



Havering

L O N D O N B O R O U G H

OVERVIEW & SCRUTINY BOARD AGENDA

7.30 pm	Monday 21 March 2022	Havering Town Hall, Main Road, Romford
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Members 16: Quorum 6

COUNCILLORS:

Conservative Group (8)

Michael White (Vice-Chair)
Ray Best
Philippa Crowder
Judith Holt
Sally Miller
Nisha Patel
Christine Smith
Maggie Themistocli

Residents' Group (2)

Ray Morgon
Barry Mugglestone

Upminster & Cranham Residents' Group (2)

Linda Hawthorn
Christopher Wilkins

Independent Residents' Group (2)

Natasha Summers
Graham Williamson

Labour Group (1)

Keith Darvill

North Havering Residents Group (1)

Darren Wise (Chairman)

For information about the meeting please contact:

**Anthony Clements 01708 433065
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Protocol for members of the public wishing to report on meetings of the London Borough of Havering

Members of the public are entitled to report on meetings of Council, Committees and Cabinet, except in circumstances where the public have been excluded as permitted by law.

Reporting means:-

- filming, photographing or making an audio recording of the proceedings of the meeting;
- using any other means for enabling persons not present to see or hear proceedings at a meeting as it takes place or later; or
- reporting or providing commentary on proceedings at a meeting, orally or in writing, so that the report or commentary is available as the meeting takes place or later if the person is not present.

Anyone present at a meeting as it takes place is not permitted to carry out an oral commentary or report. This is to prevent the business of the meeting being disrupted.

Anyone attending a meeting is asked to advise Democratic Services staff on 01708 433076 that they wish to report on the meeting and how they wish to do so. This is to enable employees to guide anyone choosing to report on proceedings to an appropriate place from which to be able to report effectively.

Members of the public are asked to remain seated throughout the meeting as standing up and walking around could distract from the business in hand.

OVERVIEW AND SCRUTINY BOARD

Under the Localism Act 2011 (s. 9F) each local authority is required by law to establish an overview and scrutiny function to support and scrutinise the Council's executive arrangements.

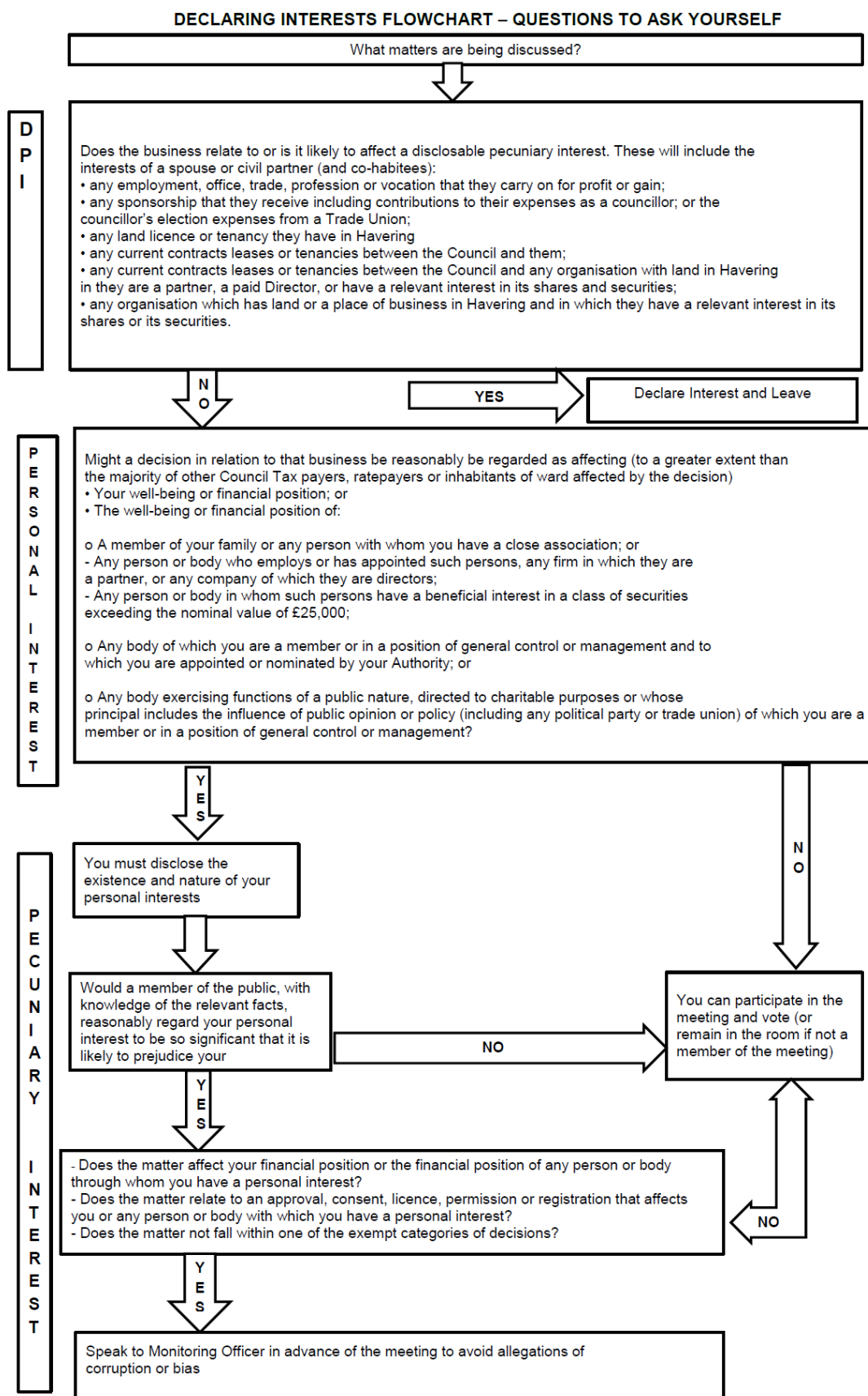
The Overview and Scrutiny Board acts as a vehicle by which the effectiveness of scrutiny is monitored and where work undertaken by themed sub-committees can be coordinated to avoid duplication and to ensure that areas of priority are being reviewed. The Board also scrutinises general management matters relating to the Council and further details are given in the terms of reference below. The Overview and Scrutiny Board has oversight of performance information submitted to the Council's executive and also leads on scrutiny of the Council budget and associated information. All requisitions or 'call-ins' of executive decisions are dealt with by the Board.

The Board is politically balanced and includes among its membership the Chairmen of the six themed Overview and Scrutiny Sub-Committees.

Terms of Reference:

The areas scrutinised by the Board are:

- Strategy and commissioning
- Partnerships with Business
- Customer access
- E-government and ICT
- Finance (although each committee is responsible for budget processes that affect its area of oversight)
- Human resources
- Asset Management
- Property resources
- Facilities Management
- Communications
- Democratic Services
- Social inclusion
- Councillor Call for Action
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AGENDA ITEMS

1 CHAIRMAN'S ANNOUNCEMENTS

The Chairman will announce details of the arrangements in case of fire or other events that might require the meeting room or building's evacuation.

2 APOLOGIES FOR ABSENCE AND ANNOUNCEMENT OF SUBSTITUTE MEMBERS

(if any) - receive.

3 DISCLOSURE OF INTERESTS

Members are invited to disclose any interest in any of the items on the agenda at this point of the meeting.

Members may still disclose any interest in an item at any time prior to the consideration of the matter.

4 ORGANISATIONAL CHANGE POLICY (Pages 1 - 68)

Report and policy attached.

5 VOLUNTARY RELEASE SCHEME (Pages 69 - 76)

Report and policy attached.

6 CCTV COVERAGE (Pages 77 - 78)

Report attached.

7 REVIEW OF THE EFFECTIVENESS OF THE BOARD (Pages 79 - 136)

Documents attached for information. Officers will give further details at the meeting.

Zena Smith
Democratic and Election Services Manager

Overview & Scrutiny Board

21 March 2022

REPORT

Subject Heading:

Scrutiny of Organisational Change Policy

SLT Lead:

Alison McKane – Interim Monitoring Officer

Report Author and contact details:

Anthony Clements Principal Democratic Services Officer
anthony.clements@onesource.co.uk

Policy context:

The report relates to the Board's scrutiny function.

Financial summary:

There is no significant financial impact from the report itself.

The subject matter of this report deals with the following Council Objectives

Communities making Havering
Places making Havering
Opportunities making Havering
Connections making Havering

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SUMMARY

Officers will bring for scrutiny the Council's Organisational and Redundancy Policy & Procedure.

RECOMMENDATION

That the Board scrutinises the policy and makes any recommendations it considers appropriate.

REPORT DETAIL

At its meeting on 15 February 2022, the Board expressed some concern over the planned reduction in posts as part of the proposals for the 2022/23 budget. In order to seek to address these concerns, the Council's Organisational Change and Redundancy Policy & Procedure is attached for scrutiny by the Board.

IMPLICATIONS AND RISKS

Financial implications and risks

None of this covering report.

Legal implications and risks:

None of this covering report.

Human Resources implications and risks:

None of this covering report.

Equalities implications and risks:

None of this covering report.

Climate Change Implications and risks:

None of this covering report.

London Borough of Havering

Organisational Change & Redundancy Policy & Procedure

London Borough of Havering

Organisational Change & Redundancy Policy & Procedure

Section One: Policy & Procedure Overview

- 1. Policy Statement**
- 2. Scope of this Policy**
- 3. Policy Principles**
- 4. Procedure overview**
- 5. Links to other policies/procedures**

Section Two: Procedure

- 1. Key Role and Responsibilities**
- 2. The Procedure**
- 3. Key Procedural Requirements**

Section Three: Supporting Documents

Appendices 1- 9

Section Four: Policy Ownership and Effective Dates

Organisational Change & Redundancy Policy & Procedure

Section One: Policy and Procedure Overview

1. Policy Statement

- 1.1 The Council recognises its duty to deliver public services in the most cost effective way possible and the need to remain responsive and flexible in the way service delivery is organised.
- 1.2 Where this leads to the need to make changes to the organisational structure which puts one or more employees at risk of redundancy, the Council is committed to manage such changes in a fair, consistent and transparent manner while communicating in an open and honest way.
- 1.3 The Council will make every effort to minimise the number of compulsory redundancies and wherever possible will seek to achieve reductions in employee numbers through natural wastage, deletion of vacant posts reduction of the use of agency workers, voluntary redundancy, early and flexible retirement and redeployment.

2. Scope of this Policy

2.1 This policy only applies:

- where an organisational change proposal deletes (wholly or in part) any established post and which may put one or more employees at risk of redundancy or where any other organisational change proposal may put one or more employees at risk of redundancy, or
- when changes are required to employees' terms and conditions of employment **without** deleting or reducing (wholly or in part) any established posts – for example (list not exhaustive): - changes in working hours (excluding reduction of hours)
 - changes in pay and benefits
 - changes in methods of working

(Supplementary Management Guidance has been produced which should be followed in the case of the second bullet point above).

2.2 This policy does not apply where any organisational change proposal does not put any employee at risk of redundancy, including, for example where:

- it is proposed to create additional posts
- it is proposed to delete vacant posts
- it is proposed to change the reporting line of existing posts □ it is proposed to transfer employees under the Transfer of Undertakings (Protection of Employment) Regulations

2.3 This policy applies to all Council employees except:

- Those employed in schools
- Those employed under the JNC for Chief Executives and the JNC for Chief Officers Conditions of Service

Note: Agency Workers are not employees of the Council and therefore are not included within the scope of this policy.

3. Policy Principles

Employee Consultation

- 3.1 Where changes to the organisational structure puts one or more employees at risk of redundancy, the Council is committed to genuine and meaningful employee consultation which includes all employees affected by the proposed organisational change and their recognised trade union representatives.
- 3.2 Employee consultation must provide mechanisms for a two-way dialogue with management responding to any alternative proposals and options put forward during the employee consultation period. Management may issue updated parts of the initial organisational change proposal report during the employee consultation period in response to issues raised and feedback received.
- 3.3 The Council is committed to commencing employee consultation at the earliest possible stage with a view to reaching agreement before decisions are taken.
- 3.4 The term “employees at risk of redundancy” is derived from the statutory requirements relating to employee consultation on proposed redundancies. It refers to all employees that are covered by the organisation change proposal that may result in the whole or partial deletion of their post (or other significant amendment to their employment contract which could give rise to a dismissal for reason of redundancy) irrespective of the likelihood for that employee to be placed into another post through assimilation, ring-fencing or redeployment processes.
- 3.5 Employers are required by law to notify the relevant central government department (and the recognised trade union representatives of the affected employees) of any proposal to give notice to dismiss 20 or more employees as redundant at one establishment (defined as the whole of the Council except schools) within a period of 90 days or less. Employers must provide the information below:
- The reasons for the proposals
 - The numbers and descriptions of employees it is proposed to dismiss as redundant
 - The total number of employees of any such description employed at the establishment in question
 - The proposed method of selecting the employees who may be dismissed
 - The proposed method of carrying out the dismissals including the period over which dismissals are to take effect
 - The proposed method of calculating any redundancy payments other than those required by statute

- The number of Agency Workers working temporarily for and under the supervision and direction of the employer, the parts of the employer's undertaking in which those Agency Workers are working, the type of work those Agency Workers are carrying out and the substantive post titles and grades of the posts against which those Agency Workers are held

3.6 Employee consultation must cover:

- Changes within the service, such as changes to ways of working, changes to organisation structure and the number/type of jobs
- Any other proposals contained within the organisational change proposal report, or that have been documented/discussed during the employee consultation process
- Details of any proposed assimilation and ring-fencing groups
- Details of the next steps after closure of employee consultation, including key dates for commencing the Large Consultation Ring Fence

3.7 It is a statutory requirement that employee consultation must begin prior to the decision to issue individual notices of redundancy and must begin at least:

- 30 days before the issue of individual notice of redundancy in a case where between 20 and 99 redundancy dismissals are proposed at one establishment within a period of 90 days or less
- 45 days before the issue of individual notice of redundancy in a case where 100 or more redundancy dismissals are proposed at one establishment within a period of 90 days or less

3.8 Subject to agreement with the trade unions, the employee consultation period may conclude earlier than at the end of the statutory 30/45 day period where employee consultation can be shown to have genuinely been completed before that date. In such circumstances, individual notices of redundancy could be issued before the end of the statutory 30/45 day employee consultation period.

3.9 Generally, organisational change proposals to cease to carry out work of a particular kind (e.g. to close a service area) will lead to the deletion of a post or posts and the consequent identification of the postholder(s) as at risk of redundancy. There will however be occasions where the organisational change proposal will require that similar posts (e.g. at the same grade) in a service area are to be reduced in number. In these circumstances a system of ring-fencing would be introduced whereby all employees in the similar posts are required to compete through a closed selection procedure for the residual posts. The employees remaining unplaced after this exercise will be given notice of termination by reason

of redundancy. The criteria for selecting one or more employees for redundancy will be a cascade selection process with the employee's skills, ability and competence assessed against the relevant job profile as the primary criteria, with any disciplinary record (that has not been disregarded) being used in the event of 2 or more employees being assessed as equal against the skills, ability and competence criteria. In these circumstances it may be necessary to complete a 'Redundancy Selection Matrix' which is available from the Operational HR Team who will also be able to provide further advice and support.

3.10 With the exception of selection interviews under the Large Consultation Ring Fence or Redeployment processes, employees may be supported by their trade union representative or work colleague at any meeting associated with the organisational change process.

3.11 Recognised trade union representatives will be given access to employees affected by the organisational change proposal throughout the organisational change process.

Large Consultation Ring-Fence, Assimilation and Ring-Fencing

3.12 The term "Large Consultation Ring-Fence" refers to all employees identified in the organisational change proposal report as being directly affected by the organisational change proposal.

3.13 Fixed term employees will be included in the "Large Consultation Ring Fence" and be entitled to equal consideration for posts and given the opportunity to apply for new or vacant posts in the new structure alongside permanent employees where their fixed-term contract states the purpose of the contract is to cover an established post on a short term or fixed term basis (excluding cover for an absent employee e.g. maternity cover, secondment, long term sickness, etc.) and the contract was issued before the Service Area was aware of the impending restructuring.

However, fixed-term employees will not be included in the "Large Consultation Ring-Fence" or entitled to equal consideration for posts and given the opportunity to apply for new or vacant posts in the new structure alongside permanent staff where:

- their fixed-term contract states that the purpose of this post was to cover an absent employee e.g. maternity cover, secondment, long term sickness, etc. This type of contract will end when the employee for whom the cover is provided returns to their substantive post;
- their fixed-term contract specifically states that it was for additional work or a project which is a temporary addition to the establishment

and there are no permanent staff carrying out the same role. This type of contract will end when the work is completed or funding for the work finishes;

- their fixed-term contract states that the purpose of this post was to cover a short term need and/or to provide cover during the period of the restructuring and the contract was issued after the Service area was aware of the impending restructuring.

To exclude fixed-term employees from consideration for posts in the new structure, the Service area must have communicated with employees and the trade unions to inform them of the impending restructuring within a reasonable timescale.

3.14 Employees that are on secondment, acting up or working “out of post” for any reason will be considered on the basis of their **substantive post only** with regard to the Large Consultation Ring-Fence and the Assimilation/Ring-Fencing processes.

3.15 The term “Assimilation” refers to the process by which an employee (within a Large Consultation Ring-Fence), who occupies a post that may be wholly or partially deleted or whose employment contract may be significantly amended, is moved to occupy a different post. An employee may claim an “assimilation right” where there is at least a 65% match between their current substantive post and another vacant post. In order to determine this match the job profile criteria will be weighted and the employee will be required to meet at least 65% of the weighted criteria.

3.16 The term “Ring-Fencing” refers to the process by which an employee (within a Large Consultation Ring-Fence), who occupies a post that may be wholly or partially deleted or whose employment contract may be significantly amended, has the right to be considered in the first instance for another vacant post where there is a strong match between their current substantive post and the other vacant post but the degree of match (as determined in 3.15 above) is less than 65%.

3.17 Initial “Ring-Fencing” will be based on new posts at the same grade, one grade higher and two lower than the grade of the existing substantive post. Employees may seek to establish an assimilation claim to posts outside of these parameters but will need to evidence a 65% assimilation match. Assimilation to posts that are more than 2 grades lower than the substantive post will not require an interview and may attract only partial pay protection.

3.18 There is no limit on the number of assimilation claims an employee may claim or number of posts to which an employee may be ring-fenced.

- 3.19 Where there are numerous organisational change proposals running at the same time and some employees may be identified for possible assimilation and/or ring-fencing across more than one of these proposals, employees will be invited to express an order of preference for the posts to which they have assimilation rights and/or for the posts to which they are ring-fenced. In the first instance, employees can only be considered against posts in a particular organisational change proposal if they are directly impacted by that particular organisational change proposal.
- 3.20 All posts within the organisational change proposal will be initially ring fenced to the employees within the corresponding Large Consultation Ring-Fence.
- 3.21 Within each Large Consultation Ring-Fence there will be smaller ring fences made up of employees with assimilation rights and employees for whom there is a less than 65% match between their current substantive post and another vacant post in that organisational change's new structure.
- 3.22 The different factors affecting the order of priority of different assimilation and ring-fencing scenarios are attached at **Appendix 1**.
- 3.23 With the following exceptions, the assimilation and ring-fencing selection events will follow the process set out in the Council's Recruitment & Selection policy:
- Given the number of selection panels often required to support the implementation of multiple organisational changes in short periods of time, assimilation and ring-fencing selection panels may in some cases comprise just 2 members. The diversity of the panel members should be considered but will not be prescribed. There is no requirement for HR to attend selection interviews
 - There is no requirement for employees to submit an application form or supporting statement for interviews held at Large Consultation Ring Fences 2, 3 and 4 (Direct Competitive Assimilation and Competitive Ring-Fence).
 - Feedback should be offered to all interviewees.
- 3.24 After these smaller ring-fences have been resolved, the Council will seek to appoint employees within the Large Consultation Ring-Fence to any remaining vacant posts within that organisational change's new structure.

3.25 Posts which are included in a ring-fence are not necessarily automatically considered as being “suitable alternative employment” for employees within the ring-fence. Whether or not a specific post is suitable alternative employment will depend on such issues as pay, job content, work patterns, working hours, status, place of work and will be determined on a case by case basis by the Lead manager in conjunction with HR.

Notice of Redundancy

3.26 Employees at risk of redundancy who have not been appointed to a post within the organisational change’s new structure will be issued with a notice of redundancy and declared a Redeployee.

- 3.27 Normally, notices of redundancy are only issued at the conclusion of the Large Consultation Ring-Fence process. However, there may be circumstances where it is necessary to issue notices of redundancy before the conclusion of the Large Consultation Ring-Fence process.
- 3.28 If an employee at risk of redundancy is ring-fenced to posts across more than one Large Consultation Ring-Fence, the employee will normally only be issued with a notice of redundancy and be declared a Redeployee after all their Large Consultation Ring-Fences have been completed. However, there may be circumstances where it is necessary to issue notices of redundancy before the conclusion of all of the Large Consultation Ring-Fence processes.
- 3.29 The contractual notice period for redundancy purposes is 12 weeks for all employees (except those on School Teachers Pay & Conditions where fixed notice periods are set).
- 3.30 Employees have the right to appeal against any dismissal for reason of redundancy.

Appeal against Redundancy

- 3.31 Employees may submit (in writing) an appeal against selection for redundancy to the Director of HR & OD (or representative) within 5 working days of receipt of the notice of redundancy.
- 3.32 The appeal will be heard by the Redundancy & Redeployment Panel chaired by a Director. The appeal should normally be dealt with within 15 working days of its submission unless exceptional circumstances require a longer timescale. The employee will be notified of the outcome of the appeal within 5 working days of the hearing. The decision of the Redundancy & Redeployment Panel will be final and there is no further right of appeal.

Redeployment and Redeployees

- 3.33 The term “Redeployee” refers to employees that have been issued with a notice of redundancy.
- 3.34 For the purposes of this policy the term “Redeployment” refers to the process of finding suitable alternative employment for an employee at risk of redundancy.
- 3.35 Employees that are on secondment or working “out of post” will revert back to their substantive post with regard to the Redeployment process.

- 3.36 Posts which are considered as “suitable alternative employment” will usually be graded no more than one grade higher or two grades lower (up to a maximum of 8 spinal column points) than the employee’s substantive grade. Alternative work would be suitable if the provisions of the new contract of employment as to the capacity and place in which the employee would be employed and the other terms and conditions of employment would not differ from the previous contract, or, where there are differences, the work is still suitable in relation to the employee. Whether or not a post is suitable alternative employment will depend on such issues as pay, job content, work patterns, working hours, status, place of work and would be determined on a case by case basis by the Lead Manager in conjunction with HR.
- 3.37 All existing vacancies that are in budget for the financial year (including posts currently filled by Agency Workers) should be made available to Redeployees first before being advertised more widely. The Hiring Manager should advertise these roles using the Council’s Recruitment system for a minimum of 10 working days. Exceptions may be agreed where it can be evidenced that a post will be subject to a later organisational change proposal that is due to commence employee consultation within 3 months, or where the vacancy has a legal requirement for a qualification to carry out the role, or needs specialist knowledge/skills and these are not likely to be found amongst those currently in the pool of redeployees.
- 3.38 Redeployees need only meet the minimum criteria for the vacant post (or could meet the minimum criteria with a reasonable amount of training) in order to be granted an interview. If no Redeployees apply, the post will be released following the Council’s Recruitment & Selection policy.
- 3.39 The selection interview process for Redeployees will be managed in accordance with the Council’s Recruitment & Selection policy. Where the vacancy closing date is after the redeployees last day of service, every effort should be made to interview the redeployee before their employment is terminated. Managers are required to work with HR to ensure that every effort is made for this to happen.
- 3.40 The Council are legally required to offer women on statutory maternity leave who are under notice of redundancy any suitable alternative employment available. The alternative post must be suitable and appropriate and not substantially less favourable than the previous contract. There is no requirement for the woman absent on maternity leave to compete for a suitable alternative post. This does not mean however that the employee cannot be selected for dismissal by reason of redundancy.

3.41 Employees will continue to be employed in their service area until they are redeployed or their employment terminated. The normal line management arrangements will continue to apply and the manager should support the employee to continue to seek alternative employment.

Trial Period

3.42 Employees who are at risk of redundancy are entitled to a 4 week trial period if they are offered redeployment into a role considered suitable alternative employment but where the terms and conditions differ wholly or in part.

3.43 Employees will be paid the grade and allowances applicable to the new post from the start of their trial period.

3.44 The trial period can only be for 4 calendar weeks (including any period when the place of work is closed) unless an extension is agreed before the trial period commences. Any extension must be to allow for additional time for retraining and for no other reason. It must be for a defined period with the end date specified and recorded in writing.

3.45 If the employee is still completing their probation period when they commence the trial period, the probation period will continue in the new role.

3.46 If at the end of the trial period the alternative role is not deemed to be suitable the employee will continue to be considered at risk of redundancy from their substantive post. If the employee is still within their notice of redundancy period they will return to their substantive role whilst considering other suitable opportunities for redeployment.

3.47 If at the end of the trial period the employee and Line Manager disagree whether a post is suitable alternative employment, the relevant Director will make the final decision on whether the post is, or is not, suitable alternative employment.

3.48 If the employee refuses the offer of redeployment into a post that the Council considers to be suitable alternative employment, the Council will not continue to search for other suitable alternative employment opportunities although the employee may wish to apply for other roles within the Council which are available under open recruitment arrangements. Such a refusal would mean that the employee's employment with the Council would still terminate for reason of

redundancy at the end of notice of redundancy period and that the employee would not be entitled to a redundancy payment.

Pay Protection

- 3.49 Employees assimilated or redeployed into a post at a lower grade or spinal column point than their substantive role (agreed to be suitable alternative employment) will receive protection of their basic pay.

Where an employee is assimilated or redeployed into a role that is a maximum of 2 grades or 8 increments lower than their substantive role, they will receive pay protection at their current basic salary for a period of six months full pay plus three months half pay from the date of appointment to the new role.

