend.

If the decision is to dismiss the employee, the manager should confirm the decision, the reasons, the date employment will end and any entitlements (such as redundancy payments) and appeal rights.

The meeting should be as supportive as possible. It is important the employee properly understands the position and what will happen now. The manager should explain to the employee that they are now a redeployee and follow the redeployment policy.

The procedure for managers to follow when handling redundancies can be found in Appendix 3 at the end of this Policy. The procedure must be followed carefully.

After the meeting, the manager should provide the employee if requested with a copy of the notes of the consultation and determination meetings; and confirm their appeal rights.

Authority to Dismiss

Any decisions resulting in dismissal must be approved by a manager authorised to dismiss the employee

Notice of Dismissal

Where it is necessary to issue a notice of dismissal for reasons of redundancy, the letter should either be handed to the employee or hand delivered to their home address or posted to their home address by recorded delivery. The letter should:

- give contractual or statutory notice, whichever is the longer
- give the date of termination
- give the reasons for dismissal
- provide details of payments due, including any redundancy/severance pay
- offer support and assistance (see Redeployment Procedure).
- confirm the employee's appeal rights

7. Stage 6 Redeployment and suitable alternative employment.

Where it is not possible to match staff to new roles in their Service Unit they will be given notice of dismissal and immediately be placed on a redeployment register and the council's redeployment policy will apply.

If the employees' role has changed due to council wide reorganisation, then vacancies across the Council will be considered for that particular type of role (e.g. a council-wide change to the way the council manages Finance, will result in vacancies in all relevant Finance functions being considered).

Where staff are successfully matched to an available vacancy – a four week trial period will apply. The trial period may be extended by agreement at the outset to take account of any agreed training. (e.g. if the employee needs to acquire new skills as a result of new ways of working or technology). The agreement must :-

- Be in writing and be made before the employee starts work under the new contract
- Specify the date on which the period of retraining will end
- Specify the terms and conditions of employment that will apply to the employee after the end of the retraining period

In normal circumstances the trial period should be for a maximum of 8 weeks.

Protection of pay upon being placed in an alternative job

Where the alternative post accepted by the employee is graded below the employees' current grade, the Pay Protection Policy applies (see Appendix 3)

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