

**BRISTOL CITY COUNCIL
HUMAN RESOURCES COMMITTEE**

TO BE CONSIDERED - 4th September 2008

Title: New Opportunities Procedure - Revised Policy

Ward: City Wide

Report of: Head of Human Resources

**Officer presenting report: Lorna Whitehead HR Manager and
Jackie Johnstone, HR Adviser**

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1. Report Summary

- 1.1 The purpose of this report is to advise the Committee of key changes to the New Opportunities Procedure (NOP) and its conversion into a framework format.
- 1.2 The Committee is also asked to note that the implementation date for “job matching” to a suitable alternative post from 15% to 20% will be 1st October 2008.

2. Recommendation

(1) The Committee adopts the proposed amendments as outlined below for most effective way of delivery policy, wef 1st October 2008.

(2) If approved, the pay protection changes set out in para 5.6 will also be amended in the Managing Change Policy, as set out in paragraphs 1.2 and 5.6.

3. Policy

The NOP policy has been in place since January 2006, and has been very successful in redeploying staff at risk of redundancy. Revisions to the Managing Change Policy (June 2008) necessitate some corresponding amendments to NOP.

4. Consultation

(a) Internal

Consultation has been carried out with the following:-

HR Management and Advisers
Legal Services
Recruitment Team
NOP Team
Finance
Corporate Management Team

(b) External

N/A

5. Background and Assessment

The committee is asked to consider the key issues/changes as follows:-

5.1 Managing New Opportunities: Options

It is anticipated, with the Business Transformation Agenda underway, that the number of employees entering redeployment will increase significantly.

Currently, there is a two-phased approach to redeployment which was adopted during the productivity project, whereby an employee spends 3 months in departmental redeployment followed by their statutory notice period in corporate redeployment, which could then be possibly extended up to 12 months, inclusive of 3 months in departmental redeployment.

This approach was agreed by CMT to maximise pressures on departments to 'consume their own smoke', and to manage change in ways that minimise redundancies. However, the job matching process is time consuming, and separate departmental and corporate processes result in some duplication. It also limits the redeployee's opportunities for the first three months of their redeployment to their own departments, which could be viewed as unfair as some departments are considerably smaller than others.

Having considered this issue, it is recommended that redeployment will be managed by the Corporate HR Redeployment Team, which will have the following benefits:

- Filling a vacancy will be quicker for managers as staff will only have to put it through redeployment once, not twice as currently applies.
- HR will be able to ascertain from redeployees (at the outset) as to whether or not they are prepared to accept redeployment into posts where the pay difference is greater than 20%.
- Access to all vacancies for all employees from day one of redeployment.
- Stops duplication of the process.
- Less form filling for redeployees.

Notwithstanding the centralisation of the redeployment process, Chief Officers are still required to endeavour to find alternative job opportunities, secondments, and alternative placements for displaced employees, to maximise employment opportunities as an alternative to redundancy.

CMT supports this change, which is consistent with the “One Council” approach, with less departmentalism.

5.2 Notice Periods

The current policy allows for an employee to be placed in redeployment for up to 12 months. The length of time is variable. To clarify the position, the following amended wording is proposed:

“Upon being advised that an employee is being displaced from their current job, the individual concerned will be assessed (by the NOP team in liaison with the referring HR team and line manager) as to their suitability for redeployment based upon their skills, aptitude/ability to undertake retraining, and the likelihood of suitable alternative posts being available elsewhere in BCC, during the redeployment period. Once this assessment has taken place, the employee will be notified as to when they will enter redeployment, and the anticipated date when notice will be formally issued. Normally this would not be within the initial 3 months departmental redeployment. An additional factor which could influence the serving of notice, would be an employee's health, where it could be in the interests of the individual and the council, for the notice period

to be implemented as quickly as possible.”

The above stage will give greater clarity and flexibility in operating redeployment.

5.3 Managing Performance

NOP has been clarified and strengthened, and the policy now states that poor performers have “no right to be given priority matching to posts of the same grade if at the informal stage of managing performance”. Additionally, access to NOP will not be given at all, in the following circumstances: after an extended review period; when an employee is subject to the formal review process; or where notice of dismissal has been issued.