Where an employee is assimilated or redeployed into a role that is more than 2 grades or 8 increments lower than their substantive role, the employee's pay will be protected by up to a maximum of 8 spinal column points from the top of the grade of the post into which they have been redeployed for a period of six months full pay plus three months half pay protection from date of appointment to the new role.

All employees on School Teachers Pay & Conditions, whether employed on a full-time or part-time basis, who are redeployed as teachers shall receive protection to their salary and allowances in accordance with the current edition of the School Teachers Pay & Conditions document.

In relation to basic pay only (i.e. value of the relevant spine point) pay protect (in all organisational change circumstances) will be for a period of six months full pay protection plus three months half pay protection.

Pay protection will not apply to contractual overtime or any other allowance/payment with the following exception:

- 3.50 Shift allowances and Enhancement Allowance payments only will be protected for a period of six months following the T&C Implementation Date.
- 3.51 Shift allowance and Enhancement Allowance payments will not be protected following the Implementation of any other organisational change.
- 3.52 The original employing service will meet the cost of any pay protection.

Redundancy Payments

- 3.53 Redundancy payments (including Voluntary Redundancy payments) are calculated on the same basis as statutory redundancy pay with the exceptions that an actual weeks pay is used (i.e. the statutory maximum week's pay is not applied) and that a maximum cap of £30,000 is placed on redundancy pay. The Redundancy Pay Ready Reckoner is attached at **Appendix 2**. Voluntary Redundancy payments are not enhanced. Employees who have been issued with a notice of redundancy, who have less than 2 years continuous local government service on their last day of service are not entitled to a redundancy payment.

Re-employment

- 3.54 Employees made redundant will not normally be re-employed or reengaged as agency workers or consultants/contractors by the Council for a period of 12 months from their last day of service unless there are exceptional circumstances as determined by the relevant Director.

Effective Date of Policy

3.55 Unless otherwise agreed, the effective date of any revision to this policy will be one calendar month after the date of approval of the revised policy, at which point the revised policy will be applied to any organisational change proposal for which employee consultation has not already commenced.

4. Procedure overview

4.1 The 3 key phases and the key actions within in each phase are summarised below. A template procedure process flow is attached at **Appendix 3**.

4.2 Planning and Preparation

Key actions include:

- Making the case for the change in principle
- Assessing the impact on equality and minimising negative impacts particularly in relation to the protected characteristics as defined within the Equality Act 2010
- Obtaining HR, Finance and Legal advice and support
- Planning the timetable to manage the change
- Preparing the organisational change proposal report
- Obtaining authorisation to commence employee consultation

4.3 Employee Consultation

Key actions include:

- Launching and carrying out meaningful formal consultation with employees and trade unions throughout the consultation period (including any employees who are on maternity leave, secondment or absent due to sickness)
- Considering any approach to voluntary redundancy
- Resolving any issues relating to the assimilation and ring-fencing proposals
- Proactively seeking to close consultation as soon as possible for the best interests of those involved
- Ensuring all comments/feedback have been responded to

4.4 Implementation

Key actions include:

- Finalise and obtain sign-off of organisational change report
- Finalise any remaining voluntary redundancy requests
- Undertake assimilation and ring-fence processes
- Issue notices of redundancy
- Undertake redeployment and trial period processes
- Resolve any appeals against redundancy

5. Links to other policies/procedures

- 5.1 All actions taken will be in keeping with the Council's Equality in Employment policy.
- 5.2 Under the Equality Act 2010, the Council has a duty to consider and make 'reasonable adjustments' for disabled employees. Specific consideration should be given at each stage of the process to ensure that disabled employees are not placed at a disadvantage for a reason related to their disability.
- 5.3 The processes detailed in this policy must be used to deal with any issues or grievances arising from the application of this policy. If an employee wishes to raise a grievance whilst they are subject to the organisational change process they must do so in accordance with the provisions of the Council's Grievance policy. The receiving manager will determine if it is appropriate to deal with the grievance through the processes already detailed in this policy or whether it is appropriate to deal with the grievance through the Grievance policy/procedure.
- 5.4 This policy also links with the Council's Recruitment & Selection policy

Section Two: Procedure

1. Key Roles and Responsibilities

- 1.1 The key roles and responsibilities for managers and employees are summarised below – note these are not exhaustive lists.

1.2 Managers

Managers are expected to:

- Lead the change from start to finish of the organisational change process
- Obtain HR, Finance and Legal advice and support at an early stage to identify the implications of the proposed change and to ensure appropriate planning
- Identify Equality and Diversity implications of the proposed change

- Ensure genuine and effective consultation and communication takes place with employees and trade unions throughout the organisational change process including approaching employee consultation and considering all responses and feedback with an open mind
- Keep written records of all discussions and communications with employees and trade unions
- Support employees throughout the organisational change process

1.3 Employees

Employees are expected to:

- Be flexible and open-minded in considering proposals for change
- Participate in the consultation process by contributing their own views in a reasonable and open manner
- Cooperate in the assimilation, ring-fence and redeployment processes by considering any suitable alternative employment opportunities and playing an active part in seeking alternative job roles
- Continue to carry out their duties and responsibilities in a professional manner during the organisational change process

2. **The Procedure**

2.1 A template procedure process flow is attached at **Appendix 3**.

3. **Key Procedural Requirements**

3.1 Planning and Preparation Phase

3.2 The relevant Director/Head of Service should identify a relevant manager to undertake the role of Lead Manager throughout the organisational change process (the Lead Manager role may be undertaken by the Director/Head of Service).

3.3 The Lead Manager may delegate specific responsibilities and tasks relating to the organisational change process to other appropriate managers.

3.4 The Lead Manager must set out the business case for the proposed organisational change using the corporate template organisational change proposal report (**Appendix 4**). This must include Ring Fencing proposals and an Equality Analysis using the corporate template included in Appendix 4.

3.5 Where a restructure affects 10 or fewer employees, no Equality Analysis should be completed. This is because disclosing the protected

characteristics of a small number of employees creates a risk that individuals' data may be identified. In such small numbers any analysis would be statistically insignificant.

3.6 The Lead Manager should obtain their Director's, HR's and Finance's clearance to use the organisational change proposal report as a basis for employee consultation.

3.7 The Lead Manager will make every reasonable effort to meet with the recognised trade unions representing employees affected by the organisational change proposal **prior** to the launch of employee consultation in order to brief them on the change proposal, arrangements to launch employee consultation and the practical arrangements to carry out consultation during the employee consultation period. Ideally, the meeting with trade unions should be arranged for a reasonable period ahead of the launch of employee consultation and **no less** than one day before.

3.8 The recognised trade unions will make every reasonable effort to ensure their availability for this meeting. It is recognised in rare circumstances it may not be possible to meet with all recognised trade unions and that, therefore, the briefing may be provided by other means e.g. by phone conversation; by email.

3.9 The recognised trade unions accept that all information provided at this stage is provided in the strictest confidence and on the understanding that they will not pass any of the information on to affected employees or other employees until employee consultation has formally commenced (see below).

3.10 Employee Consultation Phase

3.11 Launch/on-going employee consultation

3.11.1 The Lead Manager should make every reasonable effort to meet with all employees affected by the organisational change proposal to formally launch the employee consultation process in order to brief them on the change proposal and the practical arrangements to carry out consultation during the employee consultation period, to provide each employee with a copy of the organisational change proposal report and to respond to any issues raised.

3.11.2 Affected employees should make every reasonable effort to ensure their availability at this meeting. It is recognised in some circumstances it may not be possible to meet with all affected employees at the same time and that, therefore, more than one launch meeting may be required or in exceptional circumstances (e.g.

in cases of long-term sickness absence, secondment or maternity leave) the launch may be provided to specific employees by other means e.g. by phone conversation supported by documentation sent to their home address.

3.11.3 The Lead Manager will make every reasonable effort to ensure that the recognised trade unions representing employees affected by the organisational change proposal are able to attend and should provide reasonable time at the end of the meeting for trade union representatives to meet separately with affected employees. It is recognised in some circumstances it may not be possible for all recognised trade unions to attend and that, therefore, arrangements should be made to ensure that reasonable time is made available for trade union representatives to meet separately with affected employees.

3.11.4 The Lead Manager will make themselves available to meet with affected employees on a one-to-one or group basis as requested.

3.11.5 The Lead Manager will meet regularly with the recognised trade union representatives and with the affected employee group(s) to discuss all relevant consultation issues, confirm and clarify any potential changes to the original organisational change proposal and to respond to issues raised.

3.11.6 The Lead Manager will keep notes of all employee consultation meetings and record all questions raised and answers given (including those raised/answered verbally as well as those raised/answered in writing).

3.12 Voluntary Redundancy (VR)

3.12.1 The relevant Head of Service and their Director will determine whether it will be appropriate to invite affected employees to volunteer to be considered for redundancy and if so will also determine the proposed timing/arrangements to do so (Note: the VR process may start during the employee consultation phase or after employee consultation has concluded i.e. during the implementation phase).

3.12.2 The offer to employees to volunteer will be targeted at defined groups only. In the first instance this will ordinarily be limited to:

- ☐ those employees who are at risk of redundancy because they are within a ring-fence where there are more employees than posts available within the ring-fence

and

- where, in addition, it is perceived that there is little likelihood of an employee or a number of employees being able to be employed in a suitable alternative role following a redeployment process

Exceptions:

- employees with less than 2 years continuous local government service on the closing date for applications (as determined by the Lead Manager) will not be eligible to apply for VR
- employees who have accepted suitable alternative employment or no longer meet the criteria for voluntary redundancy following the close of employee consultation and during the implementation of the organisational change.

3.12.3 If there are still deemed to be employees at risk of redundancy following the targeted approach above, the Council reserves the right to extend the offer of Voluntary Redundancy more widely across the Council to other employees who are not at risk of redundancy if this results in avoiding a compulsory redundancy.

Consideration will be given to the following factors:

- The offer for other employees to express interest in voluntary redundancy would be to employees who occupy posts which would be considered suitable alternative employment for employees who are at risk of compulsory redundancy.
- The selection criteria outlined in 3.12.6 below would apply in all cases

3.12.4 Affected employees must submit their request using the template VR estimate request form (**Appendix 5**).

3.12.5 If, following receipt of their VR estimate, the employee wishes to progress their request to volunteer to be considered for redundancy, the relevant Head of Service must submit their request using the template VR business case (**Appendix 6**) within the time period determined by the Lead Manager.

3.12.6 Requests will be considered against the following criteria:

- Whether the release will avoid the need for a compulsory redundancy
- Potential impact of the loss of the individual's skills, knowledge and experience

- Any other relevant issue such as local/national skills shortages, known retention problems and other relevant factors

3.12.7 Requests will initially be considered against the criteria above by the relevant Head of Service. The employee will be notified by the Head of Service if their request is not being taken forward for consideration. This decision is final and there is no right of appeal.

3.12.8 If the Head of Service supports the request, it will be considered by the Redundancy & Redeployment Panel chaired by a Director and comprising the Director of Legal & Governance and the Director of HR & OD (or their representatives). The employee will be notified of the outcome of the request as soon as possible. This decision is final and there is no right of appeal.

3.12.9 The Council reserves the right to withdraw the VR arrangements at any time following appropriate consultation.

3.13 Assimilation/Ring-Fencing (A/RF) Proposals

3.13.1 If the initial Assimilation proposals are not included in the organisational change proposal report, the Lead Manager should complete and communicate them to the affected employees and the recognised trade union representatives as soon as possible after the launch of employee consultation.

3.13.2 The Lead Manager should determine the proposed timing/arrangements to update the A/RF proposals (i.e. reflecting any changes made during employee consultation) towards the end of the employee consultation period and communicate these to the affected employees and the recognised trade union representatives.

3.13.3 Towards the end of the employee consultation period the Lead Manager should ensure all affected employees have received the updated A/RF proposals and that an overall summary has been provided to the recognised trade union representatives.

3.13.4 Every attempt should be made during the consultation period to resolve A/RF challenges.

3.13.5 Where it has not been possible to resolve an A/RF issue during the consultation period and an affected employee does not accept the updated A/RF proposals, they are able to request an appeal following closure of consultation. The relevant Lead Manager should arrange for the Redundancy & Redeployment Panel to review the issue. The Panel is chaired by a Director and comprises the Director of Legal & Governance and the Director of HR & OD (or their representatives). The expectation is that normally a meeting would be held rather than

conduct a desk based review but this process may be used if the issue can be resolved without the need for a meeting. The Head of Service should invite the employee to a meeting (to occur within 15 working days of receipt of request). At the meeting the employee will be invited to outline and present their view. The Panel will have the opportunity to seek further information and ask questions. The Panel will consider the case and confirm their decision in writing to the employee within 5 working days of the meeting. The decision will be final and there will be no further right to appeal.

3.14 Early Closure of Employee Consultation

- 3.14.1 In some circumstances there may be a need/benefit to seeking agreement to conclude employee consultation earlier than the planned consultation end date. To do so the Lead Manager should ensure that all 3 requirements detailed at 3.15.1 below are satisfied.
- 3.14.2 In such circumstances, the Lead Manager should write to all affected employees and recognised trade union representatives (using the template letter detailed in the Manager's Toolkit) to propose a specified date to close consultation early.
- 3.14.3 If new issues are raised and/or further comments/feedback are received and they cannot be dealt with by the specified date above, the Lead Manager will need to repeat the communication at 3.15.2 below in order to propose a revised date for consultation to conclude.
- 3.14.4 If there are no outstanding issues and all comments/feedback received have been responded to by the specified date, the Lead Manager must complete the template "Memorandum of Early Conclusion of Formal Consultation" (**Appendix 7**) and obtain their Director signature and deliver it to each of the relevant recognised trade union branch secretaries for signature and return.
- 3.14.5 Once the memorandum is signed, the Lead Manager should as soon as possible write to all affected employees and to the branch secretaries of the relevant trade unions using the template Employee Consultation Closure Confirmation letter (detailed in the Manager's Toolkit) to confirm that consultation has concluded and outline the next steps.

3.15 Closure of Employee Consultation

- 3.15.1 In order to conclude employee consultation, the Lead Manager will ensure that they can evidence that:

- they have carried out meaningful consultation with affected employees and the relevant recognised trade unions
- they have addressed all issues that need to be addressed as part of the consultation process
- they have responded to comments/feedback received and that there are no outstanding issues

3.15.2 The Lead Manager will, towards the end of the planned consultation period, write to all affected employees and to the branch secretaries of the relevant trade unions using the template Employee Consultation Closure letter (detailed in the Manager's Toolkit) to advise them that consultation will conclude as planned.

3.15.3 If by the planned end of the consultation period all 3 requirements detailed at 3.15.1 are satisfied, the Lead Manager will as soon as possible write to all affected employees and to the branch secretaries of the relevant trade unions using the template Employee Consultation Closure Confirmation letter (detailed in the Manager's Toolkit) to confirm that consultation has concluded and outline the next steps.

3.15.4 However, if by the planned end of the consultation period all issues raised and/or comments/feedback received have not been responded to, the Lead Manager will as soon as possible write to all affected employees and to the branch secretaries of the relevant trade unions using the template Employee Consultation Closure Confirmation/ Outstanding Matters letter (detailed in the Manager's Toolkit). As soon as all 3 requirements detailed at 3.15.1 are satisfied, the Lead Manager should as soon as possible write to all affected employees and to the branch secretaries of the relevant trade unions using the template Employee Consultation Closure Confirmation letter (detailed in the Manager's Toolkit) to confirm that consultation has concluded and outline the next steps.

3.16 Extension of Employee Consultation

3.16.1 In some circumstances there may be a business need/benefit to extend employee consultation beyond the usual 30 or 45 day period. To do so, the Lead Manager should, as soon as possible before the end of the consultation period, write to all affected employees and recognised trade union representatives (using the template letter detailed in the Manager's Toolkit) to:

- state that consultation may not conclude as planned and identify the reasons why

- state that as soon as a revised planned date for conclusion of consultation was clear, the Lead Manager would write again to outline the next steps

3.16.2 As soon as a revised planned date to conclude consultation is identified, the Lead Manager should revert to the Closure of Employee Consultation process at para 3.15 above.

3.17 Implementation

3.18 Approval of Organisational Change Report

3.18.1 The Lead Manager must review and update the draft organisational change report to incorporate the changes that need to be made as a result of consultation and secure HR and Finance sign-off before submitting the finalised report to their Director for final approval and sign-off.

3.18.2 Once approved, and ideally no more than 2 weeks after the close of consultation, the Lead Manager will ensure a copy of the final report is provided to all affected employees and the relevant recognised trade union branch secretaries.

3.19 Voluntary Redundancy (VR)

3.19.1 If the Lead Manager has not already commenced the VR process during the Employee Consultation phase (see para 3.12 above), the Lead Manager will determine whether it will be appropriate to invite affected employees to volunteer to be considered for redundancy and if so will also determine the proposed timing/arrangements to do so. If so, the Lead Manager will do so in accordance with the requirements at para 3.12 above.

3.20 Large Consultation Ring-Fence

3.20.1 Using the finalised Assimilation/Ring Fence arrangements (detailed in the approved organisational change proposal report), the Lead Manager will write (using the relevant template letters detailed in the Manager's Toolkit) to all affected employees to advise them of their final Assimilation/Ring-Fencing status.

3.20.2 Employees must return a signed copy of the letter to the Lead Manager by the specified date to confirm whether they agree or do not agree with the decision contained in the letter. Failure to return the signed copy of the letter will be taken as agreement.

3.20.3 The Lead Manager will take into account any Assimilation/RingFencing Preference Forms returned in arrangements to carry out the Large Consultation Ring-Fence.

3.20.4 Large Consultation Ring-Fence 1 (Direct Non-Competitive Assimilation)

3.20.4.1 The Lead Manager will write to relevant employees (using the template letter detailed in the Manager's Toolkit) to confirm appointment.

3.20.5 Large Consultation Ring-Fences 2, 3 and 4 (Direct Competitive Assimilation and Competitive Ring-Fence)

3.20.5.1 The Lead Manager will write to relevant employees (using the template letter detailed in the Manager's Toolkit) to invite them to attend a selection interview.

3.20.5.2 The interview selection panel must record the key points from the evidence presented and their evaluation/scores of each employee.

3.20.5.3 The Lead Manager will write to the successful employees (using the template letter detailed in the Manager's Toolkit) to confirm appointment.

3.20.5.4 The Lead Manager will write to the unsuccessful employees (using the template letter detailed in the Manager's Toolkit).

3.20.5.5 The Lead Manager will offer feedback to all employees. This will normally be provided verbally but if specifically requested may be provided in writing.

3.20.6 Large Consultation Ring Fence 5 (Competitive Open Recruitment)

3.20.6.1 The Lead Manager will (in conjunction with the HR Lead Adviser) determine whether any remaining vacant posts should be made available to employees within the Large Consultation Ring Fence or not. If so, this will be progressed in accordance with the Council's Recruitment & Selection policy.

3.20.7 Posts Remaining Vacant

3.20.7.1 The Lead Manager or Hiring Manager should advertise any posts remaining vacant after the completion of Large Consultation Ring-Fence 5 via the Councils Recruitment system for Redeployees Council-wide.

3.21 Notice of Redundancy

- 3.21.1 Following the completion of the Large Consultation Ring-Fence, the Lead Manager should write to all remaining employees at risk of redundancy (using the template Notice of Redundancy letter detailed in the Manager's Toolkit) to formally issue the notice of redundancy.
- 3.21.2 Where it is necessary to issue the notice of redundancy before the completion of the Large Consultation Ring-Fence, the Lead Manager should write to all remaining employees at risk of redundancy (using the template Notice of Redundancy (Variant) letter detailed in the Manager's Toolkit) to formally issue the notice of redundancy.
- 3.21.3 Employees must return a signed copy of the letter to the Lead Manager to confirm receipt of the notice of redundancy.
- 3.21.4 If the employee wishes to appeal against the redundancy dismissal they should write to the Director of HR & OD within 5 days of receipt of the notice of redundancy setting out their grounds for appeal and provide supporting evidence.

3.22 Appeal against Redundancy

- 3.22.1 The procedure for the appeal is attached at **Appendix 8**.

3.23 Redeployment

- 3.23.1 Following the completion of the Large Consultation Ring-Fence and issue of the notice of redundancy, the Redeployment Advisor should write to remaining employees at risk of redundancy (using the template Redeployment letter detailed in the Manager's Toolkit) to confirm their status as a Redeployee and to provide information about the Redeployment process.
- 3.23.2 The Redeployment Advisor should ensure that all existing vacancies are advertised to Redeployees via the Council's Recruitment system.
- 3.23.3 Redeployees should ensure that they regularly review all available vacancies to identify potential suitable alternative employment and actively pursue any such opportunities.
- 3.23.4 The Lead Manager should ensure that they regularly review all available vacancies to identify potential suitable alternative employment for Redeployees that have arisen from their Large Consultation Ring-Fence and actively pursue any such opportunities.

- 3.23.5 If after a period of time a vacant post has not been filled and is causing difficulty in service delivery and/or to continue to maintain the vacancy is having a detrimental impact on employees or incurring unnecessary cost, the relevant Head of Service should submit a case (and evidence) to the Director of HR & OD (or representative) to release the post in order to advertise the vacancy externally.
- 3.23.6 The Recruiting Manager should complete a short-list within 5 working days of the closing date for the vacant post and then invite shortlisted Redeployees to attend for an interview, confirming interview date and time in writing. Where the vacancy closing date is after the redeployees last day of service, every effort should be made to interview the redeployee before their employment is terminated.
- 3.23.7 The Recruiting Manager will offer any Redeployee who applied for the vacant post but was not short-listed with feedback as to why the Redeployee did not meet the minimum criteria.
- 3.23.8 Redeployees invited to attend for an interview should confirm their attendance within 2 working days of receipt of the invite.
- 3.23.9 The Recruiting Manager will offer any unsuccessful Redeployee with feedback on their performance at the interview.

3.24 Trial Period

- 3.24.1 Before the trial period begins, the Line Manager should consider any need to extend the trial period and if so discuss this with the employee.
- 3.24.2 Before the trial period begins, the Line Manager should write to the employee (using the template letter detailed in the Manager's Toolkit) to confirm the details of the trial period (including any extension).
- 3.24.3 During the trial period, the Line Manager should schedule weekly meetings with the employee and use the Trial Period Monitoring template (**Appendix 9**) to discuss work issues, any support needed to enable the employee to undertake the key duties of the post within the trial period and any concerns identified by either the employee or the Line Manager.
- 3.24.4 If, at the end of the trial period, the Line Manager and employee both consider the role to be suitable alternative employment, they should sign-off the Trial Period Monitoring template accordingly. The Line Manager should then write to the employee (using the template letter detailed in the Manager's Toolkit) to confirm successful completion of the trial period.

- 3.24.5 If, during or at the end of the trial period, the Line Manager and employee both consider the role not to be suitable alternative employment, they should sign-off the Trial Period Monitoring template accordingly. The Line Manager should then write to the employee (using the template letter detailed in the Manager's Toolkit) to confirm that the trial period was not successful.
- 3.24.6 If, at the end of the trial period, the Line Manager and employee disagree as to whether the post is suitable alternative employment, they should record their views on the Trial Period Monitoring template accordingly. The Line Manager should then discuss the issue with the relevant Head of Service. The Head of Service should then discuss the issue with the relevant Director including any other suitable alternative employment options available to the employee.
- 3.24.7 If the Director decides that the post is suitable alternative employment, the relevant Head of Service should meet with the employee to advise them of the decision and confirm the decision in writing (using the template letter detailed in the Manager's Toolkit).
- 3.24.8 If the Director decides that the post is not suitable alternative employment, the relevant Head of Service should meet with the employee to advise them of the decision and confirm the decision in writing (using the template letter detailed in the Manager's Toolkit).

