

HR Toolkit for Managers

1. Introduction

This is a range of standard questions and answers that managers will need to consider when developing their thinking/approaching organisational change.

What do I need to consider when redesigning my service?

You firstly need to consider what you need to achieve and focus our organisational structure around this. Your structure should encourage good communications between staff at every level as well as inspiring innovation and ensuring efficiency.

You need to decide if you need roles that are strictly defined or roles that perform a wide range of functions. Consider what flexibility you need between roles to make sure you build in as much resilience in your structure as possible.

You will also need to decide how staff will report in through the structure i.e., do you require a number of team leaders or can all staff report directly to you. Carefully consider the impact that a high number of direct reports will have (e.g. the time and responsibility of carrying out essential functions such as appraisal, 1:1s etc.).

Decide the level of authority and responsibility to be assigned to each role and try to ensure that there is a clear distinction in respect of accountability to ensure that functions/ responsibilities do not overlap to remove the opportunity for any confusion in roles.

Identify the number of direct reports to the hierarchy and determine the process of reporting from staff to supervisor/team leader/manager. Identify how interactions across departments or projects will take place.

Job roles will need to be defined via a job description and person specification. Templates according to the type of role/grade are available on the HR web. When determining whether a role should be at the level of Bexley 1-9 or Bexley 10 and above you will need to consider which Job Evaluation scheme is appropriate.

The Council operates two job evaluation schemes – the Hay job evaluation scheme for senior, managerial and executive posts and the GLPC scheme for operational, front line service jobs. The HR Service can offer further advice if required.

You will also need to consider the cost implications of your new structure when compared with your current staffing model. Your costing model will need to include all associated benefits e.g., are there any choices payments, bonuses that are regularly paid and on-costs will also need to be factored in which includes the employer costs of NI and pension.

What are the implications if I completely redesign my service?

You will need to consider how you formally consult on the proposals with both staff and the Council's recognised trade unions.

You will also need to consider what implications there are for redundancy and who should be ring-fenced for consideration for new roles in your revised structure. You should talk through your proposals with your HR contact who can provide advice and guidance in preparing the consultation documentation which will include a clear rationale for the proposal, a timeline for consultation/ implementation, what authorisation

you may need to go ahead e.g., will the proposal require a Member decision and draft job descriptions for the new roles.

What are the implications to staff if the service is outsourced?

There will still be a requirement to formally consult at the earliest opportunity. Subject to certain tests staff will transfer to the new provider under the Transfer of Undertakings (Protection of Employment) Regulations (TUPE).

A decision to outsource will be subject to a Member decision – this may be the relevant Cabinet Member or possibly Public Cabinet.

There are requirements to disclose staffing information at various stages of a TUPE transfer. Your HR contact will be able to provide advice and guidance in relation to the outsourcing requirements.

A standard set of templates is available alongside this toolkit as a checklist for the information that should be provided at each stage.

Are there different ways of employing people outside our standard contractual arrangements?

There are several options available in respect of your future workforce. You may, for example, have a need to engage a pool of casual staff or engage staff on variable hours' contracts where you cannot always define when you will need staff. You may also have a specific time-limited project for which you may consider a fixed term rather than permanent contract is more appropriate.

There may also be a requirement for more part-time or other flexible contracts that may help deliver your service more effectively.

Your HR contact will be able to provide advice and guidance in relation to the type of contracts available.

How much will it cost to implement my proposal and how do I establish the potential costs?

You should prepare a "before and after" costing model which will include all payments such as London Weighting, Choices, Bonuses. You should also include all on-costs associated with your staffing model.

Details are available alongside this toolkit for the total costs associated with each grade so that you can complete your financial model.

Is there a statutory requirement to be a member of the Local Government Pension Scheme?

The LGPS is a statutory pension scheme, available primarily for employees of Local Authorities. The scheme is open to employees from other institutions which are known as either Scheduled Bodies (listed in the LGPS regulations) or Admitted Bodies.

In the case of a staff transfer then there is no obligation to retain access to the LGPS (with the exception of staff transferring to Academies). Where a service is outsourced, and the staff transfer then there is a requirement to provide a broadly comparable pension. This comparison of the pension schemes is carried out by actuaries engaged on behalf of the Council.