Where redeployment is considered, reasonable time (of at least 12 weeks) will be allowed in redeployment, but if dismissal stage is reached it will NOT be delayed, and the employee's notice period will NOT be extended.

The above changes are proposed as a means of correcting a situation where an employee who is subject to poor performance can at present opt for redeployment under NOP, and be given priority consideration. Priority matching will however apply, if a poor performer is also at risk of redundancy as part of a restructuring.

5.4 Temporary Fixed Term Contracts

Employees can be matched to any temporary/fixed term posts - if successful, an employee accepting a temporary post will be made aware that they will retain all their rights and will re-enter NOP at the end of their temporary contract.

Employees matched to temporary or fixed term posts now have the added provision of being able to re-enter NOP as either a new redeployee, or to continue with their original period of redeployment, dependent upon the length of the temporary contract which has ended and how long the employee was in NOP before securing the temporary contract. When an employee accepts a temporary contract they will always retain the employment rights from the original department they entered NOP from and continue to accrue continuous service.

These changes allow greater flexibility for the benefit of Bristol City Council, particularly during the transformation of services. It will allow employees to be seconded into / appointed to temporary posts as an alternative to redundancy, without

forfeiting their risk to redundancy, if they do not obtain an alternative permanent post within the redeployment period.

5.5 Medical Redeployment

Currently, there are no clear guidelines for standard time periods in redeployment for medical redeployees. However, it is difficult to treat all medical cases the same and it is advised that each case should continue to be treated on an individual basis, in consideration of the medical opinion.

As a standard medical redeployees, including those covered by the DDA, will enter NOP for a minimum of their statutory notice period.

All provisions of this policy, as set out, apply to all staff to ensure fairness and equity of treatment.

5.6 Pay Protection

a) Pay protection is currently up to 15% of the new maximum contractual pay or £2500, for a period of three years, whichever is the greater. It is intended that “priority matching” will be extended to post up to 20% less than the redeployee's current post (corresponding with Managing Change Policy).

b) Employees may wish to accept posts that are not suitable alternative employment, i.e. more than 20% lower in salary than their substantive grade (this is on a voluntary basis and entirely at the employee's discretion). In such instances, employees can indicate, when they first join the NOP Register, that they are willing to consider lower graded posts on a voluntary basis. They will be matched to lower graded posts, as well as suitable alternatives to their current post.

c) When an employee is successful in securing a lower graded post on a voluntary basis they will continue to receive their current salary for up to a maximum of three years, then they will revert to the lower grade relevant to the post. During the 3 year period, pay awards and increments do not apply.

d) These changes will apply to all redeployees.

e) This change aligns NOP with Managing Change.

5.7 One Job Offer to Suitable Alternative Post

There has been some ambiguity as to whether redeployees can refuse to be considered for, or to be redeployed into, posts where they have been “matched”. Under the revised NOP, redeployees who refuse to be considered for, or who reject a formal job offer, will be issued with notice of redundancy. The redundancy payment will be withheld, unless they appeal successfully that the post in question was not a “suitable alternative post.”

5.8 Other Changes

There are some other changes, as set out in the NOP itself. This has been forwarded to Chief Officers and to MDWG's nominees, for their information and observation.

6. Other Options Considered

- 6.1 The option of applying different rules regarding pay protection for “redundancy” and “medical redeployment” was given consideration. However, legal advice has been sought and pay protection for medical redeployees will be applied equally to all redeployees to ensure consistency, fairness and equity.
- 6.2 To continue to deliver the two phased approach as set out above which was introduced by CMT in 2006, so that departments would try to redeploy staff within their existing department for 3 months before they entered corporate redeployment.

7. Risk Assessment

To leave the policy unchanged would be a barrier to successful organisational change throughout Bristol City Council. Harmonisation with Managing Attendance and Managing Change policies is vital to mitigate discrimination claims as a result of inconsistent application of policies.

8. Equalities Impact Assessment

It is highly unlikely that any equalities group will suffer detriment as a result of this revised policy. A full EIA is attached as Appendix B.

9. Legal and Resource Implications

Legal:

(Advice from Legal Services - Husinara Islam)

It may be classed as discriminatory to offer medical redeployees (in particular those covered by the DDA) a different period of redeployment than other employees. This may be classed as disability related discrimination - the same periods of redeployment should apply to all employees to ensure equality of treatment.