Section Three: Supporting Documents

Appendices

- 1 Assimilation/Ring-Fencing/Redeployment Priority**
- 2 Redundancy Pay Ready Reckoner**
- 3 Procedure Process Flow template**
- 4 Organisational Change Proposal Report template**
- 5 VR Estimate Request Form template**
- 6 VR Business Case template**
- 7 Memorandum of Early Conclusion of Formal Consultation template**
- 8 Appeal Against Redundancy Procedure**
- 9 Trial Period Monitoring template**

Section Four: Policy Ownership and effective dates

Policy Owner	HR &OD
Approving Body	CCNF

Date Approved	
Effective Date	
Review Date	
Version	6-0

**ASSIMILATION/RING-FENCING
1 PRIORITY ORDER**

Appendix

Priority	Ring-Fence Title	Match / Grade Issues	Number of People / Posts Issues	Process Title	Process Detail	Trial Period
1	Large Consultation Ring-Fence 1	65% or more Match. Grade = same or up to 2 lower/1 higher	Same Number or More Posts Than People	Direct Non-Competitive Assimilation	No selection interview – meeting to assess L&D needs	No
2	Large Consultation Ring-Fence 2	65% or more Match. Grade = same or up to 2 lower/1 higher	Less Posts Than People	Direct Competitive Assimilation	Selection interview against criteria based on Job Description and Person Profile (JD/PP)	No
3	Large Consultation Ring-Fence 3	65% or more Match. Grade = 2 or more higher	None	Direct Competitive Assimilation	Selection interview against criteria based on JD/PP	No
4	Large Consultation Ring-Fence 4	Less than 65% Match Grade = 2 lower/1 higher	None	Competitive Ring-Fence	Selection interview against criteria based on JD/PP	No
5	Large Consultation Ring-Fence 5	Any post remaining	None	Competitive Open Recruitment	Selection interview against criteria based on JD/PP	No
6	Redeployment Pool	Suitable Alternative Employment	None	Competitive Ring-Fence Redeployment	Selection interview against criteria based on JD/PP	Yes
7	Open Recruitment (Note: This is not a Ring-Fence)	Any post not considered Suitable Alternative Employment	None	Competitive Open Recruitment – Preference for Redeployees in Redeployment Pool	Selection interview against criteria based on JD/PP	No
8	Open Recruitment (Note: This is not a Ring-Fence)	Any post remaining	None	Competitive Open Recruitment	Selection interview against criteria based on JD/PP	No

Redundancy Pay Ready Reckoner

Appendix 2

Service (years)	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20
Age (years)																			
17*	1																		
18	1	1½																	
19	1	1½	2																
20	1	1½	2	2½	-														
21	1	1½	2	2½	3	-													
22	1	1½	2	2½	3	3½	-												
23	1½	2	2½	3	3½	4	4½	-											
24	2	2½	3	3½	4	4½	5	5½	-										
25	2	3	3½	4	4½	5	5½	6	6½	-									
26	2	3	4	4½	5	5½	6	6½	7	7½	-								
27	2	3	4	5	5½	6	6½	7	7½	8	8½	-							
28	2	3	4	5	6	6½	7	7½	8	8½	9	9½	-						
29	2	3	4	5	6	7	7½	8	8½	9	9½	10	10½	-					
30	2	3	4	5	6	7	8	8½	9	9½	10	10½	11	11½	-				
31	2	3	4	5	6	7	8	9	9½	10	10½	11	11½	12	12½	-			
32	2	3	4	5	6	7	8	9	10	10½	11	11½	12	12½	13	13½	-		
33	2	3	4	5	6	7	8	9	10	11	11½	12	12½	13	13½	14	14½	-	
34	2	3	4	5	6	7	8	9	10	11	12	12½	13	13½	14	14½	15	15½	-
35	2	3	4	5	6	7	8	9	10	11	12	13	13½	14	14½	15	15½	16	16½
36	2	3	4	5	6	7	8	9	10	11	12	13	14	14½	15	15½	16	16½	17
37	2	3	4	5	6	7	8	9	10	11	12	13	14	15	15½	16	16½	17	17½
38	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	16½	17	17½	18
39	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	17½	18	18½
40	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	18½	19
41	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	19½
42	2½	3½	4½	5½	6½	7½	8½	9½	10½	11½	12½	13½	14½	15½	16½	17½	18½	19½	20½

Ready reckoner for redundancy payments																			
Service (years)	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20
Age (years)																			
50	3	4½	6	7½	9	10½	12	13½	14½	15½	16½	17½	18½	19½	20½	21½	22½	23½	24½
51	3	4½	6	7½	9	10½	12	13½	15	16	17	18	19	20	21	22	23	24	25
52	3	4½	6	7½	9	10½	12	13½	15	16½	17½	18½	19½	20½	21½	22½	23½	24½	25½
53	3	4½	6	7½	9	10½	12	13½	15	16½	18	19	20	21	22	23	24	25	26
54	3	4½	6	7½	9	10½	12	13½	15	16½	18	19½	20½	21½	22½	23½	24½	25½	26½
55	3	4½	6	7½	9	10½	12	13½	15	16½	18	19½	21	22	23	24	25	26	27
56	3	4½	6	7½	9	10½	12	13½	15	16½	18	19½	21	22½	23½	24½	25½	26½	27½
57	3	4½	6	7½	9	10½	12	13½	15	16½	18	19½	21	22½	24	25	26	27	28
58	3	4½	6	7½	9	10½	12	13½	15	16½	18	19½	21	22½	24	25½	26½	27½	28½
59	3	4½	6	7½	9	10½	12	13½	15	16½	18	19½	21	22½	24	25½	27	28	29
60	3	4½	6	7½	9	10½	12	13½	15	16½	18	19½	21	22½	24	25½	27	28½	29½
61+	3	4½	6	7½	9	10½	12	13½	15	16½	18	19½	21	22½	24	25½	27	28½	30
43	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21
44	3	4½	5½	6½	7½	8½	9½	10½	11½	12½	13½	14½	15½	16½	17½	18½	19½	20½	21½
45	3	4½	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22
46	3	4½	6	7½	8½	9½	10½	11½	12½	13½	14½	15½	16½	17½	18½	19½	20½	21½	22½
47	3	4½	6	7½	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23
48	3	4½	6	7½	9	10½	11½	12½	13½	14½	15½	16½	17½	18½	19½	20½	21½	22½	23½
49	3	4½	6	7½	9	10½	12	13	14	15	16	17	18	19	20	21	22	23	24

Procedure Process Flow Template

Appendix 3

1. Planning and Preparation phase

Either - Manager obtains Head of Service/Director in principle clearance to develop the organisational change and confirm Lead Manager (LM)

Or - Head of Service/Director engages Manager with in principle clearance to develop the organisational change and confirms Lead Manager (LM)

1.1 Note: The LM may be the Head of Service/Director

1.2 LM engages HR Business Partner (HRBP) for any preliminary advice and allocation of HR Lead Adviser (HRLA) by Operational HR

HRBP/HRLA include potential organisational change on HR's Current Restructures spreadsheet to determine whether the organisational change 1.3 needs to be managed in accordance with a statutory HR1 notification

1.4 LM engages Finance Business Partner (FBP) for any preliminary advice

1.5 Where necessary, LM engages Legal Services for any preliminary advice

1.6 LM secures any stakeholder in principle clearance to develop the organisational change (e.g. Lead Member)

1.7 LM plans overall End 2 End Organisational Change process

1.8 LM drafts Organisational Change proposal report (corporate template) and obtains HR & OD, Finance and where necessary any Legal input

1.9 LM prepares Equality Assessment (corporate template) and obtains initial input from Corporate Policy & Diversity Team

LM obtains Head of Service/Director clearance to make arrangements to engage trade unions about launch of employee consultation

1.10 regarding potential organisational change

1.11 LM makes arrangements for launch of employee consultation with support from HRLA

1.12 LM obtains sign-off of Equality Assessment from Corporate Policy & Diversity Team

1.13 LM obtains FBP sign-off for Organisational Change proposal report to be used as the basis for employee consultation

1.14 LM obtains HRBP sign-off of Organisational Change proposal report to be used as the basis for employee consultation

1.15 LM obtains Directors sign-off of Organisational Change proposal report to be used as the basis for employee consultation

LM meets with recognised trade unions to brief them on the proposed organisational change and arrangements to launch employee consultation and to discuss the practical arrangements to carry out consultation during the consultation period.

Note: A copy of the draft/signed-off Organisational Change proposal report may be provided as a courtesy to the trade unions at this stage. The meeting may therefore take place before final sign-off has been obtained. If a copy of the draft/signed-off Organisational Change proposal report is provided to the trade unions it should be provided in the strictest confidence and on the understanding that the trade unions will not pass the document on to anyone.

2. Employee consultation phase

2.1 **Launch/on-going employee consultation**

2.1.1 LM launches consultation to affected employees and trade unions

2.1.2 LM publishes arrangements and deadline date for employees (individually or in groups) to provide initial feedback/raise questions

2.1.3 LM makes themselves available on 121 basis to meet with all employees as requested

LM meets with all staff/groups of staff and with trade unions regularly to provide progress on Consultation, discuss any issues, clarify any potential

2.1.4 changes to proposals as a result of Consultation

2.1.5 LM records all questions raised and answers given (including those raised/answered verbally at meetings)

2.1.6 LM keeps notes of all meetings

LM/trade unions refer any issues that can not be resolved at service level to relevant corporate consultation forum e.g. Employer Side Secretary Meeting and or CCNF

2.1.7 Note: This should be done through Operational HR

2.2 **Voluntary Redundancy (VR)**

Head of Service/Director determines whether it will be appropriate to invite employees to volunteer to be considered for redundancy and if so

2.2.1 the LM determines in conjunction with HRLA proposed timing/arrangements

2.2.2 LM communicates proposals for VR timing/arrangements to employees/trade unions

2.2.3 Employees submit request for VR estimate (corporate template) to LM/HRLA

2.2.4 HRLA arranges with Shared Services (ISS) for provision of VR estimate

2.2.5 Employee considers estimate and if necessary submits request for consideration for VR (corporate template) to LM/HRLA

LM considers VR request and:

If LM supports it, LM completes VR Business Case (corporate template) and submits to Redundancy & Redeployment (R&R) Panel

2.2.6 If LM does not support it, LM confirms decision and rationale to employee in writing

R&R Panel consider and record decision on VR Business Case and return to HRLA for HRLA to confirm/implement decision to employee (using

2.2.7 corporate templates) - No right of appeal

2.3 ***Assimilation/Ring-Fencing (A/RF) Proposals***

Where initial Assimilation proposals are not included in the Organisational Change proposal report, LM completes Assimilation proposals in

- 2.3.1 conjunction with HRLA and communicates to employees/trade unions as soon as possible after consultation launch
- 2.3.2 LM determines in conjunction with HRLA proposed timing/arrangements for updated A/RF proposals
- 2.3.3 LM communicates proposed timing/arrangements for updated A/RF proposals to employees/trade unions Towards the end of the consultation period, LM determines in conjunction with HRLA updated A/RF proposals Every attempt should be made during the consultation period to resolve A/RF challenges
- 2.3.4 LM communicates updated A/RF proposals to employees and trade unions

Where it has not been possible to resolve an A/RF issue during the consultation period and an affected employee does not accept the updated A/RF proposals, they are able to request an appeal following closure of consultation. The relevant Lead Manager should arrange for the

- 2.3.5 Redundancy & Redeployment Panel to review the issue.

Once all outstanding issues are resolved, LM communicates final A/RF position to employees/trade unions

2.4 ***Early closure of employee consultation***

LM determines in conjunction with HRLA and Head of Service whether there is a need/benefit to try to obtain agreement to close consultation earlier than the end of the statutory period (LM will need to ensure: they have carried out meaningful consultation; show that all comments/feedback have been responded to; and they have addressed all issues that need to be addressed as part of the consultation process) and if so determines

- 2.4.1 proposed timing/arrangements

LM communicates the proposed timing/arrangements to employees/trade unions (corporate template) - if agreement cannot be secured then

- 2.4.2 consultation will progress for the full statutory period

If agreement can be secured, LM completes the "Memorandum of Early Conclusion of Formal Consultation" (corporate template), obtain their

- 2.4.3 Director signature and provides it to each of the relevant trade union branch secretaries for signature and return
- 2.4.4 Once signed and returned, LM reverts to Closure of Consultation process below

2.5 ***Closure of employee consultation***

LM will need to ensure: they have carried out meaningful consultation; show that all comments/feedback have been responded to; and they have

- 2.5.1 addressed all issues that need to be addressed as part of the consultation process
- 2.5.2 LM determines in conjunction with HRLA timing/arrangements
- 2.5.3 LM communicates timing/arrangements to employees/trade unions (corporate template letter)

LM should make every effort to respond to any outstanding comments/feedback received and issues raised by the date that consultation is due to

- 2.5.4 end

If by the date that consultation is due to end all comments/feedback received have not been responded to, LM communicates to employees/trade unions as soon as possible after the date that consultation is due to end (corporate template letter) to confirm that: consultation did end on the date that consultation was due to end; responses to outstanding issues would be provided by a specified date; LM will write to employees/trade unions

2.5.5 as soon as responses to all outstanding comments/feedback and issues have been provided to outline the next steps

If by the date that consultation is due to end all comments/feedback have been responded to (or once responses to all outstanding comments/feedback and issues have been provided after the date that consultation ended), LM communicates to employees/trade unions (corporate template letter) as soon as possible after the consultation end date to: confirm that consultation concluded on X date; provide a summary of the outcome of consultation (i.e. the changes that will be made to the original restructure proposals as a result of consultation; confirm that the changes made as a result of consultation will now be incorporated into a revised Organisational Change proposal report for submission to the relevant Director for approval and that a copy of the final report will be provided to employees/trade unions by X date; individual employees

2.5.6 would be written to to confirm their status and position re A/RF; and to offer 121 meetings with employees if requested

2.6 **Extension of employee consultation**

In exceptional circumstances, LM determines in conjunction with HRLA, HRBP, Head of Service and Director whether there is a genuine

2.6.1 need to extend consultation beyond the end of the statutory period and if so determines proposed timing/arrangements

LM communicates to employees/trade unions (corporate template letter) as soon as possible before the end of the statutory period to: state that consultation may not conclude as planned at the end of the statutory period; state that as a revised planned consultation end date is clear, LM will

2.6.2 write to employees/trade unions to outline the next steps

2.6.3 As soon as revised planned consultation end date is clear, LM reverts to Closure of Consultation process below

3. Implementation phase

3.1 **Approval of Organisational Change report**

3.1.1 LM completes the Addendum to the Organisational Change report (corporate Template) and updates appendices as necessary

3.1.2 LM sends updated Organisational Change report to HRBP and FBP for their sign-off

3.1.3 Once HRBP and FBP have signed-off, LM sends Organisational Change report to Director for final approval and sign-off

3.1.4 Once Director have signed off, LM provides copy of approved Organisational Change report to employees/trade unions

3.2 **Voluntary Redundancy (VR)**

If VR has not already commenced in the Consultation phase (see above), LM follows same process as above to consider (and progress)

3.2.1 whether it would be appropriate to invite employees to volunteer to be considered for redundancy

3.3 **Notice of Redundancy**

- 3.3.1 LM determines whether it is necessary to issue Notice of Redundancy before completion of Large Consultation Ring Fence
- 3.3.2 If so, LM issues Notice of Redundancy (corporate template) to relevant employees
- 3.3.3 Employee returns signed copy of letter to confirm receipt

3.4 **Large Consultation Ring Fence**

- 3.4.1 LM writes to all affected employees to advise them of their final A/RF position (corporate template)
- 3.4.2 Employee returns signed copy of letter confirming whether they agree/do not agree
- 3.4.3 LM takes employee's A/RF preferences into account in arrangements to carry out Large Consultation Ring Fence

3.4.4 Large Consultation Ring Fence 1

- 3.4.4.1 LM writes to relevant employees to confirm appointment (corporate template)

3.4.5 Large Consultation Ring Fence 2, 3 and 4

- 3.4.5.1 LM writes to all relevant employees to invite them to selection interviews (corporate template)
- 3.4.5.2 Selection interviews take place
- 3.4.5.3 LM writes to all successful employees (corporate template)
- 3.4.5.4 LM writes to all unsuccessful employees (corporate template)

3.4.5.6 LM offers feedback to all employees and provides where requested

3.4.6 Large Consultation Ring Fence 5

- 3.4.6.1 LM determines whether any remaining vacant posts should be made available to employees within the Large Consultation Ring Fence or not
- 3.4.6.2 If so, LM follows Council's Recruitment & Selection policy and process to manage

3.4.7 Posts Remaining Vacant

LM releases any posts remaining vacant after completion of Large Consultation Ring Fence 5 to Redeployment Coordinator to make available

- 3.4.7.1 to all Redeployees across the Council

3.5 **Notice of Redundancy**

- 3.5.1 LM issues Notice of Redundancy (corporate template) to relevant employees

3.5.2 Employee returns signed copy of letter to confirm receipt

3.6 ***Appeal Against Redundancy***

Employee writes to Director of HR & OD within 5 working days of receipt of Notice of Redundancy to confirm they wish to appeal against

3.6.1 redundancy

3.6.2 Director of HR & OD convenes Redeployment & Redundancy Panel to consider the appeal

3.7 ***Redeployment***

3.7.1 Redeployment Advisor ensures all vacant posts are advertised to Redeployees

Following completion of Large Consultation Ring Fence and Issue of Notice of Redundancy, Redeployment Advisor writes to remaining

3.7.2 employees at risk of redundancy to confirm status as a Redeployee and provide guidance on Redeployment process (corporate template)

3.7.3 Redeployees regularly review all available vacancies and follow instructions to pursue any opportunities

3.7.4 Recruiting manager writes to all short-listed Redeployees to invite to selection interview

Recruiting manager provides any Redeployee that applied for the vacant post but was not short-listed with feedback as to why the Redeployee

3.7.5 was not short-listed

3.7.6 Short-listed Redeployees confirm their attendance at selection interview

3.7.7 Selection interviews take place

3.7.8 Recruiting manager writes to successful Redeployees to confirm appointment subject to Trial Period

3.7.9 Recruiting manager offers feedback to all interviewed Redeployees

3.8 ***Trial Period***

3.8.1 Line Manager considers any need to extend Trial Period beyond normal 4 week period

3.8.2 Before the Trial Period begins, Line Manager writes to employee to confirm details of trial period (including any extension) (corporate template)

During the Trial Period, Line Manager and employee meet weekly and record discussion on Trial Period Monitoring template (corporate

3.8.3 template)

If, at end of trial period, Line Manager and employee agree the role is suitable alternative employment, they record discussion on Trial Period

3.8.4 Monitoring template and Line Manager writes to employee to confirm successful completion of trial period (corporate template)

If, at end of trial period, Line Manager and employee agree the role is not suitable alternative employment, they record discussion on Trial

3.8.5 Period Monitoring template and Line Manager writes to employee to confirm that the trial period was not successful (corporate template)

- If, at end of trial period, Line Manager and employee disagree as to whether the role is suitable alternative employment, they record discussion
- 3.8.6.1 on Trial Period Monitoring template and Line Manager discusses the issue with the relevant Head of Service
 - 3.8.6.2 The Head of Service discusses the issue with the relevant Director
 - If the relevant Director decides that the role is suitable alternative employment, the relevant Head of Service meets with the employee to
 - 3.8.6.3 advise them of the decision and writes to the employee to confirm (corporate template)
 - If the relevant Director decides that the role is not suitable alternative employment, the relevant Head of Service meets with the employee
 - 3.8.6.4 to advise them of the decision and writes to the employee to confirm (corporate template)

APPROVAL AND IMPLEMENTATION OF ORGANISATIONAL RESTRUCTURES

Subject	
---------	--

Directorate:	
Author/Officer responsible (Name, title and contact number)	
Human Resources contact:	
Finance contact:	

1. Summary of proposed changes

As well as an overall summary of the proposed changes the following table must be included in section 1.

Overall post reduction/deletions (FTE):	
of which, posts filled by permanent employees (FTE):	
of which, reduction of vacant posts (FTE):	
of which, posts covered by agency workers (FTE):	
Overall post creation (FTE):	
NET POST REDUCTION/CREATION (FTE):	
TOTAL NUMBER OF EMPLOYEES AT RISK OF REDUNDANCY (Headcount – not FTE)	

2. Background

Detail under the following headings must be included in section 2.

- 2.1 Contextual/historical information
- 2.2 Rationale/Justification for changes

3. Financial Costing and Funding Arrangements

The following wording must be included in section 3:

- 3.1 The MTFS 20xx-xx includes savings proposals of £x, £y, £z in financial years a, b and c respectively. *ADD DETAIL TO EXPLAIN WHAT THESE SAVINGS ARE AND HOW THEY ARE TO BE DELIVERED FROM THESE PROPOSALS; WHERE THE SAVINGS ORIGINATE FROM DECISIONS OTHER THAN MTFS, THE SOURCE OF THE DECISION SHOULD BE IDENTIFIED.* Implementation of these proposals is required to ensure that these savings targets can be delivered.
- 3.2 Costs for the existing and proposed structures for posts deleted, created, or re-graded in the restructure are attached as Appendix X. These are based on the existing and proposed or indicative grades. Where grades are shown as indicative pending job evaluation, the costs are estimates based on these grades, and the final evaluations may differ from these. Should this be the case, the costs would need to be re-assessed accordingly.
- 3.3 It is estimated that the proposed structure will cost £??? as compared with an existing budget of £xxx. This would give rise to a net saving of £??? in a full year (after deducting pension back funding costs of £xx). Pension back funding costs will be transferred to a central budget to meet on-going commitments on the conclusion of the consultation and once the restructure has been formally approved. With an implementation date of X date, the estimated savings in the current year 20xx are estimated as £??? Net of pension back funding costs but before any redundancy costs are met. These figures are exclusive of any pay awards or other inflationary factors that may arise during 20XX, but inclusive of on costs.
- 3.4 The Council's policy allows staff to seek assimilation to posts in a restructure where there is a match of at least 65% between their existing and future job profiles. If staff are not able to be assimilated and cannot be redeployed, this would give rise to redundancy. As part of the creation of the Council's Transformation Reserve, provision has been made to fund redundancy costs resulting from formally approved MTFS budget savings. Any redundancy costs arising as a result of these proposals, and/or from any proposals currently being put forward elsewhere in the Council, will as far as possible be met from this Reserve. Should the cost of redundancy payments exceed the funds within the Reserve, the Director of Community & Resources will authorise funding from whatever is felt to be the most appropriate source. The source of funding for any other redundancy costs will need to be indicated.

(Note: If the cost of redundancy cannot be met from the transformation reserve, an alternative source of funding must be identified).

4. Implementation arrangements & effective dates

The following wording must be included in section 4:

- 4.1 Consultation with staff and trade unions will commence in X month with comments invited at the earliest opportunity. Following approval of the restructure and on completion of the consultation period, relevant staff will be invited to seek assimilation or redeployment, and it is envisaged that this process will be completed in X month.
- 4.2 It is expected that the restructure will be implemented as soon as operationally possible but no later than X month.

- 4.3 All the changes will be implemented in accordance with the Council's Organisational Change & Redundancy policy and associated guidance.

5. Details of Staff & Trade Union Consultation

The following wording must be included in section 5:

- 5.1 Consultation with staff and unions will commence by X date and is due to end by X date. Trade Unions will be consulted through service-level meetings and the relevant corporate level forum. Individuals will be invited to group meetings and will be offered individual one to ones if they are directly affected by the proposals, during this period.

6. Organisation Charts (existing and proposed)

The following wording must be included in section 6:

- 6.1 The current and proposed organisation charts are attached at Appendix X.

7. Revised Job Profiles

The following wording must be included in section 7:

- 7.1 Revised Job Profiles are attached at Appendix X.

8. Human Resources and Accommodation implications

The following wording must be included in section 8:

- 8.1 The consultation and subsequent implementation will be managed in accordance with the Council's Organisational Change & Redundancy policy and relevant associated guidance.
- 8.2 Proposed assimilation and ring-fence arrangements are set out in Appendix X. Displaced staff will be considered for assimilation and ring-fence rights to any newly created or established posts within the large consultation ring-fence throughout the consultation process. There may be a need for an assessment meeting or structured interview in accordance with the Council's Organisational Change & Redundancy policy and relevant associated guidance.
- 8.3 Efforts will be made to identify suitable redeployment opportunities for any staff who remain displaced following the completion of the large consultation ring-fence. There is a risk that some staff may not be assimilated into the new structure or may be unsuccessful in applying for roles in the new structure. If this occurs and they are not redeployed elsewhere in the Council, this will give rise to redundancy, the costs of which will be met as described in paragraph 3.X above.
- 8.4 As far as practicable this restructure will link in with and/or support the Council's Corporate Property Strategy intended to optimise the way in which all employees work.

9. Legal Implications

Unless there are other specific legal implications of your proposals upon which you have obtained specific legal advice, the following wording must be included in section 9 of the report.

- 9.1 Consultation on the proposals will need to fulfil the requirements of both the Council's Organisational Change & Redundancy policy, relevant associated guidance and, due to the scale of changes taking place across the Council, the statutory consultation provisions in the Trade Union and Labour Relations (Consolidation) Act 1992. It will not be possible to make final decisions on the proposals until after the statutory consultation process has ended for any particular proposal. Implementation of proposals will need to be carried out in accordance with the Council's policies on assimilations and selection for redundancy.

10. Equality Analysis

The following wording must be included in section 10:

- 10.1 An Equality Analysis is attached at Appendix X.

To be completed by Report Author:

Report Author Signature: _____

Name/Job Title: _____

Date: _____

To be completed by Head of Service:

Head of Service Signature: _____

Name: _____

Date: _____

To be completed by Finance:

Name/Job Title of Authorised Finance Officer: _____

Signature of Authorised Finance Officer: _____

Date: _____

To be completed by HR & OD:

Name/Job Title of Authorised SHR & OD Officer: _____

Signature of Authorised SHR & OD Officer: _____

Date: _____

Delegated Powers Authority

**Name and title of authorising
Director:** _____

Signature of Director: _____

Date: _____

Equality Impact Assessment (EIA) Restructures

Document control

Name of restructure:	<i>Please provide the name of the team, service or directorate restructure</i>
Scope of activity:	<i>What is the scope and intended outcomes of the restructure being assessed?</i> <i>Please include a brief overview of the current structure and the proposed new structure.</i>
Lead officer:	<i>Please include your name, job title, service and directorate</i>
Approved by:	<i>Please include the name, job title, service and directorate</i>
Date completed:	
Date for review, if applicable:	<i>If the EIA does not need to be reviewed, please provide a reason</i>

Did you seek advice from the HR Operational team?	Yes / No
Did you seek advice from the Corporate Policy & Diversity team?	Yes / No

Note: Where a restructure affects 10 or fewer employees, no Equality Analysis should be completed. This is because disclosing the protected characteristics of a small number of

employees creates a risk that individuals' data may be identified. In such small numbers any analysis would be statistically insignificant.

Equality Impact Assessment

As part of the Organisational Change and Redundancy Policy and Procedure, any restructure undertaken requires an Equality Impact Assessment (EIA). The EIA is a key tool for helping to ensure that the Council can demonstrate that it has met its legal duties under the Equality Act 2010 and the Public Sector Equality Duty.

In this section you will need to assess the impact (positive, neutral or negative) of your restructure on staff (with **protected characteristics**). Currently, there are **nine** protected characteristics: age, disability, sex/gender, ethnicity/race, religion/fait, sexual orientation, gender reassignment, marriage/civil partnership, and pregnancy/ maternity/paternity. In addition, you will also need to think about socio-economic status.

For more details on the Council's Fair to All approach to equality and diversity, please visit our Equality and Diversity Intranet pages. For any additional advice, please contact diversity@haverling.gov.uk

1. People affected

- a) Please outline the proposed changes and the justification/rationale behind the proposed restructure. Please also complete the table below as per the information in your organisational change proposal report.