How soon can I inform staff of the proposals?

Staff and our trade unions should be advised at the earliest opportunity. You will need to be sensitive, however, as to whether briefings/ approval to press ahead is required in which case discussions with senior managers/ Members may need to take place before you speak to staff/trade unions.

How do I consult on proposals?

Staff and the Council's recognised trade unions should have the opportunity to comment although the process will vary depending upon the type of proposal.

For example, If the reorganisation is required because funding has been cut, there will be limited opportunity to comment on the funding reduction. Instead consultation will focus on managing the effects of that funding cut.

However, statutory/contractual consultation will need to take place. For redundancy situations there are specified timescales for consultation depending on the size of the group affected. We also need to take account of the total number of staff affected across the Council in other reorganisations that may be taking place at the same time. This is because, for statutory purposes, we need to aggregate the numbers of redundancies within the same timescales and it is therefore essential that the HR Service are made aware of the proposal to ensure that we comply with our legal obligations, notification requirements and timescales.

Where there are proposals to outsource a service then the trade unions should be consulted at the earliest opportunity. They should be consulted fully on the impact of the proposal on the workforce and also on any measures/proposal by the new employer to change any working conditions after the transfer takes place. This will include any minor change for example change of pay date.

How do I consult the Trade Unions on the proposals?

Our relevant trade unions will be fully consulted. Consultation will include measures to avoid or reduce the number of dismissals, selection criteria to be used in the event of redundancy, the method of assimilation into new roles, etc. The HR Service will facilitate the consultation process.

There are guidelines within our Facilities Agreement to consult the trade unions at least

21 days before a Member decision which is alongside both statutory and contractual requirements to consult which be in excess of 21 days.

Do I need a staffing Equalities Impact Assessment as well as a service-based EIA?

Yes, please contact your HR Advisor who will arrange for this to be carried out for you.

The staffing EIA should be undertaken before implementation of the proposal so that it can be fully considered when the decision is being taken. The EIA should also be reviewed on an ongoing basis through the implementation phases so that any potential disadvantage can be identified at a very early stage to provide an opportunity to minimise/remove any potential disadvantage.

How do I keep all stakeholders informed of what is happening?

You should prepare a consultation/ communications plan at the outset which should identify all stakeholders affected by the proposal. Your plan should also identify how you will make contact with the individuals/groups and the timescales for when briefings/correspondence/any other forms of contact will be made.

Staff should be kept informed of what is happening at key stages in the reorganisation. Communication may be through team briefings, one-to-one meetings, newsletters, etc. or a combination of these.

Can I do anything to reduce the likelihood of redundancies?

Yes, there are a number of steps that can be taken to reduce the likelihood of redundancies including:

- reviewing the use of agency workers or consultants
- reducing overtime/additional hours
- filling vacant posts on a temporary basis if these posts may later be suitable for redeployees

These and any other appropriate measures should be considered at an early stage.

External recruitment should also be limited unless the need to recruit is essential.

Can I ask for volunteers for redundancy?

Volunteers will not always be sought. A decision will be taken at a fairly early stage as to whether it is appropriate to seek volunteers.

If you seek volunteers then it should be emphasised that there is no guarantee that volunteers will be accepted as it is paramount that the right mix of skills and experience are retained to deliver the service going forwards.

What criteria should I use to determine who is selected for redundancy?

The selection criteria will be determined at an early stage in order that the criteria may form part of the consultation process with the trade unions. It is usual for the criteria to include:

- relevant knowledge, competences and performance profile
- current and past performance and conduct
- current and past attendance and timekeeping
- relevant education and qualifications
- any disqualifiers (e.g. driving licence, police record)

However, other criteria may be used in addition as appropriate.

Your HR contact will be able to provide advice and guidance when preparing your consultation documentation.

How do I use the selection criteria?

When appointing people into posts in the new structure (if applicable) assessment may include:

- a paper based, objective assessment using appraisal history, attendance records, etc

- a meeting with each individual

Other methods of assessment may also be used, as appropriate, including testing, formal selection interview, etc.

Usually, where only one person closely matches the requirements for a specific post, this person will normally be automatically assimilated into the post. Where there is more than one person, however, a selection process will need to be followed.

