

Report to the Cabinet

Report reference: C/137/2006-7.
Date of meeting: 16 April 2007.



**Epping Forest
District Council**

Portfolio: Finance and Performance Management, and Corporate Support Services.

Subject: Redeployment and Redundancy Procedure, and Appeals Procedure for Chief Officers.

Officer contact for further information: Tony Tidey (01992 – 564054).

Democratic Services Officer: Gary Woodhall (01992 – 564470).

Recommendations/Decisions Required:

- (1) That the draft Redundancy and Redeployment Procedure for Chief Offices as previously distributed be agreed; and**
- (2) That the draft Staff Appeals Panel Procedure for Chief Officers as previously distributed be agreed.**

Report:

1. The work connected with top management restructuring is progressing, and proposals for the top management structure at Head of Service level are due to be presented to the July 2007 meeting of Council.
2. In order to support the restructuring process it is essential that appropriate human resource procedures are in place which set out how matters such as redundancy, redeployment and any associated appeals and grievances by Chief Officers are to be handled.
3. The Council has agreed that the Top Management Cabinet Committee be responsible for devising the overall structure for posts at Head of Service and above. Once this work is completed and Council approval has been obtained, a separate Appointments Panel will be responsible for making appointments to the new structure. The Council has also agreed that any chief officer who wishes to make an appeal against a decision made by the Appointments Panel, or wishes to raise a grievance in connection with this may do so via the Staff Appeals Panel.

Redundancy and Redeployment Procedure:

4. In order to support the processes agreed by Council it is necessary to have in place a procedure for dealing fairly with chief officers who may be displaced by the new structure and are potentially redundant. To this end, the Redundancy and Redeployment procedure has been drawn up; it has already been distributed to all members of the Cabinet, further copies can be obtained from Democratic Services. It is based largely upon the existing procedure for staff below chief officer level, thus reflecting the Council's commitment to harmonized terms and conditions. However, it has been modified to take account of differences in Chief Officer terms and conditions, and the place of this group of staff within the overall management hierarchy. The procedure seeks to provide a fair and transparent way to deal with any potential redundancy and redeployment situations that may arise as a result of the restructuring.

Appeals Procedure:

5. Under the Employment Act 2002 (statutory dispute resolution provisions), employers are required to have in place a procedure for dealing with appeals and grievances from staff. The draft Staff Appeals Panel Procedure for Chief Officers has been distributed to all members of the Cabinet, further copies are available from Democratic Services, and seeks to provide this process for Chief Officers. It has been modeled on the arrangements established for staff below this level. It is proposed that an independent member level staff appeals panel deal with all matters of appeal or grievance relating to the appointment process for Chief Officers in the forthcoming restructuring. The procedure seeks to fulfill the Council's statutory requirements in such a way that any disputes of this nature are dealt with fairly by members who were not involved in the appointment decision-making process.

Statement in Support of Recommended Action:

6. It is good employee relations practice to have a proper process in place for dealing with redundancy and redeployment issues. It is a statutory requirement that an appeals process exists to deal with any disputes arising from the application of this process.

Other Options for Action:

7. The Council could choose not to have a redundancy and redeployment process in place for Chief Officers and instead determine these matters should they arise. However this might lead to inconsistency as to how individuals were treated, and would leave the Council open to challenge. If the Council does not have its own Appeals Procedure for Chief Officers the statutory provisions would apply. These do not take account of the local context and are therefore lacking in detail, which could leave the Council open to challenge.

Consultation Undertaken:

8. The Joint Consultative Committee considered these procedures at its meeting on 12 April 2007. Its comments will be reported orally to the Committee.

Resource Implications:

Budget provision: Not applicable.

Personnel: As set out in the report.

Land: N/A

Community Plan/BVPP reference: N/A.

Relevant statutory powers: The Employment Act 2002 (The Statutory Dispute Resolution provisions).

Background papers: N/A.

Environmental/Human Rights Act/Crime and Disorder Act Implications: N/A.

Key Decision reference (if required): N/A.