Overall post reduction/deletions (FTE):	
– of which, posts filled by permanent employees (FTE):	
– of which, reduction of vacant posts (FTE):	
– of which, posts covered by agency workers (FTE):	
Overall post creation (FTE):	
NET POST REDUCTION/CREATION (FTE):	
TOTAL NUMBER OF EMPLOYEES AT RISK OF REDUNDANCY (Headcount – not FTE)	

- b) Please provide an outline of any changes of terms and conditions for affected staff members, including staff with assimilation rights.

Section 3.4 of the Organisational Change and Redundancy Policy and Procedure outlines how assimilated posts are determined in a restructure.

Please include any likely changes to:

- working patterns, relocations and hours*
- reduction in post grades*
- any other changes to employees' terms and conditions*

2. Data and evidence

In this section, you are required to consider and record the equality implications of your restructure on staff with protected characteristics based on the available workforce data from Oracle. Please refer to 3.5 of the Organisational Change and Redundancy Policy and Procedure for further details.

Guidance on how to carry out the EIA is available below:

Example: Protected characteristic	
Please tick (✓) the relevant box:	
Positive	Overall impact: <i>In the sections below you will need to indicate and note what impact your proposed restructure will have on staff with protected characteristics based on the data and information you have, as follows:</i> <ul style="list-style-type: none"> <i>- Positive impact</i> <i>- Neutral impact</i> <i>- Negative impact</i> <i>It is essential that you note all negative impacts. This will demonstrate that you have undertaken the correct process if the restructure is challenged under the Equality Act.</i>
Neutral	
Negative	

Evidence: *In this section, you will need to note the evidence that you have used to assess the impact of your restructure on staff with protected characteristics.*

You will need to include evidence from monitoring data and other Human Resources information. You should also consider and note any equality and diversity issues raised during the consultation process.

*When assessing the impact, please consider and note how you will ensure that the Council continues to meet its legal obligations under the **Public Sector Equality Duty (PSED)**:*

- *eliminate discrimination, harassment and victimisation;*
- *advance equality of opportunity, and*
- *foster good relations between people with different protected characteristics.*

*The Council also has a **duty to consider and make ‘reasonable adjustments’** for disabled employees. Full consideration should be given at each stage of the process to ensure that disabled employees are not placed at a disadvantage for a reason related to their disability.*

Details on potential/likely impact identified:

- *If you have identified a positive impact, please note this.*
- *If you think there is a neutral impact or the impact is not known, please provide a full reason why this is the case.*
- *If you have identified a negative impact, please note what steps you will take to mitigate the impact. If you are unable to take any mitigating steps, please provide a full justification why. All negative impacts that have mitigating actions need to be recorded in the **Action Plan**.*

The EIA

Age: Consider the full range of age groups	
<i>Please tick (✓) the relevant box:</i>	Overall impact:
Positive	
Neutral	
Negative	
Evidence:	

--

Disability: Consider the full range of disabilities, including physical mental, sensory and progressive conditions. Please also consider staff members who already have in place or have requested reasonable adjustments to their working environment.							
Please tick (✓) the relevant box:	Overall impact:						
<table border="1" style="width: 100%;"> <tr> <td style="width: 80%;">Positive</td> <td style="width: 20%;"></td> </tr> <tr> <td>Neutral</td> <td></td> </tr> <tr> <td>Negative</td> <td></td> </tr> </table>		Positive		Neutral		Negative	
Positive							
Neutral							
Negative							
Evidence:							

Sex/gender: Consider both men and women Pregnancy/Maternity/Paternity: Consider staff involved in the restructure who are currently on maternity and paternity leave or are known to be due to go on maternity and paternity leave.							
Please tick (✓) the relevant box:	Overall impact:						
<table border="1" style="width: 100%;"> <tr> <td style="width: 80%;">Positive</td> <td style="width: 20%;"></td> </tr> <tr> <td>Neutral</td> <td></td> </tr> <tr> <td>Negative</td> <td></td> </tr> </table>		Positive		Neutral		Negative	
Positive							
Neutral							
Negative							
Evidence: <i>Please include figures on the number of staff who are on maternity and paternity leave.</i>							

Ethnicity/race: Consider the impact on different ethnic groups and nationalities					
Please tick (✓) the relevant box:	Overall impact:				
<table border="1" style="width: 100%;"> <tr> <td style="width: 80%;">Positive</td> <td style="width: 20%;"></td> </tr> <tr> <td>Neutral</td> <td></td> </tr> </table>		Positive		Neutral	
Positive					
Neutral					

Negative	
Evidence:	

<p>Other equality implications</p> <p><i>Where relevant, please provide the impact of your proposed restructure on staff with the following protected characteristics:</i></p> <ul style="list-style-type: none"> - Religion/faith - Sexual orientation - Gender reassignment - Marriage/civil partnership - Socio-economic status, for example caring responsibilities <p><i>Monitoring data is not available for all protected characteristics at the level of the proposed restructure you are undertaking. However, you should still consider the equality implications by using any appropriate consultation and monitoring data or Human Resources information where it is available.</i></p> <p><i>If you have identified a negative impact, please follow the same process as you have done for the other protected characteristics.</i></p>
--

<p>Will the restructure have an impact on individuals or groups that use your service?</p>	<p>Yes / No</p> <p><i>If yes, an Equality Impact Assessment on the activity will be required.</i></p> <p><i>If you are unsure, please seek advice from the Corporate Policy & Diversity team at diversity@haverling.gov.uk</i></p>
---	--

Action Plan

In this section you should list the specific actions that set out how you will address any negative equality impacts you have identified in this assessment.

Protected characteristic	Identified negative impact	Action taken to mitigate impact*	Outcomes and monitoring**	Timescale	Lead officer

* Section 5.1 of the Organisational Change and Redundancy Policy and Procedure outlines the consultation process with staff and Trade Unions.

** Monitoring: You should state how the negative impact will be monitored; how regularly it will be monitored; and who will be monitoring it (if this is different from the lead officer).

Review

In this section you should identify how frequently the EIA will be reviewed; the date for next review; and who will be reviewing it.

Strictly Private and Confidential

**Part A of this form to be completed by the employee and returned to
your Head of Service**

.....

Part A

To: *(insert name, post title and work address of Head of Service)*

**Expression of interest in an estimate of benefits for voluntary
redundancy**

I wish to receive an estimate of benefits for release on the grounds of voluntary redundancy. If you are a member of the LGPS, and are aged 55 or over, this estimate will also include an estimate of pension benefits which may be payable.

Personal details

Full name:

Home address:

Post title:

Line manager:

Grade of post:

NI number:

Pay number:

Date of birth:

Date of continuous local government service (if known):

Please advise if you are employed in more than one role with the Council.
Yes/No.

If Yes: please detail all roles and working hours in the space below:

I understand:

- I will only be provided with an estimate of benefits if I am in the group of employees identified by the Head of Service to request estimates.
- by submitting this request I will receive an estimate of redundancy benefits based on a potential release date of *(to be inserted)*.
- that this expression of interest does not mean that I will be released on the grounds of voluntary redundancy and that this request for estimates is not an application for release.
- that I will be asked to confirm on receipt of my estimate if I would wish to be considered for release for voluntary redundancy.
- that the decision regarding release on the grounds of voluntary redundancy is a matter for the Head of Service to consider.
- that the voluntary redundancy scheme may be withdrawn or changed at any time, solely at the discretion on the Council.

Signature

Date

.....

This part of the form to be completed by Head of Service and sent to their HR Lead Adviser.

Part B

To: *(insert name of HR Lead Adviser)*, Internal Shared Services, 1st Floor Central Library.

From: *(insert name and post title of Head of Service)*

Please prepare an estimate of benefits for the above named employee and send to their home address as advised above.

Please also send me a copy of this estimate marked private and confidential.

Name:

Signature:

Date:

Voluntary Redundancy Business Case Template

Appendix 6

Strictly Private and Confidential

Head of Service Business Case for Redeployment & Redundancy Panel

Employee name	
Current post and grade	
Service area	
Cost of release	Employee aged over 55 and in LGPS - attach estimate from pensions, showing cost of release to pension fund and redundancy payment due. Employee aged under 55 -attach estimate letter to the employee showing redundancy payment.
Please detail the case for the release of this member of staff against the following selection criteria: <ul style="list-style-type: none">• Whether the release will avoid the need for compulsory redundancy• Potential impact of the loss of the individual's skills, knowledge and experience• Any other relevant issue such as labour market shortages, known retention problems etc Please attach structure chart and/or ring fencing document showing position of this role within the structure.	

Any other relevant information you would wish the panel to consider?	
--	--

Signed.....Date.....
Name.....

Decision of the Redeployment & Redundancy Panel

Name of employee.....

Current post and service.....

Date of birth.....

It is the decision of the panel that the above named employee

Either

is released on the grounds of voluntary redundancy*

Or

is not released on the grounds of voluntary redundancy*

*Please delete as appropriate.

Signed – panel members:

1. Signature.....Name.....Date.....

Name (please print).....

2. Signature.....Name.....Date.....

Name (please print).....

3. Signature.....Name.....Date.....

Name (please print).....

Memorandum of Early Conclusion of Formal Consultation Template



MEMORANDUM OF EARLY CONCLUSION OF FORMAL CONSULTATION

1. HAVERING LONDON BOROUGH COUNCIL ("the Council") has been undertaking formal consultation with UNISON, GMB, UNITE, NATIONAL UNION OF TEACHERS (NUT), NATIONAL ASSOCIATION of SCHOOLMASTERS and UNION of WOMEN TEACHERS (NASUWT) ("the Unions") under s.188 Trade Union and Labour Relations Act 1992 regarding reorganisation proposals by the Council which may have the effect of making some employees of the Council compulsorily redundant.
2. There have been consultations regarding the proposal for the reorganisation of and the Unions have made representations to the Council which the Council has considered and has either amended its proposals or has explained why it has not been able to accede to the representations.
3. Both the Council and the Unions agree that the consultation process for the re-organisation of has now been concluded.

Dated

SIGNED on behalf of the Council:

SIGNED on behalf of the Unions with
members affected by the
reorganisation

Group Director

UNISON branch secretary*

GMB branch secretary*

UNITE branch secretary*

NUT branch secretary*

NASUWT branch secretary*

*(delete as appropriate)

Appeal Against Redundancy Procedure Introduction

Appendix 8 1.

- 1.1 An employee may submit in writing an appeal against selection for redundancy to the Director of HR & OD (or representative), within five working days of receipt of the notice of redundancy. Only employees of the Council who have been selected for redundancy may submit an appeal under this procedure.
- 1.2 The employee in their letter of appeal to the Director of HR & OD must set out the grounds for appeal and provide any supporting statement and/or documentation to allow the appeal to be considered.
- 1.3 All employees have the right to have a redundancy appeal hearing and may choose to be accompanied at the hearing by a Trade Union representative or a work colleague.
- 1.4 The appeal will be heard by the Redundancy & Redeployment Panel chaired by a Group Director and comprises the Director of Legal & Governance and the Director of HR & OD (or their representatives).
- 1.5 The appeal should normally be dealt with within 15 working days of its submission unless exceptional circumstances require a longer timescale.
- 1.6 The employee will be notified of the outcome of the appeal within 5 working days of the hearing.
- 1.7 The decision of the Panel will be final and there is no further right of appeal.

2. Procedure for Appeal Hearing

- 2.1 The Panel shall, where appropriate satisfy itself that the appellant is aware of their right to be accompanied by a trade union representative or a work colleague.
- 2.2 The appellant or representative shall submit their case in the presence of the management representative (usually the employee's Head of Service).
- 2.3 The management representative shall be given the opportunity to ask questions of the appellant/representative.
- 2.4 The Panel may ask questions of the appellant/representative.
- 2.5 A management representative shall submit the case for the redundancy in the presence of the appellant and/or representative.
- 2.6 The appellant and/or representative shall be given the opportunity to ask questions of the management representative.
- 2.7 The Panel may ask questions of the management representative.
- 2.8 The appellant/representative and the management representative may sum up their cases if they so wish.
- 2.9 The management representative, the appellant and their representative shall withdraw whilst the Panel deliberates the case. If any recall is necessary to clarify points of uncertainty, both parties are to return.
- 2.10 The Panel decides.
- 2.11 Both parties shall be recalled and notified of the Panel's decision.
- 2.12 The decision of the Panel will be confirmed in writing within 5 working days of the hearing.

Trial Period Monitoring Template

Appendix 9

Trial Period Monitoring template Strictly

Private and Confidential

Name of employee
Name of line manager
Service area
Review dates week 1
 week 2
 week 3
 week 4

Start date of trial period

Week One (*Note one review document to be completed for each week of trial period*)

Activity to be undertaken	To be completed by (date)	Review notes	Learning and development support to be provided

--	--	--	--

18.01.21

54

--	--	--	--

Signed Line Manager

Signed employee

Date:

Date:

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Overview & Scrutiny Board

21 March 2022

REPORT

Subject Heading:

Scrutiny of Voluntary Release Scheme

SLT Lead:

Alison McKane – Interim Monitoring Officer

Report Author and contact details:

Anthony Clements Principal Democratic Services Officer
anthony.clements@onesource.co.uk

Policy context:

The report relates to the Board's scrutiny function.

Financial summary:

There is no significant financial impact from the report itself.

The subject matter of this report deals with the following Council Objectives

Communities making Havering
Places making Havering
Opportunities making Havering
Connections making Havering

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SUMMARY

Officers will bring for scrutiny the Council's HR policy to support the Voluntary Release Scheme (VRS).

RECOMMENDATION

That the Board scrutinises the policy and makes any recommendations it considers appropriate.

REPORT DETAIL

At its meeting on 15 February 2022, the Board expressed some concern over the planned reduction in posts as part of the proposals for the 2022/23 budget. In order to seek to address these concerns, the Council's Voluntary Release Scheme is attached for scrutiny by the Board.

IMPLICATIONS AND RISKS

Financial implications and risks

None of this covering report.

Legal implications and risks:

None of this covering report.

Human Resources implications and risks:

None of this covering report.

Equalities implications and risks:

None of this covering report.

Climate Change Implications and risks:

None of this covering report.



Voluntary Release Scheme

(March 2022)

Voluntary Release Scheme (VRS)	Applies to all Council employees
Last Amended: March 2022	Document Owner: Human Resources & Organisational Development

Introduction

This document provides guidance for managers and employees on the process for those who wish to make a request to leave the Council's employment via the Voluntary Release Scheme (VRS). This scheme provides an opportunity for an employee to voluntarily leave their employment, with the agreement of the Council, in return for a release payment.

Contents

1	• Eligibility
2	• Scope of Scheme
3	• Request Process
4	• Release Payments and Benefits
5	• Pension Benefits
6	• Request Outcomes

1

Eligibility

To be eligible to receive a payment under this Voluntary Release scheme, employees must be directly employed by the London Borough of Havering and have completed at least one year of continuous local government employment.

2

Scope of the Scheme

- The scheme is voluntary, the Council cannot guarantee that all requests will be approved.
- Requests from employees in services where there are roles which are hard to retain or recruit to are very unlikely to be agreed, this includes Social Workers, Planners, Occupational Therapists and those employees who were in scope of the recent Business Support Review.
- Employees will not be re-engaged in any capacity, including as a consultant or via an agency, within twelve months of leaving the Council's service where employment has terminated on the grounds of voluntary release.
- There is no right of appeal against the decision of the Council and all requests are made on this understanding.

3

Request Process

Employees who are interested in requesting Voluntary Release can do this by completing the VRS request form on-line. If you do not have online access contact the VRS Project Team at voluntary.release@haverling.gov.uk



Before submitting a request, employees should calculate their release estimate using the online calculator. Employees aged 55+ who have been members of the Local Government Pension Scheme (LGPS) for at least 2 years will require an estimate of pension entitlement and should also request this via the on-line process.

Employees should notify their line manager of their request at this stage.



The completed request form is automatically sent to the appropriate line manager to recommend their support or otherwise for the request.



The recommendation of the line manager will be sent to the appropriate CLT member for verification. CLT members will ensure that fair and consistent consideration has been applied to all the requests made within their service areas.



The Senior Leadership Team (SLT) will review all VRS requests for final support or rejection and before submitting these to the Redundancy & Redeployment Panel for a final decision. The VRS Project Team will communicate request outcomes to line managers and employees.

What is Voluntary Release (VR)?

The Council is offering an opportunity to employees to voluntarily leave the Council's employment in return for a release payment. The payment on offer under the Voluntary Release Scheme is the same as if an employee took voluntary redundancy.

For those employees who are aged 55 and over and who have been members of the Local Government Pension Scheme (LGPS) for at least 2 years this will also include early release of their pension benefits.

All eligible employees must be directly employed by the London Borough of Havering with at least one year of continuous local government service.

Employees who leave the Council's employment under the terms of the Voluntary Release Scheme will be entitled to a payment that is based on the Council's voluntary redundancy calculation. Voluntary Release payments are tax free and 'capped' at £30,000 in line with the Council's voluntary redundancy arrangements.

Employees with more than one year but less than two years' service will receive between one and three weeks' pay depending on their age (see Appendix 1).

Under Voluntary Release, there are three scenarios that may apply:

1. Aged 55 years or over and in the LGPS for at least two years

Employees aged 55 years and over, who have been members of the LGPS for at least two years.

Where a request for Voluntary Release is approved by the Council, employees will be permitted to leave the Council, receiving immediate access to an unreduced pension plus a voluntary release payment.

2. Aged over 55 years and not in the LGPS

Employees aged 55 years and over, and who are not members of the LGPS (or have been LGPS members for less than two years), are eligible to request a voluntary release payment only.

3. Aged under 55 years

Employees who are under 55 years old are eligible to request a voluntary release payment only.

See Appendix Two for examples of voluntary release calculations, alternatively, use the online voluntary release calculator via the VRS portal.

Employees aged 55 years and over and who are members of the LGPS for at least two years, are eligible to request a voluntary release payment and the release of an unreduced pension benefit. An unreduced pension benefit means that the pension benefits accrue to the date of leaving and are payable at an unreduced rate (i.e. no reduction for accessing before state pension age). The benefits are **not** made up to the level an employee would have received had they remained in the scheme until state pension age.

Voluntary Release payments can be calculated by using the on-line calculator but Pension estimates are provided by the Local Government Pension Scheme Administrators. The VRS Project Team will request that individual pension estimates are provided for all eligible employees that make a request under the Scheme.

The Council will consider all requests with two potential outcomes:

1. The request is **approved by the Redundancy and Redeployment Panel**. An end date will be agreed in discussion with the employee and line manager.
2. The request is **not approved by the Redundancy and Redeployment Panel** there is **no right of appeal** against the decision of the Council.

In the event that a request is agreed, an end date should be agreed between the employee and their line manager. It is expected that the employee will work their contractual notice period as a minimum although exceptions to this may be agreed by the relevant Director. No employee should work beyond the 30th September 2022. The Council will not pay in lieu for any notice not worked.

All pro-rata annual leave entitlement must be taken before the last day of service unless there are exceptional circumstances when a payment may be made. Director approval will be required to make any payment for outstanding annual leave. Any leave taken in excess of an employees' pro-rata entitlement (calculated at the leaving date) will be deducted from the final salary.

Appendix One

Ready Reckoner for calculating the number of weeks' pay due. Employees with one but less than two years' service are offered the same as employees with two years' service.

Age	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20
18	1																		
19	1	1.5																	
20	1	1.5	2																
21	1	1.5	2	2.5															
22	1	1.5	2	2.5	3														
23	1.5	2	2.5	3	3.5	4													
24	2	2.5	3	3.5	4	4.5	5												
25	2	3	3.5	4	4.5	5	5.5	6											
26	2	3	4	4.5	5	5.5	6	6.5	7										
27	2	3	4	5	5.5	6	6.5	7	7.5	8									
28	2	3	4	5	6	6.5	7	7.5	8	8.5	9								
29	2	3	4	5	6	7	7.5	8	8.8	9	9.5	10							
30	2	3	4	5	6	7	8	8.5	9	9.5	10	10.5	11						
31	2	3	4	5	6	7	8	9	9.5	10	10.5	11	11.5	12					
32	2	3	4	5	6	7	8	9	10	10.5	11	11.5	12	12.5	13				
33	2	3	4	5	6	7	8	9	10	11	11.5	12	12.5	13	13.5	14			
34	2	3	4	5	6	7	8	9	10	11	12	12.5	13	13.5	14	14.5	15		
35	2	3	4	5	6	7	8	9	10	11	12	13	13.5	14	14.5	15	15.5	16	
36	2	3	4	5	6	7	8	9	10	11	12	13	14	14.5	15	15.5	16	16.5	17
37	2	3	4	5	6	7	8	9	10	11	12	13	14	15	15.5	16	16.5	17	17.5
38	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	16.5	17	17.5	18
39	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	17.5	18	18.5
40	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	18.5	19
41	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	19.5
42	2.5	3.5	4.5	5.5	6.5	7.5	8.5	9.5	10.5	11.5	12.5	13.5	14.5	15.5	16.5	17.5	18.5	19.5	20.5
43	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21
44	3	4.5	5.5	6.5	7.5	8.5	9.5	10.5	11.5	12.5	13.5	14.5	15.5	16.5	17.5	18.5	19.5	20.5	21.5
45	3	4.5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22
46	3	4.5	6	7.5	8.5	9.5	10.5	11.5	12.5	13.5	14.5	15.5	16.5	17.5	18.5	19.5	20.5	21.5	22.5
47	3	4.5	6	7.5	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23
48	3	4.5	6	7.5	9	10.5	11.5	12.5	13.5	14.5	15.5	16.5	17.5	18.5	19.5	20.5	21.5	22.5	23.5
49	3	4.5	6	7.5	9	10.5	12	13	14	15	16	17	18	19	20	21	22	23	24
50	3	4.5	6	7.5	9	10.5	12	13.5	14.5	15.5	16.5	17.5	18.5	19.5	20.5	21.5	22.5	23.5	24.5
51	3	4.5	6	7.5	9	10.5	12	13.5	15	16	17	18	19	20	21	22	23	24	25
52	3	4.5	6	7.5	9	10.5	12	13.5	15	16.5	17.5	18.5	19.5	20.5	21.5	22.5	23.5	24.5	25.5
53	3	4.5	6	7.5	9	10.5	12	13.5	15	16.5	18	19	20	21	22	23	24	25	26
54	3	4.5	6	7.5	9	10.5	12	13.5	15	16.5	18	19.5	20.5	21.5	22.5	23.5	24.5	25.5	26.5
55	3	4.5	6	7.5	9	10.5	12	13.5	15	16.5	18	19.5	21	22	23	24	25	26	27
56	3	4.5	6	7.5	9	10.5	12	13.5	15	16.5	18	19.5	21	22.5	23.5	24.5	25.5	26.5	27.5
57	3	4.5	6	7.5	9	10.5	12	13.5	15	16.5	18	19.5	21	22.5	24	25	26	27	28
58	3	4.5	6	7.5	9	10.5	12	13.5	15	16.5	18	19.5	21	22.5	24	25.5	26.5	27.5	28.5
59	3	4.5	6	7.5	9	10.5	12	13.5	15	16.5	18	19.5	21	22.5	24	25.5	27	28	29
60	3	4.5	6	7.5	9	10.5	12	13.5	15	16.5	18	19.5	21	22.5	24	25.5	27	28.5	29.5
61+	3	4.5	6	7.5	9	10.5	12	13.5	15	16.5	18	19.5	21	22.5	24	25.5	27	28.5	30

Appendix Two

Examples of voluntary release payment calculations – the amount of weeks' pay is calculated by using the Ready Reckoner at Appendix One.

Employee A is 46 years old, has 12 years of service and earning an annual salary of £26,235

Voluntary Release pay= (£26,235 / 365 x 7 days) x 14.5 weeks = £7,295.48

Employee B is 53 years old, has 24 years of service and earning an annual salary of £20,118

Voluntary Release pay= (£20,118 / 365 x 7 days) x 26 weeks = £10,031.44

Employee C is 39 years old, has 18 years of service and earning an annual salary of £75,591

Voluntary Release pay= (£75,591 / 365 x 7 days) x 17.5 weeks = £25,369.58

Overview & Scrutiny Board

21 March 2022

REPORT

Subject Heading:

CCTV coverage in Havering

SLT Lead:

Alison McKane – Interim Monitoring Officer

Report Author and contact details:

Anthony Clements Principal Democratic Services Officer
anthony.clements@onesource.co.uk

Policy context:

The report deals with issues relating to the Board's scrutiny function.

Financial summary:

There is no significant financial impact from the report itself.

The subject matter of this report deals with the following Council Objectives

Communities making Havering
Places making Havering
Opportunities making Havering
Connections making Havering

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SUMMARY

Officers will bring for scrutiny details of issues relating to the CCTV in Havering.

RECOMMENDATION

That the Board scrutinises the information and makes any recommendations it considers appropriate.

REPORT DETAIL

The Board has previously expressed an interest in scrutinising the position with CCTV coverage in Havering and the issues associated with this. Officers will present at the meeting further details for scrutiny by Members.

IMPLICATIONS AND RISKS

Financial implications and risks

None of this covering report.

Legal implications and risks:

None of this covering report.

Human Resources implications and risks:

None of this covering report.

Equalities implications and risks:

None of this covering report.

Climate Change Implications and risks:

None of this covering report.

2020-21 Annual Survey
of Overview and Scrutiny
in Local Government



Introduction

This year's Centre for Governance and Scrutiny (CfGS) Annual Survey of Overview and Scrutiny in Local Government has been carried out in an environment dominated by the ongoing coronavirus pandemic.

On account of this, although we have continued to ask many of the same questions about the resourcing and structures of scrutiny, we have refocused to reflect on **experiences on governance and scrutiny relating to the pandemic**, as well as on **pressures relating to local authority finances and commercial activity**.

As we emerge from the pandemic, local government and the public sector more generally finds itself at a crossroads – on the cusp of transformation to fundamentally different ways of working but lacking the resources and capacity to confidently grab hold of this opportunity. Part of our work this year is about exploring what scrutiny can do to understand this challenge, and to assist councils with this shift in approach.

This publication forms part of CfGS's Government-funded support for English councils on governance and scrutiny.