How do I engage with staff who are on sick leave/maternity leave? Do I treat them the same as my colleagues?

Yes, every effort must be made to include everyone affected by the review on an equal basis. It should be established at an early stage and before consultation begins as to how to contact staff who are on sick leave/maternity leave to establish whether it is possible for them to attend briefings, etc.

Can those staff at risk of redundancy be considered for any other vacant posts?

Yes, the Council will seek to find suitable alternative employment for you if you are at risk of redundancy in accordance with our Redeployment Procedures (available on the HR website). Where redeployment is possible then it is normally offered on a four-week trial period.

Staff in the redeployment pool will be contacted with details of any available vacancies. This usually takes place prior to an advertisement being placed. They should be encouraged to bring any jobs that they would like to be considered for to your attention.

Agency Workers will not be entitled to be appointed to any vacancies ahead of an “at risk” Council redeployees. However, we do have a duty to ensure that they are informed of any vacancies. Once the restructuring has taken place and all redeployees have been considered, agency workers are entitled to apply for any internally and externally advertised vacancies.

I have part-time workers, do I have to keep the same hours and working patterns in my revised structure?

There can be no guarantee given that staff on different work patterns will be able to retain their existing hours or working pattern. Efforts should be made to retain these where possible.

I have staff on temporary contracts – can I terminate these contracts first to protect my permanent staff?

This will vary depending upon the contractual arrangements and length of service. You should contact your HR representative to discuss the particular circumstances.

Are there any special circumstances for staff who are on maternity /shared parental leave or adoption leave who are under notice of redundancy?

Employees on statutory maternity/adoption leave or shared parental leave who are under notice of redundancy will be offered 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 employee to compete for a suitable alternative post. This does not mean however that the employee cannot be selected for dismissal by reason of redundancy.

If staff are redeployed to a lower graded post, will their salary be protected?

Yes, the Council operates a salary protection scheme which provides salary protection for up to two grades difference should the individual take up a lower graded post.

There are a number of conditions that apply to the scheme, including slightly different arrangements for different staff groups, and therefore advice will need to be tailored in respect of the individual circumstances. The Redeployment and Salary Protection Scheme is available on the HR website.

If staff are not redeployed, what redundancy pay will they be entitled to?

Staff need to have two years continuous service to qualify for redundancy pay. The Council then has a standard redundancy package that applies in all redundancy cases, subject to a number of qualifying conditions.

The amount payable is based upon age and length of service and provides a maximum of up to 30 weeks redundancy pay and up to one quarter discretionary severance pay. When staff are placed at risk of redundancy they will be provided with (or may request) an estimate of the benefits from the HR Service.

The Financial Terms for Redundancy and Early Termination are available in full on the HR website.

What happens to pensions if staff are made redundant?

This will depend upon the scheme rules applicable to the pension scheme – there are some staff who have transferred from other authorities previously and they may have continued in their former pension scheme e.g., NHS staff. If staff are in the LGPS and over the age of 55 they will usually be entitled to immediate payment of unreduced pension benefits if they are made redundant. If they are under the age of 55 their benefits will be ‘frozen’ until normal retirement age.

If an individual is entitled to the release of their pension benefits on redundancy then this information will be included in their estimate of benefits.

Can staff appeal against a decision to make them redundant?

Yes, they will be provided with full details of their appeal rights in the letter confirming their selection for redundancy.

What happens if staff are offered another job before their redundancy takes effect?

This may affect entitlements to redundancy and/or severance pay and/or the release of pension benefits. The notes accompanying their estimate of benefits will include details as to how benefits may be affected by future job offers.

Advice on the individual circumstances will be available from the HR Service.

What other advice/support is available for staff?

Staff under notice of redundancy who have been continuously employed for at least two years, qualify for a statutory entitlement to a reasonable amount of time off to look for another job or to arrange training.

Staff can access the Council's confidential counselling service which is provided by Workplace Options, the Council's Employee Assistance Programme. Contact can be made at any time by telephone on 0800 243 458 or online as follows:

- Username = bexleycorp17
- Password = employee

Website: <https://www.workplaceoptions.co.uk/>

Where can I go for further help and support? Your HR contact will be able to provide help and support with estimates of benefits, redeployment initiatives, and other procedural matters.