Pay protection for medical redeployees should be applied equally to all redeployees to ensure there is no claim of discriminatory treatment. If there should be a policy of offering medical redeployees lesser pay protection than other redeployees, it is open to an employee covered by the DDA to make a claim of discrimination.

Financial:

(a) Revenue

The removal of the 15% pay protection ceiling will result in increased costs for employing/receiving departments. However, it is anticipated that these costs will be offset against lower redundancy costs as more alternative employment will be available.

(Advice from Stephen Skinner, Head of Finance, CSS and Chief Executive Departments)

(b) Capital N/A

(Advice from designated Finance Officer)

Land: N/A

Personnel:

As set out in paragraphs 5.1 to 5.8 above. Given the additional level of work which will arise from both the change to a corporate redeployment system, and the potential impact of business transformation, it is proposed that an existing temporary post of HR Adviser (Employment Initiatives) will be made permanent. This post will be funded from Building Futures income, supplemented by funding from the corporate redeployment budget, should this be necessary. No additional

civic budget funding is sought.

Appendices:

Appendix A

Revised New Opportunities Procedure

Appendix B

Equalities Impact Assessment

LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985

Background Papers: None

New Opportunities

Procedure

Effective from xx 2008

Draft amendments made 29 Aug 2008

DRAFT

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This Procedure does not form part of an employee's contract of employment and does not create any contractual rights.

1. Purpose

- 1.1 To improve council services by maximizing the level of successful redeployment and retention of all staff, and increasing training and development opportunities by reducing the use of redundancy provisions.
- 1.2 To promote an effective New Opportunities Procedure for all employees.
- 1.3 To facilitate greater employment flexibility and effective redeployment where changes have occurred as a consequence of service closures, restructurings/reviews, productivity considerations, budget reductions etc.

2. Context

- 2.1 The New Opportunities Procedure endeavours to fulfil the council's statutory duty to identify suitable alternative employment for employees who are at risk/under notice of redundancy; or who may be/are displaced under the following:
 - The Managing Change Procedure
 - Managing Attendance Procedure
 - Medical Redeployment
 - Disability Discrimination Act 1995 (DDA)
- 2.2 Employees may access the Grievance Procedure for appeals.

3. Scope

- 3.1 This procedure applies to all Bristol City Council employees except:
 - Employees who are 1st and 2nd tier
 - Temporary, casual or agency staff
 - Those on fixed-term temporary contracts which will not be terminated on the grounds of redundancy at the end of the contract (e.g. cover for maternity leave/sickness, where there is no reasonable expectation of the contract being renewed and no entitlement to be considered for redeployment)
 - Teachers and support staff in Locally Managed schools who are at risk of redundancy can access the New Opportunities Procedure (see Appendix D).

4. On-going responsibilities

- 4.1 Service Directors and senior managers have an on-going responsibility to ensure that:
 - a pro-active and positive approach is adopted in developing staff and retaining skills for the benefit of Bristol City Council
 - employees who are displaced/at risk of redundancy, or who volunteer to transfer to other work to offset redundancies e.g. civic budget, service closures, productivity, etc. - as per the Managing Change Procedure - are given opportunities to secure alternative employment (see Appendix A).
 - Notwithstanding the centralisation of the redeployment process, Chief Officers are still required to endeavour to find alternative job opportunities, secondments, and alternative placements for displaced employees, to maximise employment opportunities as an alternative to redundancy.

4.2 Employees have an on-going responsibility to fully engage with and take a positive and proactive approach to their own retraining and development, to enable greater flexibility for the benefit of Bristol City Council. This includes completing relevant documentation within agreed time scales/timely manner; and participating in Job Search Support Programme.

5. Process

The New Opportunities Procedure will be applied as follows:

5.1 **a) Time periods in NOP** will vary from employee to employee depending on transferable skills. This will be assessed at the outset by the NOP team in liaison with the referring HR team and line manager. Some employees may enter for the duration of their notice period, whilst others may remain within NOP for up to 12 months (see Section 8).

b) During this period employees can access the Job Search Support Programme (see Section 7).

c) Medical Redeployees are entitled to a minimum of their statutory notice period in NOP. Extension beyond this period will be applied on a case-by-case basis and will be based on medical evidence and the advice of Occupational Health.

d) Disabled Employees who are not medical redeployees have the same entitlement as all other employees under this policy. Reasonable adjustments must be made wherever possible to assist disabled employees to be redeployed into alternative work. This may include extending the length of time in NOP up to but not exceeding the 12 months to ensure access needs can be met. HR advice must be sought.

e) Fixed Term Contracts: employees at risk of redundancy who have 12 months' continuous service will undergo redeployment until the contract is terminated.