Report Authors

Kate Grigg

Ed Hammond

Executive Summary

On the pandemic

- Broadly speaking, where scrutiny continued it was able to positively contribute to matters relating to the pandemic.
- Ineffective scrutiny during the pandemic unsurprisingly correlates with ineffective scrutiny in other areas (particularly financial scrutiny, and a poor approach to making recommendations), and with a poor level of organisational commitment to scrutiny in general.

On finances and commercial activity

- Less than 50% of respondents had confidence that scrutiny is able to adequately oversee matters relating to their council's commercial activities.
- Scrutiny's awareness of and understanding of risk is improving, but there are still gaps.

On effectiveness generally

- Recommendation quality and monitoring has improved slightly since 2019.
- Committee structure, and the number of committees, seems to have no appreciable impact on scrutiny's effectiveness.
- In councils that demonstrated our 'effectiveness measure':
 - They tend to have more dedicated scrutiny officer resource;
 - They tend to use protocols and info digests;
 - They tend to have politically balanced chairs;
 - They tend to agree that there is a cross-party approach to scrutiny and that there is parity of esteem between scrutiny and the executive.

On councillors and politics

- Scrutiny is more effective in councils which take member support and development more seriously.
- The political contestability of councils (i.e. whether the political party holding the majority of the seats changes frequently) does not make much difference to scrutiny's effectiveness.
- The importance of culture has been reinforced.

On resourcing, and the capacity for scrutiny to deliver change

- The average number of FTE scrutiny officers per authority is 1.1.
- The specialist model is the common support arrangement for scrutiny.
- The drop in resourcing continues to have an impact on perceptions of scrutiny's effectiveness.

What we think councils could do differently

- Council executives must urgently satisfy themselves that they are proactively doing all they can to support and foster a culture which welcomes scrutiny and an effective scrutiny function.
- This assurance should be supported by advice given by an authority's statutory scrutiny officer – we now recommend that all authorities designate such an officer, even if not required in legislation.
- Councils should build a central role for scrutiny in the post-pandemic policy development environment.
- Scrutiny councillors and the officers who support them should reflect critically on whether scrutiny focuses on the right things, at the right time, and in the right way.

Methodology

Survey respondents were asked to fill out the full survey if they were the most senior officer with day-to-day responsibility for scrutiny in their council. All other respondents, junior officers or councillors, were asked to complete the abridged version.

This year the closing date for survey responses was March 5th, 2021. As such, results and analysis reflect the political balance, control of authorities, and reflections on scrutiny up to that date.

Since the mid-2000s, CfGS has aimed to carry out a full annual survey every year, although more recently we have tended to carry out a short annual survey focused on practitioners' perceptions of the function. The last "full" survey – and hence the one to which we compare most figures in this report – was carried out in 2019. However, differing response rates in recent surveys do highlight the need for care in direct comparison. It is worth noting that 85 councils provided a full response in 2021 compared to 226 in 2019; the difference is accounted for by a shorter timescale for data collection and the fact that responses were being gathered at what was an extremely challenging time for the sector. 303 responses were received in total for both the full and abridged survey.

Of the 85 councils providing a full response:

- 94% were Leader-Cabinet councils.
- 4% were Mayoral councils.
- 2% were Committee system councils.

Of those 85 councils:

- 9% were County Councils.
- 36% were District/Borough Council in a two-tier area.
- 13% were London Boroughs.
- 8% were Metropolitan Boroughs.
- 21% were other unitary councils.
- 3% were other authorities (e.g. Combined Authorities).
- 10% were Welsh Councils.

Contestable councils

This year, we asked respondents whether their council was "contestable" and 24% answered yes. A contestable council is one which is subject to frequent changes of political control; this may also mean that such councils are frequently hung (under no overall control). We wanted to understand how political contestability affects the work and effectiveness of scrutiny, and whether the political dynamics around contestability have positive or negative impacts for scrutiny. Respondents that considered their council as contestable were 9% more likely to agree that councillor engagement with scrutiny is poor, and 11% more likely to agree that party politics has a negative impact on scrutiny. However, the perceived impact of scrutiny in contestable and non-contestable councils is broadly similar.

Contents

6 / The pandemic

- Key highlights
- Practical issues during the pandemic
- Recovery plans

11 / Finances, commercial activity and risk

- Key highlights
- Finances
- Other reported ways of doing budget scrutiny
- Commercial activity and procurement
- Risk

15 / Effectiveness generally

- Key highlights
- Structures
- Recommendations and impact
- 'Effectiveness measure'

22 / Councillors, representation and politics

- Key highlights

23 / Resourcing, and delivering change

- Key highlights
- Officer resourcing
- The impact of dedicated specialist support

The pandemic

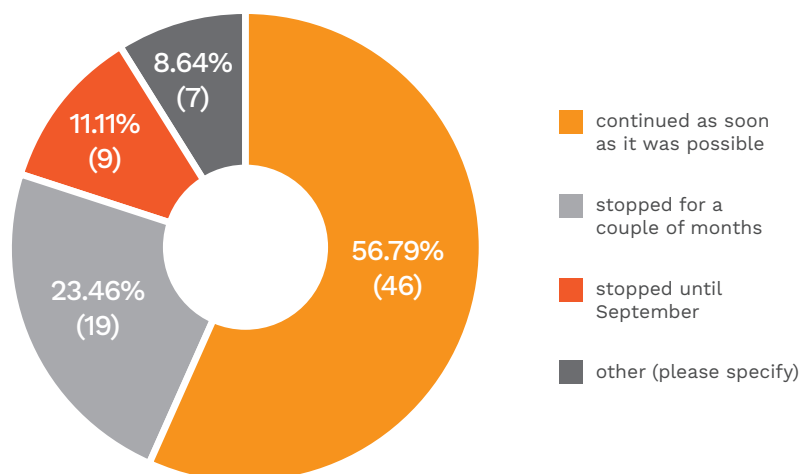
Key highlights:

- Most restarted scrutiny activity during spring 2020 but in some areas scrutiny activity was curtailed for much longer – in some cases, until September and beyond;
- Most restarted all committee activity – a minority restarted a single committee with a focus on pandemic response;
- Most changed their work programmes fairly substantially to account for the pandemic (with some completely rewriting their programmes) but some made no significant changes;
- In many places, a restart to scrutiny was later because councils opted to restart “business critical” member activity first;
- There was fairly substantial use by councils of emergency powers to make decisions throughout the pandemic, and many scrutineers are concerned that they lacked the ability to oversee these decisions;
- Plans for a proper debrief from the pandemic – and plans to involve scrutiny in this activity – are mixed, and uncertain.

The pandemic placed local governance, and scrutiny, under significant pressure. This was explored in “COVID-19: practitioner voices”, published by CfGS in summer 2020 – the annual survey updates that understanding.

For this annual survey, we asked how scrutiny activity changed during the pandemic.

Q19 Scrutiny activity...

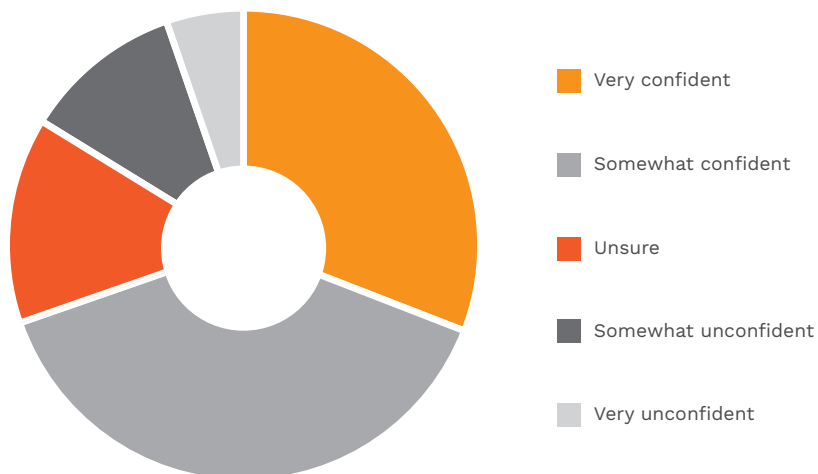


When we conducted a previous snap survey on this subject in May 2020:

- 29% (22 of 75) said that they were adopting a more streamlined approach to scrutiny;
- 8% (6 of 75) said that scrutiny was on indefinite hiatus – a further 18% (14 of 75) said that scrutiny was on hiatus but with plans to reconvene shortly;
- 42% (32 of 75) said that scrutiny was restarting, or continuing, with its full calendar of meetings.

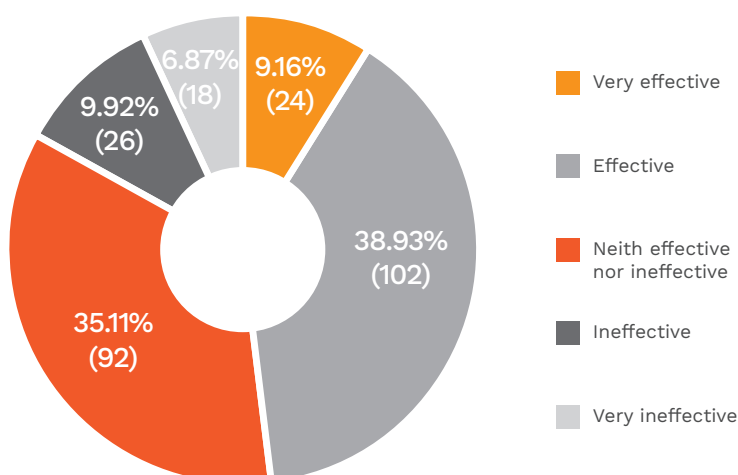
Practical issues during the pandemic

In May 2020 we asked practitioners about their confidence in scrutiny's ability to make an impact during the pandemic.



Looking back, we have now asked whether those expectations have been realised. Generally speaking, the experience has been rather more mixed than initial expectations – although it is worth noting that the councils responding to our May 2020 survey are not all the same as those responding to this survey.

Q47 What is your perception of scrutiny's effectiveness in overseeing or supporting the council, and local people, on matters relating to the pandemic?



Those who answered positively to the above question tended to be from councils:

Where opposition parties hold chairing positions;

Where an executive/scrutiny protocol is in place;

Where management information is shared

- With a dedicated scrutiny officer. The size of the officer team did not appear to make much difference. Anecdotally we speculate that this may be because the impact of number of staff was lessened by redeployment on emergency response;
- Where, in most cases, scrutiny activity had restarted relatively quickly and where either a standing COVID-19 panel had been established or a single committee had convened regularly to consider COVID-19 issues;
- Which completely rewrote their work programme in light of the pandemic (there is a strong correlation here);

- Where councillors were kept informed of emergency / urgency decisions made by the executive as soon as they happened;
- Where there are plans for scrutiny to play an active role in helping the councils to learn lessons once the pandemic ends.

In many of the councils where scrutiny was able to play a positive role during the pandemic - scrutiny work continued but committees were reduced throughout the initial lockdown. When the full suite of committees first resumed, the number of items considered at each meeting focused on urgent and business critical matters.

“Our work programmes became more focused on key priorities, with a subsequent return of some of the important but deferred business at the height of the pandemic. For example, we were beginning a review of car parking charging as the pandemic began, but this was deferred for a few months whilst we focused on scrutinising the safe reopening of town centres and ensuring safe access.”

“We worked extremely hard to ensure that the scrutiny relating to the pandemic made a difference. Over 70 hours of scrutiny was undertaken, including task groups, covering the response and recovery, subjects included care homes, economy, education, the response, healthcare and much more.” tiny work continued but committees were reduced throughout the initial lockdown. When the full suite of committees first resumed, the number of items considered at each meeting focused on urgent and business critical matters.

In the cases where scrutiny was sidelined, this manifested through:

- Scrutiny being on hiatus for an extended period following the shift to remote working;
- A failure to make meaningful changes to the work programme in light of the pandemic;
- A failure by the council to keep councillors involved and informed on decision-making – especially when emergency and urgency decision-making powers were used.

Ineffective scrutiny during the pandemic unsurprisingly correlates with ineffective scrutiny in other areas (particularly financial scrutiny, and a poor approach to making

recommendations), and with a poor level of organisational commitment to scrutiny in general. Councils with ineffective pandemic scrutiny also reported poor councillor engagement with scrutiny in a general, a poor relationship between scrutiny and the executive overall (with a negative impact from party politics, a lack of a parity of esteem between the functions, and unsupportive senior officers being strong factors). There was also an extremely strong correlation with councils where scrutiny was reported to be poor at engaging with the public in its work.

Authorities from the South West and East Midlands were disproportionately represented amongst these councils where scrutiny had

been less effective. Councils in the North West seemed to have had the best experiences. Unitary councils and county councils tended to have had more positive experiences overall – shire districts generally less so.

Scrutiny activity seemed to restart sooner in more contestable councils – in these councils, the restart was more likely to involve all scrutiny committees (87%) than was the case in non-contestable councils.

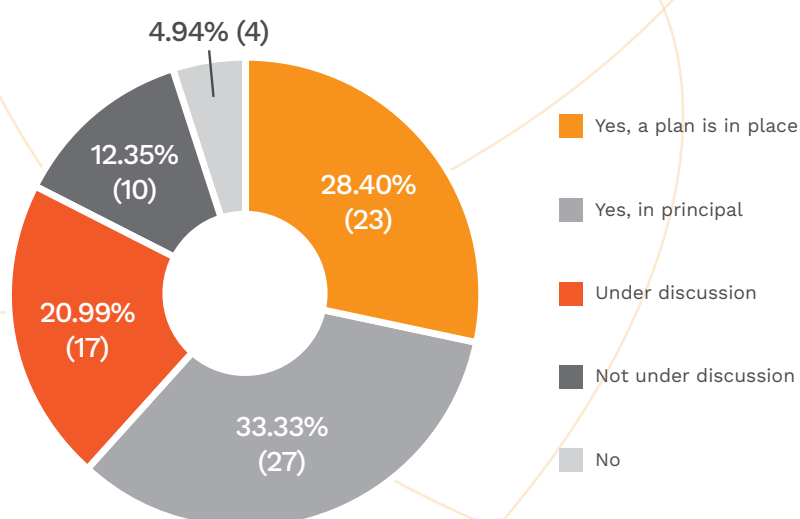
“The first few weeks of the Pandemic saw decision making mainly in the hands of the Executive officers, in consultation with the Leadership, as government guidance was changing almost daily. However once Cabinet was able to meet remotely from mid May, the OSCs soon followed. They were able to continue with their work programmes, adding pandemic related updates such as the distribution of grants, impact on the workforce and community support/engagement.”

The role of the Monitoring Officer

In councils where the Monitoring Officer is not a corporate director (ie, where they do not sit on the corporate management team or regularly attend CMT meetings) councillors were generally less informed on emergency and urgency decision-making. Such councils are also less likely to be ones where scrutiny is planning to take a role in the oversight of post-pandemic recovery.

Recovery plans

Q27 Is there a plan for scrutiny to take an active role in helping the council to learn lessons, and to debrief, once the pandemic ends?



Councils report a range of plans for scrutiny’s ongoing work around pandemic recovery. Generally these divide into three areas:

- A debrief-style exercise (essentially what we have described as a “step back” review) – looking at the emergency response and where lessons can be learned;
- Looking at the immediate and emerging community impacts of the pandemic;

- Horizon-scanning – reflecting on what the pandemic is likely to mean for long term plans.

In all respects, there is a strong tendency for councils to be planning cross-cutting work – most reported that recovery scrutiny was deliberately designed to draw together councillors from multiple committees and with multiple specialisms.

In some cases recovery scrutiny has already begun, and emerged from ongoing review of pandemic response in summer and autumn 2020. Only in London were more than 50% of authorities responding actively planning scrutiny work on pandemic recovery – in other places only around 25% of councils had such plans in place.

“If scrutiny does take a formal role in learning lessons from the crisis what, in your view, should this look like?”

- “Joint task groups to focus on specific areas, eg economic recovery”;
- “To support the strategic reset and recovery process, rather than focusing on single themed operational issues”;
- “Shaping the agenda, identifying priorities, reviewing the recovery plan”;
- “Structured task and finish groups looking at different elements of the response, breaking it up into meaningful chunks”.

Finances, commercial activity and risk

Key highlights:

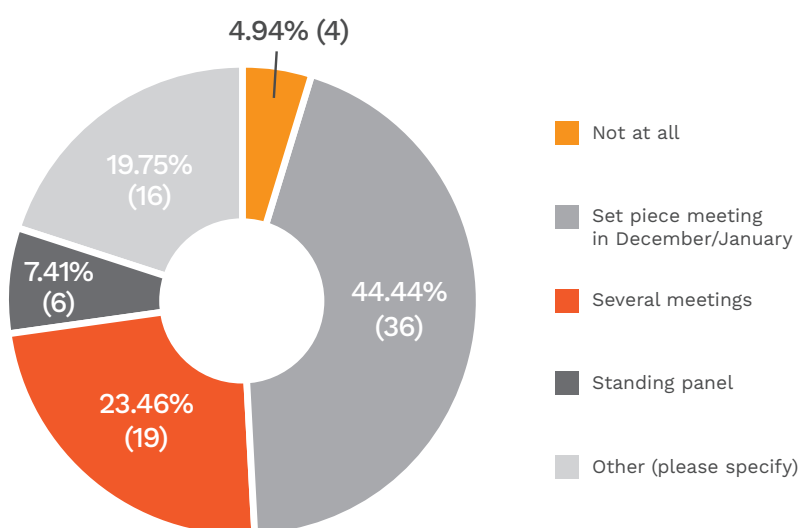
- 78% of respondents said that their council was under “significant financial pressure”;
- More councils are taking a year-round approach to financial and budget scrutiny;
- Only 65% of respondents had confidence that scrutiny is able to adequately oversee matters relating to council finances;
- Less than 50% of respondents had confidence that scrutiny is able to adequately oversee matters relating to their council’s commercial activities – 10% said that they were very confident that it can’t;
- A range of factors would seem to help to improve scrutiny of financial and commercial matters – principally better access to information and a clearer role for scrutiny;

- Scrutiny’s awareness of and understanding of risk is improving, but there are still gaps.

Finances

In March 2020, CfGS published a practice guide on financial scrutiny. This recommended a year-round approach to review of council finances and budget development. This sits in contrast to the traditional approach taken by many councils, which is to hold a set-piece event in December or January to consider the budget in total before it is submitted to Full Council. These set-piece events tend to be ineffective as they invite councillors to consider the budget line-by-line in a very limited timeframe, which can involve scattergun questioning and a focus on operational matters.

Q35 How does scrutiny review the budget?



This compares with 2019’s figures:

- 38% of respondents held a set piece meeting in December/January,
- 27% held several committee meetings over the course of the autumn and winter,
- 8% had a standing panel or sub-committee which sits throughout the year,
- 10% did not review the budget at all.

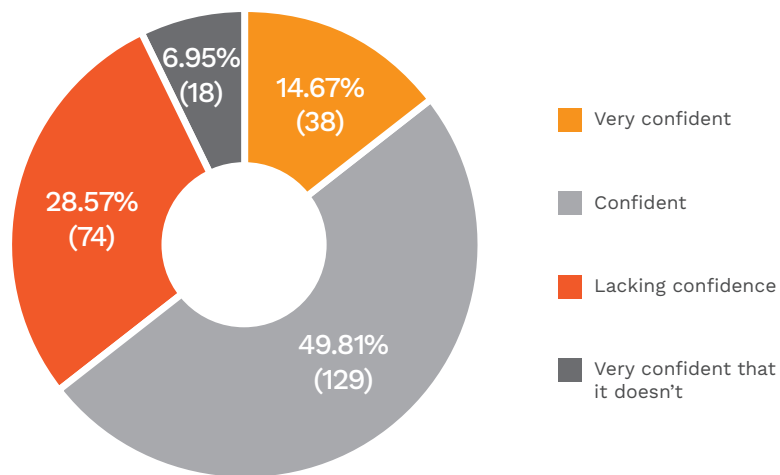
The figures are broadly similar (with any difference reflective of the fact that this year we have provided an “other” category).

Other reported ways of doing budget scrutiny

- Integrating it with quarterly monitoring of the in-year budget;
- Monitoring through the year by a public accounts select committee before consideration by other scrutiny committees individually;
- Consideration through informal working groups informing a set-piece event in the New Year;
- Through all-member workshops supported by the Director of Finance;
- Through a regularly-meeting Joint Budget Scrutiny Committee.

Confidence in councils' ability to oversee council finances generally is mixed.

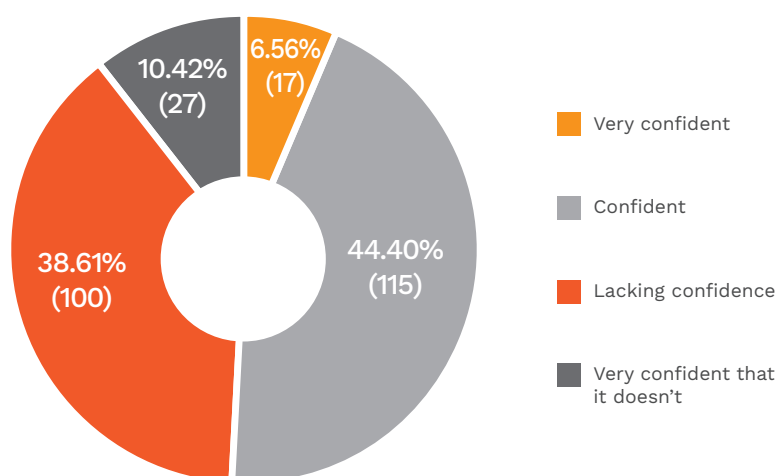
Q51 How confident are you that scrutiny is able to adequately oversee matters relating to council figures?



Commercial activity and procurement

In respect of commercial activity, procurement and outsourcing, scrutiny continues to struggle to find a productive role. There is less confidence in the ability of scrutiny to have an effect here.

Q52 How confident are you that scrutiny is able to adequately oversee matters relating to council's commercial activity?



Better access to information and a clearer role for scrutiny were cited as the primary things which might improve scrutiny of both financial and commercial matters. Scrutiny tends to find itself duplicating the work of others on commercial activity; requests for information are often met with refusal on the grounds of commercial confidentiality. Where scrutiny is less aware of the exposure of the council to risk and pressure on commercial activity it can increase the pressure to access information

– this can lead to vicious cycle of request and refusal which can disengage councillors, and which presents risk to governance. CfGS is planning work later in 2021 on the access by councillors of commercially confidential information.

Challenges around councillor access to information on commercial and finance issues were highlighted in the Grant Thornton RIPI relating to Croydon Council.

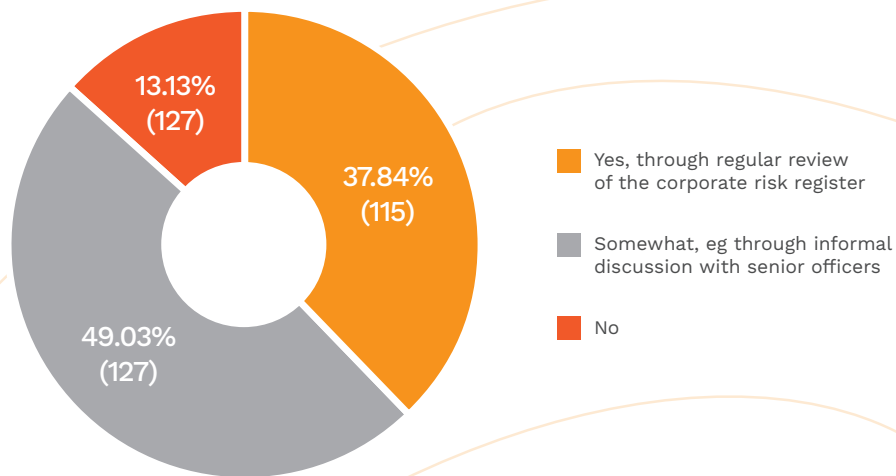
“I am [a portfolio holder]. The opposition did not like the new waste contract. They have used the Scrutiny Committee to call for reports on all aspects of the service, for absolutely no reason other than to try to find fault - which they have been unable to do. Much time and effort has been spent preparing reports for Scrutiny, which in practice are a waste of officers time.”

“We've worked to strengthen [the way that councillors scrutinise finance and performance], engage with members, provide training - do everything you should but the members just don't come to the table in the right ways; it's quite depressing to report the Council's financial position and not have a single question or issue raised about it.”

Risk

CfGS increasingly recommends that scrutiny functions develop an awareness of risk to inform their work. Oversight of the risk management framework generally sits with audit, but the greater councillors' awareness of risk the easier it will be for them to use this information to craft a work programme which engages with the issues where the council is experiencing most pressure.

Q54 Does scrutiny have an understanding about the council's overall exposure to risk - for example, on finances, on commercial activity, on demographic pressures etc?



Effectiveness generally

Key highlights:

- Recommendation quality overall is still a cause for concern, although things have improved since 2019;
- The presence of dedicated scrutiny officers tends to make scrutiny more effective although – as previously stated – while a correlation is present we cannot demonstrate causation. Perceptions of effectiveness of the scrutiny function are higher where a council's Monitoring Officer sits on CMT, but the same caveat applies;
- Councils are becoming better at monitoring recommendations (although the pandemic has impacted on councils' ability to carry out regular monitoring);
- Councils point to an average of 50 recommendations having been made in 2019/20 of which 40 were accepted and 31 implemented; an average success rate of 62%. This figure is down on previous years;
- Committee structure, and the number of committees, seems to have no appreciable impact on scrutiny's effectiveness.

Structures

As in previous years, structures have a negligible impact on scrutiny's effectiveness. A multi-committee setup for scrutiny is becoming more common – it is now the dominant committee structure in all types of council other than shire districts, where a single committee model is still most common.

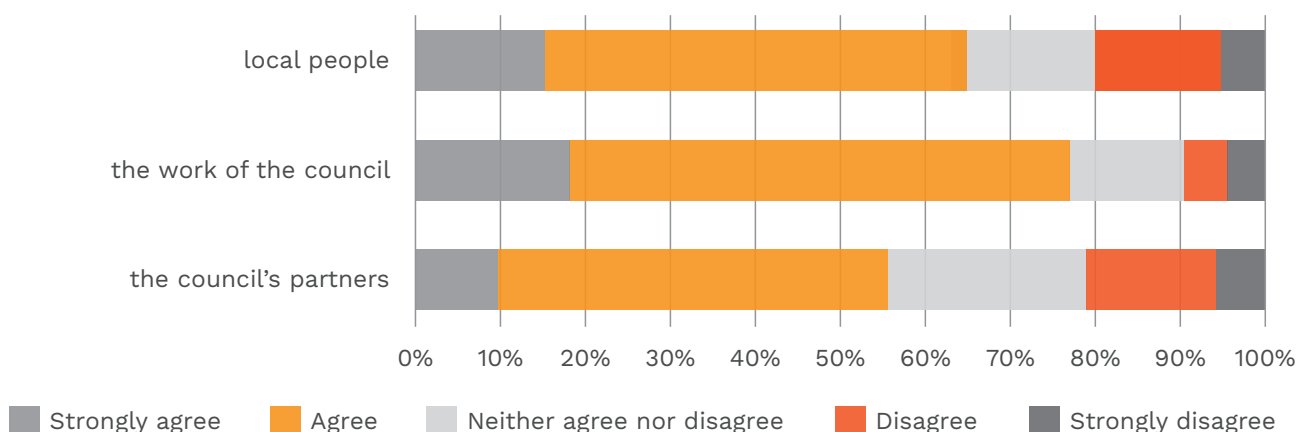
Recommendations and impact

Making high-quality recommendations and understanding how output makes a difference to local people's lives is a vital part of effective scrutiny.

Of all councils responding:

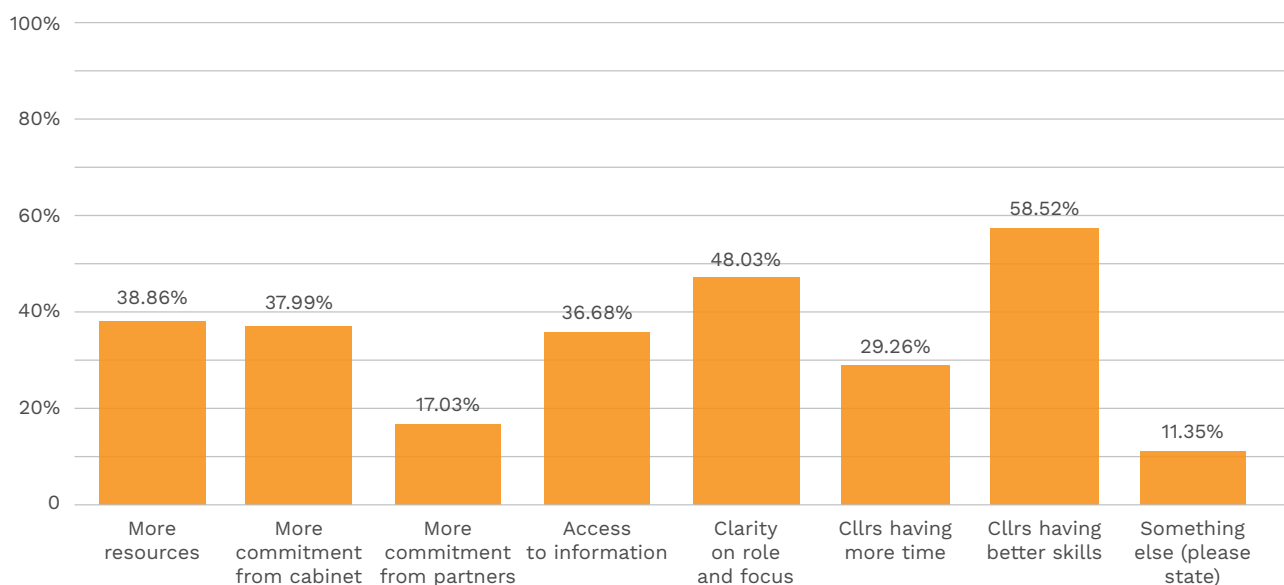
- In 2020/21, an average of 80% of recommendations were accepted and 62% implemented, compared with 82% and 65% respectively in 2019/20;
- These figures have been fairly static for several years, although this hides some rises and falls in certain authorities;
- On average, 54% of councils' recommendations asked the council or its partners to actually do something, an increase from 2019;
- 68% of councils reported that they actively monitored recommendations – a big increase on 2019's figure of 42%. Again this may be down to selection bias and sample size. However the survey also asks for specific figures on recommendations made and implemented in previous years, and in answering this only around 40% of councils responding were able to express confidence in the figure they were providing, which suggests that this is a real shift rather than a feature of who has responded;
- Overall, 77% of respondents agreed scrutiny has an impact on the work of the council, 65% agreed scrutiny has an impact on the lives of local people and 56% agreed it has an impact on the work of council partners.

Q46 Scrutiny has an impact on...



We asked people what they thought would make scrutiny more effective.

Q57 What local activity would improve scrutiny's impact and effectiveness?



While more resources and executive commitment were important factors as might be expected, there is also an awareness that clarity on role is important – and the most popular answer was the need for councillors to have better skills (we should note that, in an example of inadvertent bias by the designer of the survey, this question did not provide an option for those who felt that officers might need better skills).

In 2019 our scrutiny committee received high praise from the Local Government Association's Peer Challenge Review team. The way in which the Committee collectively plan and prioritises its work programme through its away day, had particularly impressed the team. They were also very complimentary about the focus that gives to our work and resultant impact that Overview & Scrutiny Committee has had on the way the Council operates.

In order to come to a view on effectiveness generally, CfGS looks at respondents' answers to several questions together, and seeks to understand where correlation lies – essentially whether there are any particular practices that appear to be associated with more effective scrutiny.

'Effectiveness measure'

We have for some years used a basket of several measures to evaluate scrutiny's effectiveness. Recently, we have drawn together a number of these characteristics to form an overall 'effectiveness measure', which we first used in our 2019 survey and which we are using this year unchanged.

The characteristics in the 'effectiveness measure' are:

1. The presence of at least 70% of scrutiny recommendations accepted and implemented within the last three years (noting that the national average is 62%);
2. Whether respondents recognise a constructive relationship between the executive and scrutiny;
3. Whether respondents consider that scrutiny has a positive impact.

Councils demonstrating any one of these single characteristics is a sign of scrutiny's effectiveness, but these characteristics in combination form our 'effectiveness measure' and make a very convincing case for scrutiny working successfully within a council.

It is difficult to establish conclusively that scrutiny in such councils is always more effective, but we continue to explore effectiveness as we work to better understand political culture and the practical impact of scrutiny work.

In councils that demonstrated our 'effectiveness measure':

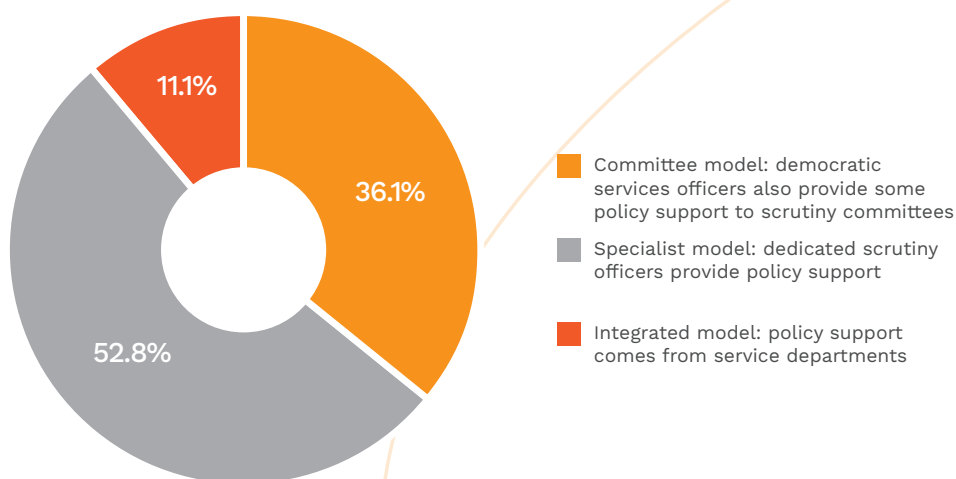
- When asked about scrutiny overseeing or supporting the council, and local people, on matters relating to the pandemic 84% agreed it had been effective
- 69% either have an executive-scrutiny protocol in place or are planning one
- The Monitoring Officer is more likely to be part of the Corporate Management Team
- 96% are confident that scrutiny is able to adequately oversee matters relating to council finances, and 85% are confident that scrutiny is able to adequately oversee matters relating to the council's commercial activity.

The following graphs highlight the most statistically significant differences between councils that demonstrated our 'effectiveness measure' against those that did not – the form of scrutiny support, chairing arrangements, information sharing and opinions on scrutiny's culture and role.

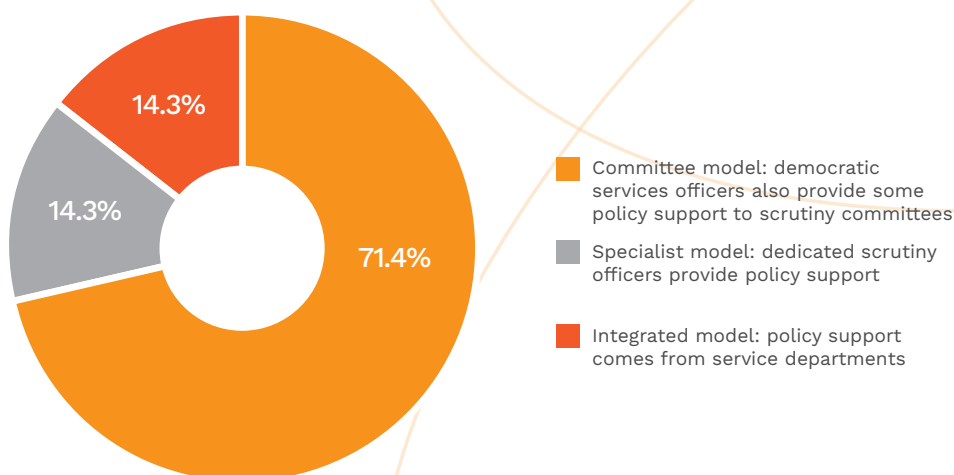
We have done this for comparative purposes – attempting to evaluate whether there are commonalities in the councils expressing these characteristics. It is interesting to note the ways of working and perceptions of culture that tend to be expressed more by these councils, but it does not necessarily mean there is one way to do effective scrutiny. The councils that did not demonstrate our 'effectiveness measure' simply did not satisfy the criteria we set out – it is not a judgement about whether their scrutiny function is able to perform effectively.

The questions of causation are much more difficult to answer, and as evidenced by the graphs below there is almost as much variation in how scrutiny operates between councils that demonstrate our 'effectiveness measure' as there is with those that do not.

Councils demonstrating our 'effectiveness measure': What form of scrutiny support does your authority operate?

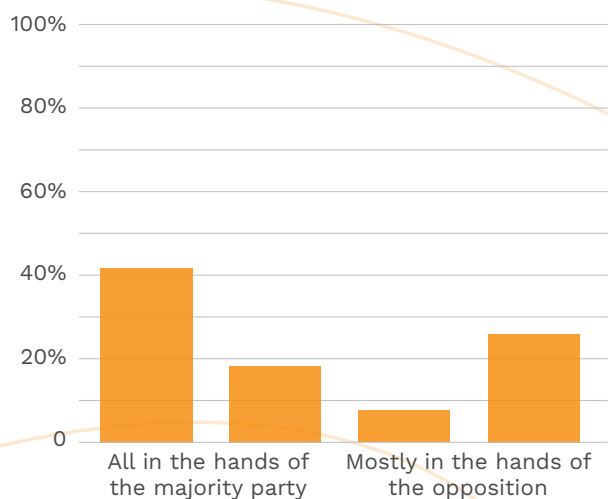


Councils not demonstrating our 'effectiveness measure': What form of scrutiny support does your authority operate?

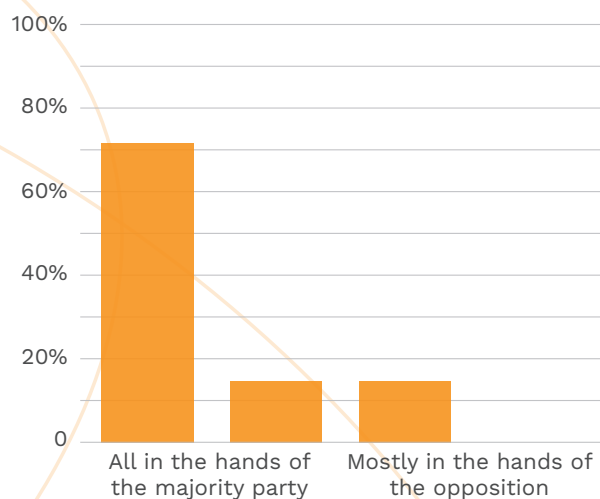


The specialist model of support is significantly more likely to be operating in councils demonstrating our 'effectiveness measure'. Although effective scrutiny is possible under a range of models, and there has been a drop in the number of dedicated scrutiny officers in recent times, CfGS considers that the specialist model provides the best opportunity for robust, high quality support to councillors.

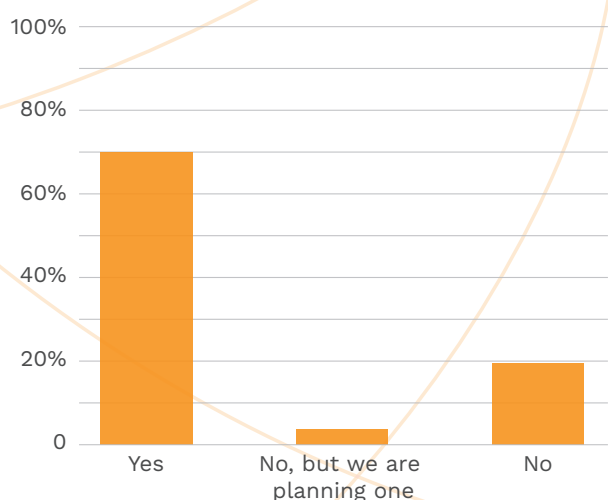
Councils demonstrating our 'effectiveness measure': Are chairing positions in your authority...



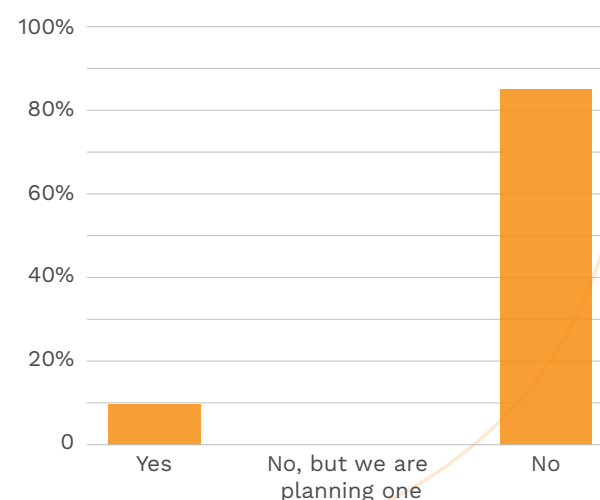
Councils not demonstrating our 'effectiveness measure': Are chairing positions in your authority...



Councils demonstrating our 'effectiveness measure': Does your council have arrangements in place for sharing key sources of information about performance etc with councillors "outside" committee (e.g. by way of an information digest)?

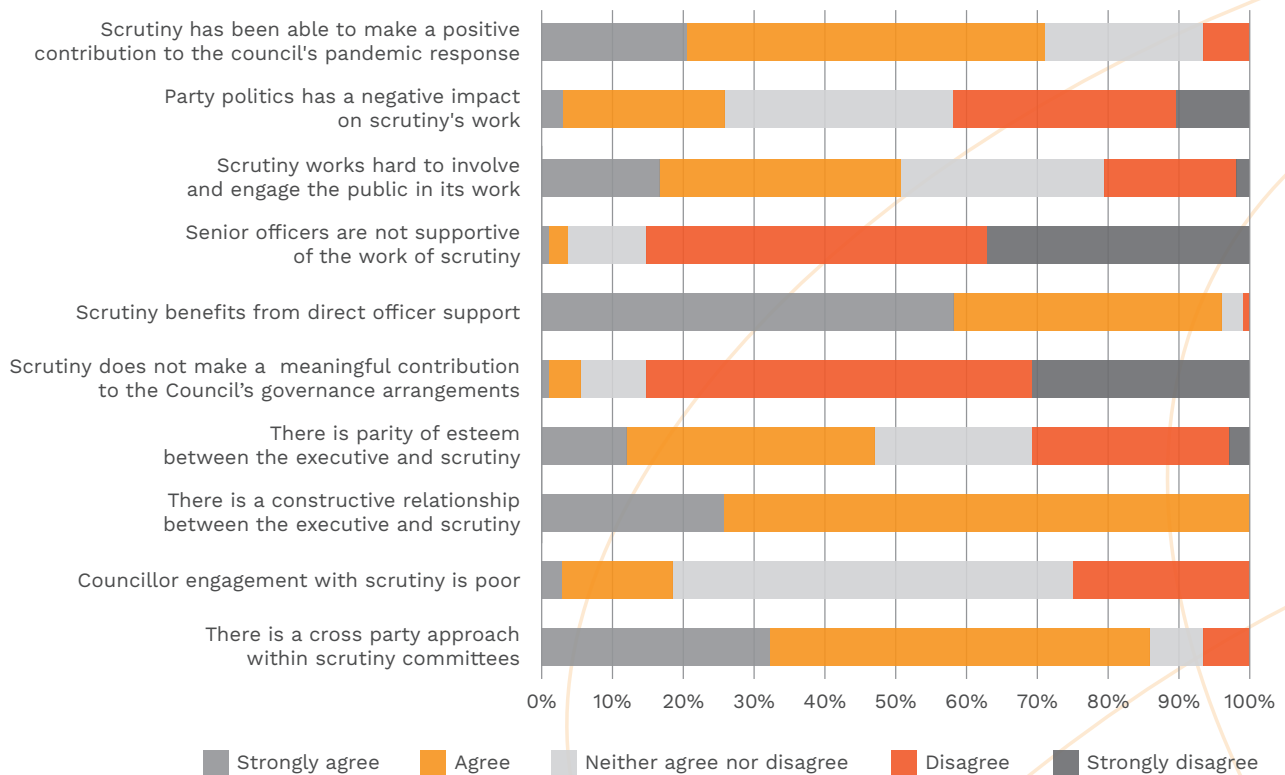


Councils not demonstrating our 'effectiveness measure': Does your council have arrangements in place for sharing key sources of information about performance etc with councillors "outside" committee (e.g. by way of an information digest)?

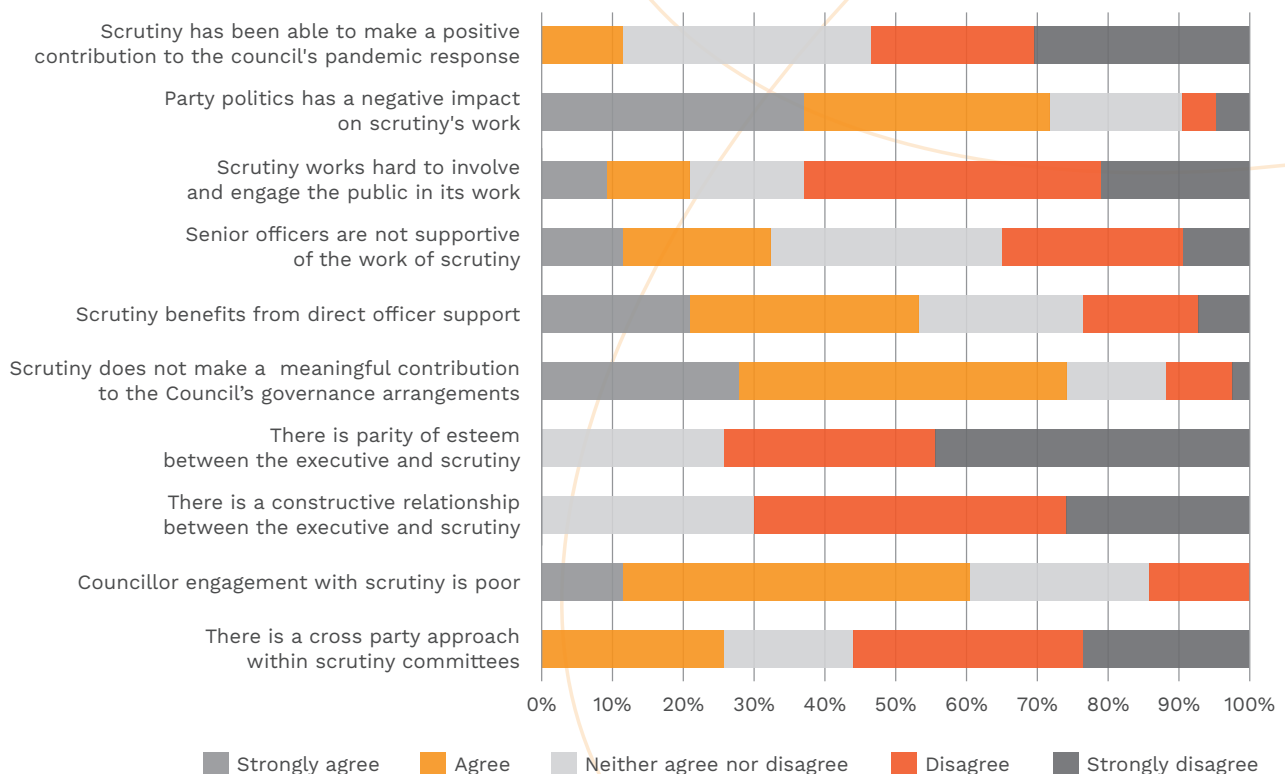


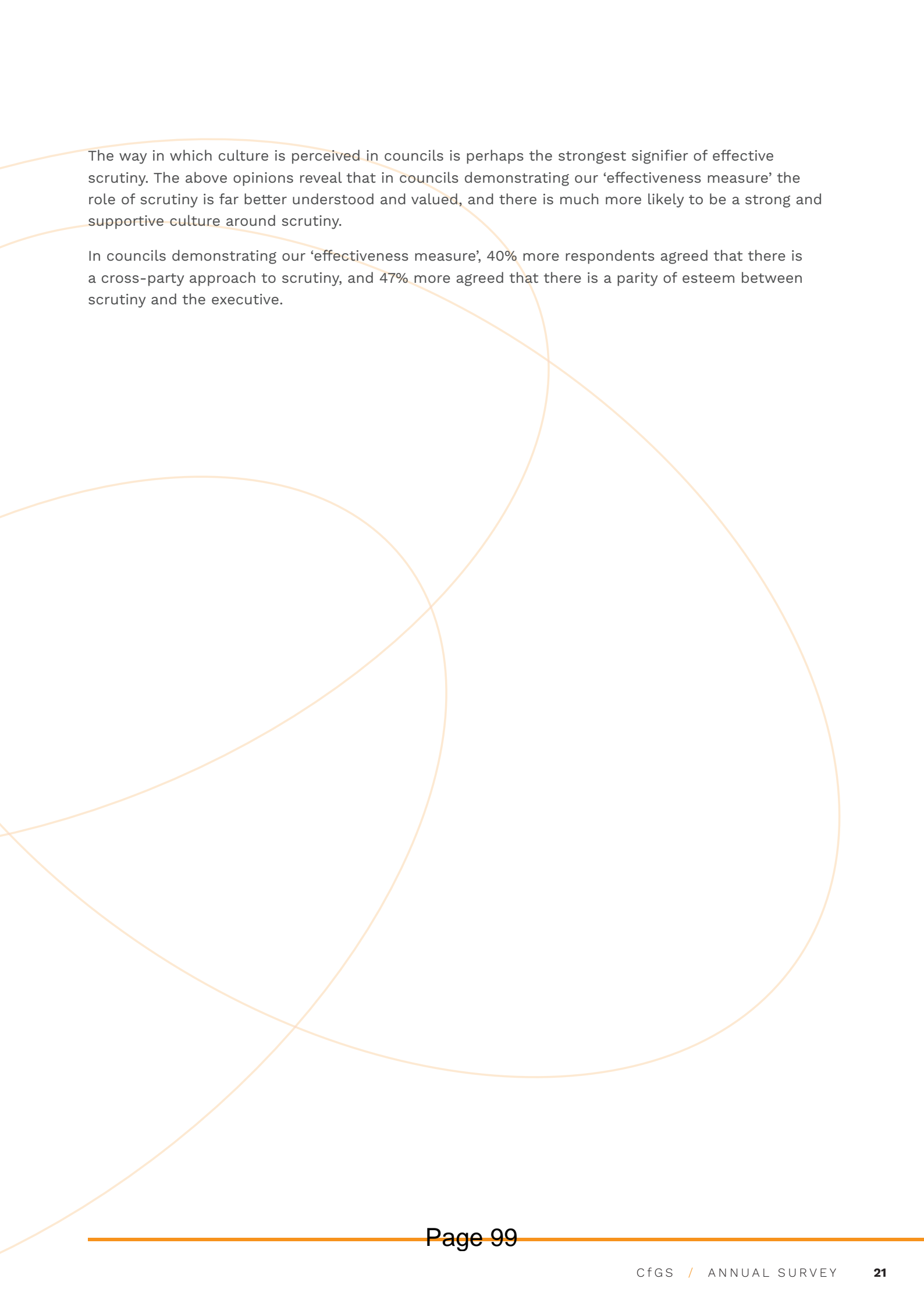
The way that councils share information with members, and the way in which members use that information, is critical for timely and relevant evidence-based scrutiny. In councils demonstrating our 'effectiveness measure' sharing key sources of information outside committee is a common way of working. This has the advantage of avoiding committee time being overburdened with information that could be shared more regularly and informally with members, so that issues can be identified for further in-depth investigation.