NB: Access to redeployment does not serve to extend contractual notice or duration.

5.2 Exceptionally, where employees have no realistic chance of redeployment due to the specialist nature of their post (as defined by the Head of HR - or nominated representative in conjunction with the employing department and the employee) such employees may be excluded from the New Opportunities Procedure, provided all parties are in agreement. In which event, formal notice may be served at the outset to include redundancy payment (if appropriate).

6. Eligibility

6.1 To be eligible and receive priority status, one or more of the following criteria must be met:

a) An employee is at risk of redundancy as per the Managing Change Procedure and has been/may be displaced; or has volunteered due to re-organisation/restructuring or other process.

b) Medical Redeployees - When Occupational Health have recommended a different post for employees, medical redeployment can take place when a decision to dismiss has been taken or, where Occupational Health have confirmed that one or more of the following applies:

- the employee is (or will soon be) medically unfit to undertake their substantive post within a reasonable time period
 - the alternative post is deemed suitable
 - it is anticipated that future attendance levels within the new post will be acceptable, once reasonable adjustments have been taken into account in accordance with the DDA.
- 6.2 Where employees are being selected for displacement and turnover does not achieve the required reduction in the number of posts, normal selection arrangements apply in accordance with the Managing Change Procedure (including natural wastage through turnover).
- 6.3 Any employee in the New Opportunities Procedure who declines to participate and refuses to be considered for, or rejects a formal job offer, will be issued with notice of redundancy, and will not receive a redundancy payment (where appropriate).

7. Support and Training

Upon entry to the New Opportunities Procedure employees will:

- 7.1 Complete a Skills Assessment form
- 7.2 Attend an Induction to Redeployment
- 7.3 Take advantage of their entitlement to support from the Job Search Support Programme (up to 40 hours.) (See Appendix C).
- 7.4 The Corporate Development Team will contact the employee regarding support available; there are three main areas of support, which can be tailored to suit employee's personal needs:
- Time for researching job opportunities
 - Enhancing skills
 - Practical help to prepare for the job market
- 7.6 Managers will ensure that employees being considered under the New Opportunities Procedure are given reasonable time off to attend interviews and to complete job applications.
- 7.7 Where a direct appointment (normally without interview) is being made by the HR division (normally up to BG8) it is advised that the manager and employee will meet for an informal discussion regarding the job, and any additional training/support required.
- 7.8 Managers and employees should consider skills training, mentoring, shadowing and coaching opportunities whenever possible. This may include the employee working towards achieving a Level 2 qualification in literacy and numeracy in the Skills for Life* programme (see Appendix C).

8. Matching

- 8.1 For the purpose of matching the following definitions apply:
- A 'reasonable suitable alternative' is defined as a permanent or fixed term post of

two years or more and continuity of service will apply for contractual and statutory purposes. Some other factors taken into consideration include pay and general terms and conditions.

- 'Priority candidates' are employees who are on the Redeployment Register who take 'priority' over other candidates.

8.2 Matching takes place BEFORE a post is advertised and will continue up to the date of termination of the employee's contract.

8.3 a) Employees will be matched to posts of the same substantive grade, and to posts which are up to 20% lower in salary than their existing substantive grade. (NB: this is for matching purposes only. See 15 for pay protection.) A match will be made if the employee is able to demonstrate the essential criteria for the post; or could do with reasonable training (see Section 11).

However, the following variations apply:

b) For all posts up to and including BG8, consideration will be given to making direct offers of employment to employees, where skills and experience directly match the essential criteria.

c) Employees graded BG1- BG5 may also be matched to posts of one grade higher than their substantive grade.

d) ALL employees referred to the New Opportunities Procedure who are covered by the Disability Discrimination Act are entitled to be matched to posts one grade higher than their substantive grade.