Councils demonstrating our 'effectiveness measure': To what extent do you agree or disagree with the following statements about culture and role?



Councils not demonstrating our 'effectiveness measure': To what extent do you agree or disagree with the following statements about culture and role?



The page features three large, thin, orange circles that overlap each other. One circle is in the upper left, another is in the lower left, and a third is on the right side, partially overlapping the others.

The way in which culture is perceived in councils is perhaps the strongest signifier of effective scrutiny. The above opinions reveal that in councils demonstrating our 'effectiveness measure' the role of scrutiny is far better understood and valued, and there is much more likely to be a strong and supportive culture around scrutiny.

In councils demonstrating our 'effectiveness measure', 40% more respondents agreed that there is a cross-party approach to scrutiny, and 47% more agreed that there is a parity of esteem between scrutiny and the executive.

Councillors, representation and politics

Key highlights:

- An average of two thirds of chair and vice-chair positions are held by men;
- In 49% of councils, all chairing positions are in the hands of the majority party, and in 17% most chairing positions are in the hands of the majority; in only 20% are chairing positions occupied in a politically balanced way, and in just 14% are chairing positions mostly in the hands of the opposition. Scrutiny in councils where opposition councillors hold some chairing positions tends overall to be more effective;
- Only 53% of informal task and finish groups are composed in a way that is politically proportionate;
- 68% of councils either have an executive-scrutiny protocol in place or are actively planning one;
- 58% of respondents felt that councillors having better skills would improve scrutiny's effectiveness; training and development opportunities for councillors have been limited during the pandemic but in recent years member development has suffered from sustained cuts as well.

This year we wanted to look in more depth at the impact that positive working relationships between scrutiny and the executive have on effectiveness, and perceptions of effectiveness. Councils with an executive-scrutiny protocol are:

- Significantly more likely to have a plan in place for active involvement by scrutiny in post-pandemic recovery activity (50% of such authorities having active plans in place as opposed to 16% for other authorities);
- Marginally less likely to conduct no scrutiny of the budget;
- Significantly more likely to have a system in place to monitor scrutiny recommendations (80% as opposed to 52% of those councils with no protocol and no plans to introduce one);
 - Likely to have slightly more dedicated officer support from other councils (1.62 full time equivalent officers as opposed to the 1.13 average).

Resourcing, and delivering change

Key highlights:

- Average number of full time equivalent (FTE) officers appears to be stable, given the change in response rate (and increasing in some areas). We are cautious about drawing too many conclusions from this as we suspect that selection bias and the smaller sample size for this year's survey has had an effect;
- There seems to have been a shift in the support model for scrutiny functions, with more councils benefiting from dedicated scrutiny officers;
- It has difficult to discern whether these increases have had a clear impact on effectiveness – we explore this in more detail later.

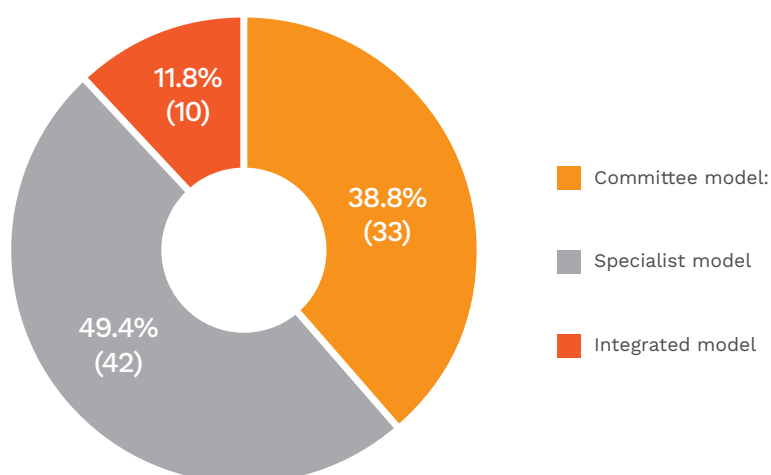
Officer resourcing

- The average FTE officer resource available for scrutiny in 2020/21 was 1.13.
- The average FTE officer resource available for scrutiny in 2019/20 was 1.29.
- The average FTE officer resource available for scrutiny for 2018/19 was 1.27.

We have for many years identified three model types for scrutiny support in councils – specialist, committee and integrated.

- Specialist model: councils have a dedicated scrutiny support team or officer(s);
- Committee model: scrutiny support is principally provided by democratic services officers;
- Integrated model: scrutiny support comes mainly from policy officers in service departments.

Q16 What form of scrutiny support does your authority operate?



Councils with specialist scrutiny support were slightly more likely to have wholly rewritten their work programmes as a result of the pandemic (20% vs 9%); they are also marginally more likely to have an executive-scrutiny protocol in place. Scrutiny with specialist support is also more likely to take a robust approach to budget scrutiny (47% carrying out little to no budget scrutiny as opposed to 59% of those with no dedicated policy support).

The impact of specialist support

As in previous years the specialist model is dominant in urban areas (with 80% of London boroughs following this model and 71% of other metropolitan unitaries), with two-tier areas (both county and district authorities) most likely to use the committee support model (50% and 23% respectively).

The impact of dedicated specialist support

Where dedicated specialist support is available it makes a positive difference to perceptions that:

- “Councillor engagement with scrutiny is poor” (specialist 6% agree, non-specialist 33%)
- “There is a constructive relationship between the executive and scrutiny” (specialist 68% agree, non-specialist 55%);
- “Scrutiny does not make a meaningful contribution to the council’s governance arrangements” (specialist 14% agree, non-specialist 29% agree);

- “Senior officers are not supportive of the work of scrutiny” (specialist 0% agree, non-specialist 26% agree);
- “Scrutiny has an impact on the work of the council” (specialist 92% agree, non-specialist 73% agree – a similar split asks when asked if scrutiny has an impact on the public and on the work of partners).

Conversely in one area councils with non-specialist support “performed” better – 29% of respondents in councils with non-specialist support reported that there was parity of esteem between the executive and scrutiny as opposed to 17% in councils with specialist support.

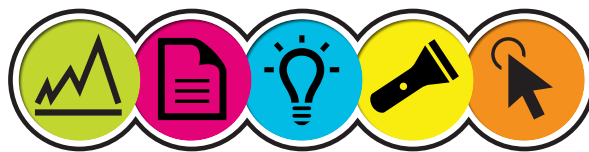
The questions remains as to whether this perception translates into reality.



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A councillor's workbook on scrutiny



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This councillor workbook includes references to materials published by the Local Government Association (LGA) and the Centre for Public Scrutiny (CfPS). Further information can be found at www.lga.gov.uk and www.cfps.org.uk.

All documents published by the CfPS and referenced in this workbook can be found in full on the CfPS website www.cfps.org.uk.

Foreword

This workbook has been designed as a learning aid for elected councillors. It makes no judgement about whether you have been a councillor for some time, or whether you have been elected more recently. If you fall into the former category the workbook should serve as a useful reminder of some of the key skills, approaches and tactics that make for an effective ward councillor – it may even challenge you to reconsider how you have approached aspects of the role to date.

Those councillors who are new to local government will recognise that they have much to learn. The workbook will help you to get up to speed with key aspects of the ward councillor role that require focus and attention. In effect, it should provide you with some pointers on how to develop a style and approach that you are comfortable with, and that enables you to be most effective in your day to day duties.

The workbook can be used as a standalone learning aid or as an adjunct to other material you may cover. It offers few firm rules for councillors as it is recognised that each individual must decide how best to use and develop their influencing skills, based on individual preference and confidence. As such, the workbook should serve more as a direction marker rather than a road map.

In practical terms, the document will take between two to three hours to work through. You do not need to complete it all in one session and may prefer to work through the material at your own pace. The key requirement is to think about your own approach in influencing other people – how the material relates to your local situation, the people you serve and the council you represent.

In working through the material contained in this workbook you will encounter a number of features designed to help you think about the ward councillor role. These features are represented by the symbols shown below:



Guidance – this is used to indicate research, quotations, explanations and definitions that you may find helpful.



Challenges – these are questions or queries raised in the text which ask you to reflect on your role or approach – in essence, they are designed to be thought-provokers.



Case studies – these are ‘pen pictures’ of approaches used by other people or organisations.



Hints and tips – these represent a selection of good practices which you may find useful.



Useful links – these are signposts to sources of further information and support, outside the workbook, which may help with principles, processes, methods and approaches

Scrutiny in local government

Introduction

The Local Government Act 2000 introduced a new political management system for local councils in England and Wales, requiring them to have a separate 'executive' in the form of a leader, or elected mayor, and cabinet.

To provide a counterweight for this, the Act also introduced the concept of 'overview and scrutiny', whereby every council with an executive management structure is required to have an overview and scrutiny committee. This enables the rest of the council to scrutinise the executive by investigating their decisions and policies, and issuing reports and recommendations where any shortcomings are identified.

The Localism Act 2011 gave councils the option of converting to a committee system form of governance. Councils that have chosen this option are not required to have a separate overview and scrutiny committee, although they may choose to do so. It is still expected that scrutiny will take place within committees to identify where improvements need to be made.

Whichever governance system a council operates, scrutiny is an essential part of ensuring that local government remains transparent, accountable and open, resulting in improved public policies and services.

As a councillor, you have been elected by your local community because they believe you will represent them in ensuring the council provides the services they need, to the standard they expect. By understanding their needs you can bring a different perspective to the decision-making process to that provided by the council executive or officers, which helps decisions to be more robust.

Whether or not you are directly involved in the scrutiny function, it is important that you understand how scrutiny works and the benefits that it can bring. This workbook will:

- explain what scrutiny is and how it works in practice
- describe the scrutiny review process
- look at who is involved in scrutiny
- give an overview of useful skills for carrying out scrutiny.

Powers of scrutiny

The principal power of a scrutiny committee is to influence the policies and decisions made by the council and other organisations involved in delivering public services. The scrutiny committee gathers evidence on issues affecting local people and makes recommendations based on its findings.

Scrutiny can investigate any issue which affects the local area or the area's inhabitants. However, effective scrutiny work relies on scrutiny's 'soft' influencing power, as it has no formal power to compel anyone to make changes. For this reason, before undertaking any scrutiny work it is important to think about not only scrutiny's legal powers but also about how to build a positive working relationship with those who are the subject of scrutiny's recommendations. This ensures a much higher chance of scrutiny's recommendations being implemented.

Generally, a scrutiny committee has the legal power to:

- require that the council makes information available to it, both in the form of written reports and by officer and cabinet member attendance at committee meetings
- require that the cabinet responds to its recommendations within a set time frame.

Scrutiny also has powers relating to certain external partners. More information can be found on the CfPS website (www.cfps.org.uk/practice-guides).

Effective scrutiny

For scrutiny to be effective it needs to be seen as a 'critical friend' and it is important to identify where decisions could be improved and how to prevent mistakes being made or repeated. However, the focus should be on forward thinking and making positive changes, rather than apportioning blame and focusing on the negatives. This will help to foster positive and constructive relationships between scrutiny, councillors and officers.

Successful scrutiny relies on the following conditions:

Effective work programming

Work programming is the planning stage of scrutiny, where subjects for further investigation are identified. It is most effective when there are clear criteria for the selection of subjects and agenda items. This is covered in more detail later in the workbook.

Positive attitude of the council executive and council officers

Scrutiny works well when the council's executive views it in a positive light and as an opportunity to improve council performance. Scrutiny's effectiveness will be reduced if the executive sees it as aggressively critical, which will lead to defensive behaviour and make it difficult for scrutiny to influence change.

Similarly, scrutiny will be more effective if council officers are willing to provide information and assistance when required. Ideally, officers should see scrutiny as an essential partner in improving services, where non-executive councillors can help them to better understand local people and make robust judgements about priorities.

Positive attitude of scrutiny councillors

Scrutiny councillors need to be committed to making the function work and to developing the conditions necessary for working effectively with the council's executive and officers, and any other relevant partner organisations.

It is also important that scrutiny is seen as impartial and stays separate from party politics. However, scrutiny work includes looking at issues that are locally politically contentious and high profile, and as such an element of political disagreement is inevitable. The challenge for you, as a scrutiny councillor is to use your political skills and understanding of the needs of local people to shape the discussions, whilst not acting in a party political manner or using the discussions to further party political objectives

More information can be found in 'Overview and scrutiny in local government: a handbook for elected members' (CfPS, 2013), accessible from: www.cfps.org.uk



Guidance What is good scrutiny?

Fundamentally, all scrutiny work must add value: it must make a positive contribution to the lives of local people and scrutiny committee members must be very clear about how their work will do this. When scrutiny is carried out properly it is constructive and focuses on the priorities of local people, which feeds into the priorities of the council and its partners. Good scrutiny:

- tackles issues of direct relevance to local people
- tackles issues where, through the unique perspective of elected councillors, it can add the most value
- is about talking to a wide range of people, drawing them together and building consensus
- is about challenging the accepted ways of doing things and acting as a champion for developing a culture of improvement in the local area.

Adding value

The purpose of scrutiny is ultimately to improve the lives of local people through improved public services. To justify the resources allocated to scrutiny it is important to be able to demonstrate that scrutiny work adds value and makes a difference to local people.

A scrutiny review is successful if it fulfils one or more of the following conditions:

- it meets the objectives set out by the scrutiny committee
- feedback from the public shows that they think there has been the service improvement they desired
- the work has helped to achieve corporate or partnership priorities
- there is a return on investment, demonstrating scrutiny's impact and outcomes in financial terms.

The impact scrutiny has can be measured in two ways:

Outputs – quantitative expressions of the activities being reviewed, for example 'waste bin collections have increased to 10,000 every week'. These can be expressed in financial terms to show return on investment.

Outcomes – what stakeholders experience as a result of the review, for example if the local community recognises an improvement. The council and its partners could also be stakeholders, for example where scrutiny recommendations relate to internal processes.

The CfPS publication 'Tipping the Scales' details a model for measuring return on investment for overview and scrutiny.



Case study

Adur, Arun and Worthing – measuring the return on investment

A scrutiny review was undertaken to consider the ROI of improving the health and wellbeing of homeless people, after evidence showed that Arun District has the fourth highest number of people in the UK who sleep rough on its streets.

Return on investment

The review explored whether the demand on A&E and hospital admissions for homeless people was linked to whether or not they were registered with a GP. The following conclusions were reached:

- on average, homeless people who were not registered with a GP were eight times more likely to visit A&E
- this meant the burden on A&E services could be reduced if homeless people were registered with a GP
- it cost less when a homeless person registered and visited a GP than when they attended A&E.

Further work then identified the cost of undertaking the review, which made it possible to calculate how many homeless people needed to be registered with a GP for there to be an overall net saving.

Return on investment calculation

Review costs: 334 review hours x average wage £11.60/hr = £3874

Estimated cost per visit to A&E = £131

Cost of registration and visit to GP = £79

Potential saving if registered with GP = £52 (£131-£79)

Return on Investment = £52 x 8 visits = £416

Number of homeless people needed to register to balance review = 10 (£416 x 10 = £4160)

You can find more Scrutiny Return on Investment (SROI) examples in the CfPS publication 'Tipping the Scales', which is available at: www.cfps.org.uk

Being cost-effective

Scrutiny committees need to work effectively with limited resources. They can do this by:

Carrying out work more efficiently – for example, holding single-topic committee meetings, so a group of councillors can speak to a large number of witnesses in a round-table format.

Targeted work programming – having processes in place to decide what will and what will not be reviewed and investigated.

Providing officer support more efficiently – for example, by thinking more carefully about what support scrutiny committee members want and need from officers and what skill set officers have and require.

Resource availability – work programming should be influenced by what resources are available.

Circulating information – providing or making information available to councillors prior to meetings on a more regular and informal basis, so they spend less time in meetings reading reports. Councillors and officers can work together to limit the volume of material councillors are sent to material that is relevant and useful to them.

Public scrutiny

The involvement of the public provides a unique perspective on how well public services are being delivered and how they could be improved, from the point of view of those receiving and using the services.

Members of the public can attend scrutiny meetings and can make their views known to their local councillors and members of the scrutiny committee. There are also opportunities for the public to get involved in a more meaningful way in task and finish reviews, which are covered in more detail later in the workbook.



Case study Successful scrutiny – Lincoln Against Poverty

Every year, the Centre for Public Scrutiny presents the Good Scrutiny Awards, which recognise councils who have undertaken successful scrutiny work. The 2015 top winner was the City of Lincoln Council for their Lincoln Against Poverty scrutiny work. Here is a summary of the project.

Objective

To build an effective plan to tackle poverty that includes and is supported by over 120 partners from a wide range of organisations.

Scope

The review covered a wide range of topics including benefits and low income, accessing work, child poverty and education, health and housing. In Lincoln, one in four children lives in poverty, a significant number of residents are in fuel poverty, and the city is recognised as having one of the highest rates of acute deprivation in England.

Approach

In 2014, the Lincoln Against Poverty Conference was a key forum for delivering workshop sessions that focused on areas that had been reviewed, and enabled partners to explore and discuss the different facets of poverty and the support required to move beyond it in the coming year. The council used a wide range of data including statistical data, academic and organisational journals and reports, and case studies on those in the city experiencing poverty first hand.

Recommendations

From this extensive review project, and input from partners, 100 suggestions were put forward and used to develop the Lincoln Anti-Poverty Action Plan 2014/15. The impressive number of suggested actions implemented demonstrated not only the council's dedication to tackling this issue but the positive and effective outcomes that can be achieved by engaging relevant partners and the community.

Outcomes

Some of the key actions that were recommended or directly influenced by the Community Leadership Scrutiny Committee include:

- Relocating the Lincolnshire Credit Union from the outskirts of the city into Lincoln City Hall in the city centre. As a result, there were 78 new customers, 78 small loans were issued – key in challenging doorstep loans and resulting in an estimated £121,000 savings to customers by not using a doorstep lender.
- In partnership with City of Lincoln Council, Lincoln Christ's Hospital School, Lincolnshire Credit Union, and Barclay's Bank, Year 7 students undertook money awareness and the benefits of savings courses. Students were provided with the opportunity to open savings accounts and were encouraged to start the savings programme through an incentive scheme set up by the City of Lincoln Council.
- A loan shark awareness programme was undertaken involving the extensive use of multiple media platforms to deliver the message. As a result, 48 per cent of clients surveyed at the JobCentre were aware of the campaign, the Lincoln Citizens Advice Bureau saw a 12.4 per cent increase in people seeking advice compared to the year before, and the Lincoln Christians Against Poverty saw a five-fold increase in waiting times for debt advice.
- Finally, the re-distribution and recycling of large household items was improved, as well as a better alignment of food bank and welfare services to address changing situations of those in need.

You will find more examples in Successful Scrutiny Good Scrutiny Awards, which is published on the CfPS website: www.cfps.org.uk

Work programming

The role of scrutiny is to achieve positive outcomes for local people by undertaking a thorough, targeted examination of the council's service provision and procedures. However, it is not possible to examine every service in detail, so it is important for the scrutiny committee to prioritise and plan its workload. Some councils do this at the beginning of each year and some do it on an ongoing basis.

Planned scrutiny

Work programming is the process for determining which topics scrutiny will look at over the coming year, either at committee meetings or

in task and finish groups. This involves evaluating a number of factors to decide which topics are to be investigated and when. The process will typically involve long-listing and then short-listing topics before making a final decision.

Responsive scrutiny

Whether planned scrutiny takes place at the beginning of the year or on an ongoing basis, the priorities for scrutiny need to be monitored and evaluated on an ongoing basis. This makes sure scrutiny can be flexible and responsive to high-priority issues or policy changes that occur throughout the year.



Hints and tips

The scrutiny topic selection process

Each council has its own method for selecting topics for scrutiny; in some councils there may be a very structured selection process, whilst in others it may be more informal. Whatever level of detail is involved, the general process should include the following activities.

1. Identify issues

You can identify potential issues by:

- consulting with all members of scrutiny committees, senior officers, cabinet members and council officers
- looking at corporate priorities, business plans and the Forward Plan of the council (and the council's neighbours)
- considering events and decisions in the council's calendar that could require an input from scrutiny, such as setting budgets
- evaluating previous council performance and identifying any follow-up work required to previous scrutiny work
- carrying out work to engage with local people, for example through surgeries, local media, opinion surveys and online forums.

2. Prioritise topics

Identify and prioritise potential scrutiny topics, considering the resources they would require and the level of impact they could achieve.

3. Plan scrutiny work

Decide which scrutiny topics to review and include them in the work programme.

4. Review and evaluate

Review progress and evaluate outcomes to demonstrate the value added by scrutiny.



Guidance

Criteria for selecting scrutiny topics

The following criteria provide a useful guide for prioritising and selecting which topics are suitable for scrutiny to review.

Topics **are** suitable for scrutiny when:

- scrutiny could have an impact and add value
- the topic is of high local importance and reflects the concerns of local people
- the resources are available that would be required to conduct the review, in terms of manpower and budget
- it avoids work duplication elsewhere
- the issue is one that the committee can realistically influence
- the issue is related to an area where the council, or one of its partners, is not performing well
- the issue is relevant to all or large parts of the local area
- the review would be in the council's interests.

Topics **are not** suitable for scrutiny when:

- the issue is already being addressed elsewhere and change is imminent
- the topic would be better addressed elsewhere (and will be referred there)
- scrutiny involvement would have limited or no impact upon outcomes
- the topic may be sub-judice or prejudicial to the council's interest
- the topic is too broad to make a review realistic
- new legislation or guidance relating to the topic is expected within the next year
- the topic area is currently subject to inspection or has recently undergone substantial change.

Defining scrutiny topics

For every item on the work programme/new referral, it should be clear:

- What is the issue/activity/project under consideration?
- What is scrutiny being asked to do?
- What are the reasons for/expected benefits of involving scrutiny in the matter?
- Is there a specific deadline for the piece of work?



Challenge 1 – prioritising topics

Consider the issues that are important to the people you represent in your ward. List the five issues you think are the most important, then put them in order of priority; make a note of your reasoning. Do you know all the information you need to handle complaints effectively? Consider these statements to identify any gaps. If you answer ‘no’ to any of them, take some time to find the answers from your council’s website or your work colleagues.

1

2

3

4

5

Think about how you would translate these into strategic issues. Here is an example:

The issue

A number of residents have been complaining that the trees in the local area are not being pruned regularly enough, becoming a hazard and presenting a potential danger to the public. Complaints include difficulty in walking on the pavement, damage to tall vehicles, trip hazards from tree roots and gardens being overshadowed by trees.

Strategic considerations

The council needs to consider how it allocates its Environmental Services’ resources so that it can be efficient whilst also meeting the needs of local residents. It can look at:

- how services are procured, commissioned and contracted
- which are the most hazardous streets and where the biggest improvements can be made
- prioritising and planning a programme of work for tree pruning.

How scrutiny works

The ongoing formal business of scrutiny is usually carried out by committees, the purpose and composition of which is defined by legislation. The scrutiny committee chair is usually proposed by the council executive, although Full Council votes on the membership of committees and chairs at council AGM.

Scrutiny work is also carried out in smaller, informal ‘task and finish’ groups, which are not covered in legislation. These are time-limited bodies established by scrutiny committees to gather evidence and produce recommendations on a specific subject.

The overview and scrutiny committee

Councils that operate under executive arrangements are required by law to have an overview and scrutiny committee. This must be composed to reflect the political proportions of the council as a whole (so, for example, in a council with 25 Conservatives and 20 Labour councillors, a scrutiny committee may have five Conservative and four Labour members). The chair of the scrutiny committee can represent any political party; when considered collectively they do not need to be politically balanced.

Councils using a committee system of governance are not required by law to create an overview and scrutiny committee, but they may do so if they wish.

Members of the council's executive **may not** sit on the overview and scrutiny committee; cabinet assistants **may** sit on scrutiny committees, since the executive's decision-making powers cannot be delegated to them. However, to avoid a conflict of interests it is common for assistants to be assigned to committees that do not reflect their portfolios.



Challenge 2 – scrutiny in your council

There is no prescribed structure for implementing scrutiny in a council – there may be one overview and scrutiny committee, or several committees and sub-committees. Find out how scrutiny is implemented in your council.

Scrutiny meetings

Scrutiny committee meetings are formal and public. They provide a forum whereby councillors can:

- discuss written information they have received, from the council and external bodies
- hear evidence from witnesses, which could include other councillors, council officers, experts, representatives from other organisations and members of the public
- question witnesses to gain a better understanding of the issues
- draw conclusions from their discussions and the evidence examined, in the form of an outcome.

Committee meetings usually involve one or more substantive written reports being tabled on issues selected by the committee and its chair on the basis of the work programme. The purpose of scrutiny is to provide recommendations for improvement, so it is important to have a clearly defined outcome at the end of the meeting.

The Local Government Act 1972 sets out a variety of requirements around formal committee meetings:

- They must be in public. The public may only be excluded if it is likely that confidential or exempt information will be disclosed.
- The agenda and related papers must also be made public at least five working days before the meeting, unless the meeting is convened at shorter notice. Certain papers may be excluded from publication if they contain confidential or exempt information.
- The council's constitution must have rules of procedure for overview and scrutiny committees, including provisions on:
 - public questions and the public's right to speak at the meeting
 - length of meetings and the use of motions to extend meetings where necessary
 - how witnesses will be managed
 - how the chair will conduct the meeting.

Task and finish groups

Task and finish groups are informal, usually small and time-limited bodies comprised of councillors and, often, co-optees brought in from outside the council for their specific skills and experiences. They are established by a parent committee to undertake a discrete piece of scrutiny work, and report back to that committee with their findings and recommendations.

Task and finish groups are not mentioned in legislation, although most councils make provision for them in their constitution. The following rules of thumb have been developed by CfPS:

- membership should be defined and agreed by the group's parent committee
- the parent committee should also decide on who should chair
- while party whips may nominate other councillors to sit on groups, the ultimate decision rests with the committee and the committee chair
- as far as possible, membership should loosely reflect the political proportionality of the authority (the only caveat being that attempts are usually made to involve smaller parties where they otherwise would not be entitled to a seat)
- members of the group (and even the chair) need not be drawn exclusively from the group's parent committee – any councillor can be nominated to participate
- decision-making in the group (ie deciding on the wording of a final report and deciding on recommendations) should be undertaken through consensus rather than through a vote, given the fact that the membership may not directly reflect political proportionality.

To demonstrate transparency and accountability, it is also recommended that task and finish groups make published information, minutes and evidence-gathering sessions accessible to the public.



Guidance

Effective scrutiny meetings

The role of the committee chair is critical in making sure the committee works as a team and fully understands the issues under discussion in scrutiny meetings. The chair takes an active role in leading and directing the discussion and managing any disagreement between committee members. This is covered in more detail later in the workbook.

There are a number of ways that scrutiny meetings can be made more effective, although a council's ability to do all of these will be limited by the resources it has available.

Agenda

Having clear criteria for assessing agenda items means that only necessary items make it onto the agenda.

Limiting the number of agenda items helps to keep meetings focused and easier to manage. Evidence from the CfPS Annual Survey suggests that any more than three substantive items per meeting is detrimental to its effectiveness.

Preparation

You can make the best use of your time in preparing and attending meetings by prioritising and planning any information you need to prepare or read beforehand.

Effective agenda management, where councillors are provided with a short briefing and key sources of corporate information prior to meetings, can also help to minimise the amount of time spent during the meeting on reading documents, and means more time can be spent on analysis and discussion.

Pre-meeting

If time and resources allow, holding a pre-meeting to plan questions can help to ensure that topic selection is based on councillor interests, so everyone will be willing to make a contribution.

Objectives

Having clearly defined and agreed objectives and outcomes for the meeting means that:

- councillors can work towards a common target in their questioning and witnesses can be fully prepared
- discussions can be easily summarised at the end of the meeting and in the minutes, with a focus on actions, post-meeting communication and follow-up work
- findings and conclusions can be more easily converted into clear, concrete recommendations at the meeting.

Outcomes

Defining outcomes at the end of the meeting makes sure that agenda items are concluded with certainty and there are no 'repeat items' at the next meeting.

It also makes it possible to monitor progress on outcomes and commitments at the following meeting.

Co-optees

Council scrutiny functions have the opportunity to co-opt people from outside the council to sit either on scrutiny committees (as voting or non-voting co-optees) or on task and finish groups.

The formal appointment of a co-optee onto an overview and scrutiny committee is provided for in the Local Government Act 2000. Task and finish groups may co-opt group members without restriction.

For councils responsible for education functions, there is a requirement for certain co-optees to be appointed to the relevant committee. The provisions in the 1996 Act apply to overview and scrutiny committees by virtue of Schedule 1 of the 2000 Act.

For most councils, this will be two diocesan representatives (one Church of England, one Catholic) and two parent governor representatives (one primary, one secondary, and both from maintained schools). Such co-optees have voting rights and are treated as opposition councillors for the purposes of political proportionality (in order to assure that the largest party retains an absolute majority at committee).

For task and finish groups, the parent committee chooses co-optees at the scoping stage. The co-optee's role is identical to that of a councillor member of the review group, but when it comes to making a final decision on a report or recommendations, in practice it will be councillors' views that take precedence.

Combined authorities

The Cities and Local Government Devolution Act 2016 requires that combined authorities in England have their own overview and scrutiny committee.

Combined authorities are bodies formed jointly by a number of councils in a geographic area. They are the formal basis for the devolution of powers from central government to local areas. As such, combined authorities will have a significant part to play in big decisions around economic development, skills and transport, as well as other areas such as health and social care. The scope and nature of these decisions mean that having robust scrutiny arrangements in place is particularly important.

A combined authority has been in existence in Greater Manchester for several years, but others have recently been established such as in the West Midlands, Tees Valley and Liverpool City Region. Government has not set out any national expectations – it is for local areas to decide how arrangements will work.

The large areas covered by combined authorities means that there will be logistical difficulties about getting councillors together for overview and scrutiny meetings. These meetings will be additional to those held in individual local councils, so there will be an additional workload for some councillors too. This means that it will be vital for combined authority overview and scrutiny committees to be extremely focused and targeted in their work.

In practice, combined authority overview and scrutiny committees will work similarly to joint committees (see below) although some of the legal and practical issues are slightly different.

General issues around governance under devolved arrangements are discussed in the CfPS paper 'Devo why, devo how?' (2015).

Joint committees

Joint committees are committees which have representatives from two or more local authorities. In particular, they have an important role to play in health scrutiny.

There are a number of considerations which need to be taken into account for a joint scrutiny committee to work effectively:

Logistics – finding mutually convenient venues to ensure no one councillor or authority loses out.

Work objectives – gaining broad agreement on the committee's aims and objectives.

Political and personal opinions – bringing together a larger number of people to sit on a committee makes it harder to find consensus and manage differences of opinion.

Resources – establishing and managing a joint committee requires a significant expense, which needs to be shared between the participating authorities.

The scrutiny review process

Scrutiny reviews can take place before or after a decision has been made.



Hints and tips

The scrutiny review process

Each council has its own process for conducting a scrutiny review, which will be influenced in part by the resources it has available. Here is a generic scrutiny review process.

Scope the review

- determine the key issues and objectives
- identify key stakeholders
- identify who needs to be involved
- decide what evidence needs to be gathered and how
- determine how the work will be managed
- consider potential risks and ways of managing them

Gather evidence

- undertake consultation through public meetings, surveys, workshops and focus groups
- carry out site visits
- source data and reports
- interview experts and witnesses
- conduct focus groups and workshops
- work with officers and councillors to research issues

Evaluate evidence

- consider all the evidence in the context of the scope of the project
- look at evidence alongside other sources of data to gain a comprehensive view of the performance of a given service

Report and make recommendations

- document the work carried out and what conclusions have been reached
- make recommendations
- distribute the reports and recommendations to the relevant stakeholders for approval

Implement

- agree and develop an implementation plan
- action the agreed recommendations
- feedback outcomes to stakeholders, including the local community

Monitor

- track progress of the changes being implemented
- evaluate and assess impact
- conduct further investigation and make additional recommendations if necessary

Pre-decision scrutiny

Pre-decision scrutiny is planned during the work programming activity and could take place immediately before a decision is made, or a more significant amount of time beforehand. By challenging assumptions and assessing what risks might arise from the implementation of a decision, scrutiny provides the opportunity to influence and improve decisions before they are finalised.

Councils are required to give 28 days' notice of a planned decision. The majority of councils publish their planned decisions in a Forward Plan, often with longer than 28 days' notice, so this is a useful scrutiny tool in identifying pre-decision topics. The decisions are brought to scrutiny as drafts of the final cabinet report.

Pre-decision scrutiny that is carried out immediately before a decision is made will have obvious time limitations, so it is best focused on key questions around the decision's implementation, risks and measures of success.

Scrutiny carried out several months before a decision is made will have more time and resources with which to delve into the fundamentals of the decision and propose alternative options. This is the best way to scrutinise major decisions and significant strategic matters. Overall, pre-decision scrutiny can help the decision-making process by:

Providing an impartial perspective – scrutiny can gather its own evidence to contribute towards the decision-making process, and consult those directly affected by the decision impartially and independently.

Challenging assumptions and making evidence-gathering more robust – scrutiny can look at projections relating to the impact of the decision – financial, social, economic, environmental – and consider whether those projections and assumptions are justified.

Developing realistic plans and targets – scrutiny can help to develop challenging but realistic targets that will be impartial and focused on outcomes rather than outputs.

Securing ownership and buy-in to the final decision – engaging with scrutiny will help the executive to understand the expectations of the wider group of elected councillors and, by extension, the public.

Engaging with and satisfying the public – scrutiny can help the council to understand local needs, with public engagement being led by councillors who approach discussions with no vested interest or stake in the final decision.

Post-decision scrutiny and call-in

Post-decision scrutiny takes place in response to decisions that have already been made. This is particularly useful for influencing policy changes in the medium to long term.

For decisions that have been made but not implemented, scrutiny has the power to call-in the executive to revisit a decision and delay its implementation. This applies only to 'key decisions', which are predominantly decisions made by the executive, either as individuals or as a whole. Councils define key decisions in different ways, but usually these are decisions with implications over a certain financial threshold, eg over £250,000, and which affect two or more council wards.

The purpose of call-in is to provoke further debate on a topic of political contention. It acts as a means to draw attention to opposition to a decision, and provides a forum for that opposition to be voiced.

Call-in is a tool that should be used in exceptional circumstances and for issues of particular contention. To use it otherwise would prolong the decision-making process overall and create unnecessary tension between the executive and the scrutiny committee. Effective pre-decision scrutiny will help to avoid the need for call-in.



Challenge 3 – the call-in process in your council

The call-in process, and the approach to managing call-in meetings, differs from council to council. Make a note here about how your council manages call-in.



Case study

Scrutiny and policy development

Brighton and Hove's Traveller Strategy Scrutiny Review Panel (2011) conducted its scrutiny review alongside the executive's preparation of a Traveller Strategy. The strategy was amended in response to recommendations in the scrutiny review.

Brighton and Hove City Council was looking to create a strategy for Gypsies and Travellers which was forward thinking and inclusive. The council hoped to pioneer new ways of addressing their needs while remaining sensitive to their traditional lifestyle, as well as providing basic services such as education and health, and fostering good relationships with local Traveller and Gypsy communities.

Unauthorised encampment was an unwelcome and costly issue for the council. The scrutiny panel's recommendations recognised that the creation of a permanent

site, managed by the council, was key to reducing tensions and could help facilitate mutual understanding. Evidence showed that solving the issue of accommodation could significantly curb economic costs. Also, when Gypsies and Travellers are in authorised sites returns are generated in rent, council tax and utility bills.

The recommendations were supported by evidence gathered from 31 expert witnesses as well as written evidence.

www.brighton-hove.gov.uk

Gathering evidence

There are several methods for using meetings to gather evidence.

‘Scrutiny day’ or ‘challenge panel’

This is a half-day or full-day session where scrutiny councillors, and others, come together to gather evidence on a topic and to make recommendations. This is the standard approach taken by a number of councils.

Light touch review

This is a review of a narrow topic which might involve holding two or three evidence-gathering meetings over the course of about a month.

Full length review

This involves members meeting periodically over the course of several months and was the traditional approach to scrutiny reviews in many councils until quite recently. The resource involved can be significant.

Standing panels

Standing panels are bodies set up to provide oversight for an ongoing council process. They are used when scrutiny is shadowing a time-limited piece of work carried out by someone else – for example, the council’s budget preparation or a major NHS reconfiguration.

Sources of information

The information gathered during a scrutiny review, and where to find it, will depend on the topic under review. In the interests of efficiency, scrutiny councillors have a responsibility to actively seek out information for themselves, so it is important that you are aware of what information is available and how to access it. Here are some examples of information that could be useful.

Information on performance, finance and risk

- quarterly performance and finance reports
- programme and project management information
- risk registers
- complaints logs
- internal reviews and action plans

Strategic information

- budget and policy frameworks
- external inspection reports
- corporate peer challenge letters, reports and information
- departmental plans and strategies
- partnership plans and strategies
- council or partnership programmes
- cross-departmental strategies
- improvement plans
- information from benchmarking clubs, where councils share information

Feedback

- from consultations and residents’ panels
- from frontline staff



Challenge 4 – where to find information

You will have direct access to much of the information you need through your council's website or internal computer systems. There is a benefit to reviewing raw data, rather than a report prepared by an officer, in that it allows you to use your unique perspective as an elected representative, with detailed knowledge of your ward, to make your own links and connections between performance issues.

Do you know where to find management information for your council?

Make a note of where your council makes this kind of information available.

Using evidence effectively

Using evidence effectively means looking at it alongside other sources of data, to see what themes emerge and whether different evidence sources disagree about services being provided on the ground.

For example, customer complaints data can be compared with performance information, finance information and risk registers, to take a comprehensive view of the performance of a given service. While performance information may suggest that all targets are being met, the service may be overspending and complaints data may demonstrate that the public are unhappy with the level of service being provided – an issue which has not been identified in the risk register as needing action. Linking together information in this way allows judgements to be made about difficulties which can help to frame and focus solutions in a way that will be useful to officers delivering the service on the ground.

Making a recommendation

Recommendations are the way that scrutiny can have an impact. Making good recommendations, and monitoring them, makes it more likely that scrutiny's work will add value.

A good recommendation is:

- specific about the change recommended
- evidence-based and realistic
- focused on measurable outcomes
- addressed to a specific person or group
- realistic about financing requirements
- developed in partnership with the executive, council officers and council partners.

There is a legal requirement for the executive to respond to recommendations within two months of them being made. If recommendations are made to a named partner organisation, however,

they do not have a duty to formally respond, although they do have a responsibility to 'have regard to' the recommendations.

The response to a recommendation from a decision-maker should consist of:

- a clear commitment to delivering the measure within the timescale set out
- a commitment to be held to account on that delivery in six months' or a year's time
- where it is not proposed that a recommendation be accepted, the provision of detailed, substantive reasons why not.

Scrutiny can help decision-makers to view recommendations in a positive light, and submit acceptable responses, by agreeing beforehand when and how recommendations will be made, and what an acceptable response will look like.

Monitoring recommendations

It is scrutiny's responsibility to monitor and evaluate recommendations once they are implemented, even though it is not their responsibility to deliver the changes.

Tracking the progress of recommendations does not require full scrutiny reviews, but a simple check that after six or twelve months they are being implemented and the outcomes detailed in the decision-maker's response are being fulfilled. Action can be taken if required; if everything is on track, scrutiny can trust the implementations are being made satisfactorily and move on.

Working with others

The effectiveness of the scrutiny committee relies on it establishing positive relationships with the council's executive, its officers and partner organisations.

The council executive and officers

The responsibility for scrutiny working well is shared with the council's executive, which has a duty to ensure its members do not undermine or denigrate scrutiny.

The Local Government Act 2000 requires the council executive and officers to:

- Attend meetings when required to do so.
The word “require” is not defined in the Act but it can be assumed that it does not confer a choice as to whether or not to attend.
- Provide information, where required to do so. Again, this must be complied with.
- Respond to recommendations.

With some planning and consideration, scrutiny can make it easier for the executive and officers to engage with scrutiny, therefore making it more likely that they will accept and implement recommendations. The scrutiny committee can do this by:

- being clear about why topics have been chosen for scrutiny review and demonstrating, where possible, how they fit with the executive's priorities
- making invitations to scrutiny committee meetings far enough in advance that people are more likely to have availability
- being clear about the purpose of committee meetings and why people are being invited to attend

- where possible, sharing scrutiny reports and recommendations in draft form; this makes sure there are no unpleasant surprises for anyone, and allows the executive to highlight where it feels recommendations may require alteration for practical reasons
- defining the content and format of the executive's response to recommendations
- involving the executive and officers in discussion and dialogue as the work programme is put together
- making sure the executive's viewpoint is fully understood and reflected in scrutiny review reports.

A number of councils have developed a protocol to manage the scrutiny/executive relationship.

Statutory officers

Councils are required to designate two statutory officers who, between them, share the responsibility to protect and promote the scrutiny function: the scrutiny officer and the monitoring officer. They are ultimately responsible for securing good governance within the authority.

From time to time, questions and concerns will arise about the operation of the scrutiny function, and an officer will need to make a determination about what the law says, and how this should be applied to that particular situation. The scrutiny officer and monitoring officer need to have a nuanced and meaningful understanding of the scrutiny function in order to accurately make judgements about its operation when disagreements or other issues arise.

The scrutiny officer

The scrutiny officer has the responsibility for promoting the role of overview and scrutiny, supporting overview and scrutiny committees, and providing advice to officers and councillors about overview and scrutiny committees. This includes activities such as:

- providing, or managing, administrative work
- undertaking research
- analysing data
- preparing reports.

The scrutiny officer cannot be the council's head of paid service, the monitoring officer or the chief finance officer (s151 officer). They will not necessarily have the word 'scrutiny' in their job title; similarly, someone with the job title 'scrutiny officer' will not necessarily be the council's statutory scrutiny officer.

District councils in areas where there is also a county council, and shire districts in two-tier areas, do not have a duty to designate a statutory scrutiny officer.

The monitoring officer

The monitoring officer is responsible for ensuring that the council operates within the law. Their principal responsibilities are:

- to report on matters they believe are, or may be, illegal or amount to maladministration
- to be responsible for the conduct of councillors and officers
- to be responsible for the operation, review and updating of the constitution; this includes providing advice on the interpretation of the constitution, and making determinations where necessary.

The view of the monitoring officer on the meaning of the law as it relates to local government, and the council's constitution, is final. When issues arise around the scrutiny function, the scrutiny officer can provide advice

to the monitoring officer to assist them in reaching a decision or determination.

Scrutiny and partner organisations

Councils often work with partner organisations to deliver services. These could be in the private, public or voluntary sectors and include:

- contractors
- organisations with whom the council has jointly commissioned services
- organisations that the council funds to deliver certain services by means of grant funding or service level agreements.

It is likely that any service a council delivers, and therefore any scrutiny review, will involve a partner organisation in some way. Scrutiny has statutory powers to investigate the work of a council's partners.

Health

Health scrutiny committees may investigate any health-related issue in their area, and have an obligation to invite interested parties when they choose to carry out such investigations. When they make recommendations to local NHS bodies, scrutiny committees have the right to require a response within 28 days. Scrutiny can carry out investigations on its own initiative, or at the suggestion of Local HealthWatch.

Where scrutiny finds issues around substantial developments or reconfigurations of local health services, the council (rather than the scrutiny committee) has the power to refer it to the Secretary of State.

Community safety

Under the Police and Justice Act 2006, a committee of the council designated as a community safety scrutiny committee has the power to ask local community safety partners for information, request that those partners attend meetings (given reasonable notice) and require that those partners consider recommendations submitted to them.

Flood risk management

Following recommendations made by the Pitt Review, scrutiny committees have a formal role with regard to flood risk management, which allows for the review and scrutiny of such functions carried out by upper tier authorities.

Other partners

Scrutiny has some loose legal powers in relation to partner organisations working with the council to deliver public services. In real terms, though, it does not have any more rights than a private citizen, so it is important to foster positive working relationships with partners in order for scrutiny to achieve its objectives.

Scrutiny can, however, ask these partners to attend meetings, request information from them and require them to 'have regard to' their recommendations. There is no legal definition for 'having regard to', but some councils have defined it through scrutiny/partner protocols.

Contracted-out and commissioned services

These are not specifically provided for in legislation. However, scrutiny has a general responsibility to hold to account those people who commission services and manage contracts. This requires discussion and liaison with council officers in 'client-side' positions who are responsible for managing the relationship with contractors and providers.

Scrutiny is beneficial in this context because its perspective is informed by listening to and understanding the experiences of local people, thereby measuring services in terms of value to the community.



Hints and tips How to engage partners in scrutiny

Early planning and dialogue, to set out mutual expectations, is critical for encouraging partners to engage in scrutiny.

- Talk to partners early on to discuss the work programme (talking about topics you're considering looking at, and thinking about how they can be cast so as to better complement partners' own work).
- Ensure that partners know what to expect and understand the purpose of whatever meetings they are invited to and the overall purpose of the work on which you're engaged.
- Make sure that the scrutiny process is made transparent for partners, by providing them with agendas and associated information well in advance.
- Use one-off 'challenge panels' or 'scrutiny days' rather than expecting partners to be able to support a detailed piece of ongoing work.
- Be clear about how the information provided by partners will be used.

You can find more information in the CfPS 'Practice Guide 9: Engaging with partners'.

Other scrutineers

There are other organisations that also have a responsibility to scrutinise distinct public policy areas. It is important that scrutineers work together in the interest of streamlining governance and with a view to sharing the limited resources available to scrutiny.

Joint working includes activities such as sharing information, carrying out informal background research and working on a formal joint task force or committee.

Other scrutineers include:

Local government

- other tiers of government
- local neighbourhood and area structures
- the Local Government Association (LGA), which carries out corporate peer challenges
- OFSTED for children's services inspections
- the audit committee

Health

- Local HealthWatch
- Care Quality Commission
- NHS regulation organisations
- Education
- school governing bodies
- Policing
- police and crime panels
- police and crime commissioners

Fire

- fire and rescue authorities

Useful skills

Questioning techniques

Questioning is a crucial component of the 'critical friend' challenge and an important principle of good public scrutiny. The key to successful questioning is balancing the need to get answers with the need to build strong relationships. This can be achieved by a combination of good preparation, knowing what questions to ask and when to ask them, and understanding which style is appropriate for different situations.

Questioning is best carried out after some preliminary evidence gathering and research has been undertaken, so that questions can be targeted on the appropriate issues and the appropriate witnesses can be identified for questioning.

A pre-meeting can be a useful preparation tool to decide how to carry out the questioning, for example:

- Who will ask the questions?
- How the questions will be organised?
- Will the chair call people to ask questions in a free format, or will the use of supplementary questions will be tightly defined?
- Which types of question to use for different witnesses?
- How to respond to a witness who is unhelpful or evasive?



Hints and tips **Selecting witnesses** **for questioning**

- How will speaking to this witness help to achieve scrutiny's objectives?
- Will this witness be willing to help?
- Can this evidence be acquired from anywhere else?
- Will it be necessary to balance this witness's views with the views of others, as part of the wider evidence gathering?



Hints and tips Question types

Open questions

Open questions allow the witness to open up and to share all the information they have. Encouraging the witness to elaborate early on will allow them to speak and will calm their nerves. This will help them to relax, and can be helpful in ensuring the witness will answer further questions in a more helpful manner.

Useful phrases:

- How...?
- Why...?
- When...?
- Who...?
- What...?

Closed questions

Where a simple yes or no answer will suffice it is advisable to stick to closed questions (such as when checking a fact). Closed questions are harder to avoid and easier to challenge.

Useful phrases:

- Did you ...?
- Have you told.....?
- What I think I'm hearing is... is that right?

Reflecting questions

These are used to clarify something which has been said, and/or to get the respondent to speak about a subject in more depth.

Useful phrases:

- You said that...
- You sound as if
- I get the feeling that

Extending questions

Extending questions invite the witness to offer more information, and to elaborate on what they have already said.

Useful phrases:

- How else could...?
- Could you tell me more about..?

Comparative questions

These can be used to compare situations (for example on a before and after basis).

Useful phrases:

- What has it been like since...?
- What difference has...?

Hypothetical questions

The use of hypothetical frameworks allows the witness to answer a question from a safer theoretical position and may encourage them to explore issues in more depth.

Useful phrases:

- If...
- Imagine...

Rephrasing or paraphrasing

Another technique that can be used to clarify something that has been said by the witness, it may also encourage the witness to elaborate on their previous answer and provide more detail.

Useful phrases:

- Are you saying that...?
- Let me see if I understand the problem completely...

Linking questions

Linking questions rely on active listening on the part of the scrutineer (see below). By linking previous responses offered by the witness to other issues the scrutineer is able to demonstrate that he has valued the witness's input. This technique may then encourage the witness to offer further explanation

Useful phrases:

- You mentioned earlier that...
- How would you....?

The CfPS provides more detail in their 'Skills Briefing 1: Questioning Skills'.

Listening skills

Listening skills are an important part of the scrutineer's role and are closely linked with questioning. Active listening ensures the witness feels that they are being properly heard and understood, which can help to facilitate further questioning.

The basic principles of active listening are:

Positive body language – look attentive and show positive signs of encouragement; consider the body language of the witness to gain a fuller understanding of their response.

Check understanding – use paraphrasing and repetition to check that you have understood the witness.

Take notes – these can be referred to later or used to challenge the witness if an explanation has not been fully understood, or where a contradiction has appeared in the witnesses statements.

In summary, the chair needs to ensure that all work being delivered by the committee, or panel:

- makes a positive impact on services
- promotes good practice
- challenges underperformance
- acts as a catalyst for change
- deals, where appropriate, with relevant partnership issues.

The CfPS 'Skills Briefing 2: Chairing and Leadership in Scrutiny' provides an in-depth look at the role of the scrutiny committee chair.

Chairing scrutiny

The chair of a scrutiny committee should seek to provide, through strong leadership, a good environment for the constructive challenge of decision-makers. They should foster discussion and encourage all concerned stakeholders to be involved in the process, whilst ensuring that all opinions are expressed in a constructive manner that contributes to the intended outcomes of the process.

The chair is also responsible for ensuring that the scrutiny process – within and outside the context of formal committee meetings – is managed in a way that creates a fair and balanced environment, keeping the scrutiny process free from political point scoring and allowing for the effective scrutiny of all evidence that is produced.

Final summary

It is important that all levels of government are scrutinised and held accountable for the decisions they make and the impact they have on local communities. In local government, the scrutiny function ensures that decisions made by the council executive are transparent and robust, and ultimately focused on improving public services.

Being an effective councillor, representing the needs of your community, requires a commitment to promoting scrutiny and ensuring that it takes place. It is a tool which you can use to make sure your local community's needs are reflected in the decisions made by the council – a unique perspective afforded to you by being a councillor.

Effective scrutiny involves:

Effective work programming – planning ahead, selecting appropriate topics, allocating time and resources, scoping and planning activities.

Positive relationships – fostered through effective communication with the council's executive, officers, partners and other scrutineers.

Effective research and analysis – examining raw data and prepared reports, using appropriate questioning techniques and selecting appropriate witnesses.

Effective meetings – preparing the meeting and the invitees, communicating in advance and afterwards, staying on topic, summarising and confirming decisions.

Specific recommendations – stating what needs to change, associated time scales, who needs to be involved and how it should be implemented.

Good monitoring and evaluation – ensuring that recommendations are being implemented and measuring success in terms of outcomes.

Appendix – sources of further information and support



The Centre for Public Scrutiny (CfPS) has published a series of practice guides and skills briefings which are available from its website www.cfps.org.uk.

The Local Government Association (LGA) produces a number of development materials for councillors, including resources on how to chair meetings. All materials are published on their website www.local.gov.uk.



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