Alternatives to Matching

8.4a) Upon entry to NOP, employees may also wish to accept posts that would NOT normally be considered a suitable alternative i.e. to posts which are more than 20% lower in salary than their substantive grade - this is on a voluntary basis and entirely at the employee's discretion.

NB: In such instances employees will also be matched to suitable alternatives to their current post.

b) It should be noted that the usual Pay Protection provisions apply: the employee's contractual earnings will be frozen at the point of change for a period of 3 years or until the earnings of the new post become more than this or until they change post (see Section 15).

8.5 Should employees refuse to be considered for a vacancy to which they have been matched, or who reject a formal job offer, written reasons why they consider the post to be unsuitable should be submitted to the HR Adviser - New Opportunities. If it's considered that the reasons are unreasonable it will result in their removal from the Redeployment Register; issue of notice of redundancy and the refusal of redundancy pay (if applicable).

8.6 Refusal to attend an interview for a job deemed as a suitable alternative may result in a direct offer being made without interview, and any unreasonable refusal to accept will result in dismissal and the loss of entitlement to redundancy pay (if applicable).

8.7 Matching to Temporary/Fixed Term Posts

- a) Redeployees can be matched to any temporary or fixed term posts. In such instances the employee will retain all their rights from their original department, including: right to redundancy payment (if applicable); pension provisions; and will continue to accrue continuous service.

For more information click on the link to [Secondment and Acting-up Guidelines](#).

- b) Employees will re-enter NOP at the end of their temporary contract either for the remainder of their original period in NOP or as a new redeployee - this is, dependent on how long the employee was in NOP before securing temporary contract and length of temporary contract .

8.8 If unsuccessful at obtaining a suitable alternative, Bristol City Council's redundancy arrangements will apply (if applicable).

9. Selection

9.1 **Shortlisting:** Priority candidates are measured against the essential criteria of the employee specification only.

9.2 **Interviews:** Following competitive interview, if more than one priority candidate is appointable, the order of selection is as follows:

- Employees who are covered by the DDA
- Employees who have been issued with notice; this includes employees who volunteer for posts which are not considered to be suitable alternatives (see 8.4a)
- Employees who are at risk of redundancy but have not been issued with notice
- Any other employee in the New Opportunities Procedure e.g. medical redeployees (and not covered by the DDA).

Click on the [Recruitment and Selection Policy](#) link for full details.

10. Offer of post

10.1 If successful at interview, the terms of the offer will be confirmed in writing by the New Opportunities team. The offer is made subject to a statutory trial period of four weeks.

10.2 As soon as an employee is appointed to a suitable alternative post, they will be removed from the New Opportunities Register.

10.3 If not successful at interview written feedback is provided.

10.4 Recruiting managers may seek advice from their departmental HR Adviser and the New Opportunities team about the reasons for their decision not to select a priority candidate.

11. Trial period

11.1 ALL employees who have been offered a suitable alternative post are given a trial period of a minimum of four weeks. For part time employees this will be extended on a pro-rata basis.

- 11.2 At the point of offer and subject to mutual agreement, this period can be extended for the purpose of retraining - this **must** be agreed at the outset (it cannot be extended after this point) and take into account training required for the employee to reach the necessary standard. Trial periods will also be applied for temporary appointments.
- 11.3 The purpose of the trial period is for both parties to determine the suitability of the post. Regular, documented, reviews must take place to assess the performance of the employee against the essential criteria for the post.

12. Special Provisions for Employees with Performance Issues

- 12.1 In exceptional cases, employees with performance issues can be considered for redeployment.

NB: In such instances, there is no right to be given priority matching to posts of the same grade if at the informal stage of Managing Performance.

- 12.2 This includes employees who are being dealt with:

- a) under the Improving Performance Procedure; or
 - b) employees who have a current PMDS score of less than 3.
- However, the New Opportunities Procedure is not intended to be used as an alternative to dealing with performance issues; these employees will remain the responsibility of their current manager/department whilst they continue to undergo corporate job matching under this scheme.

- 12.3 Access to New Opportunities Procedure cannot be given in the following circumstances: after an extended review period; when an employee is subject to the formal review process; or where notice of dismissal has been issued.
- 12.4 Where redeployment is considered, reasonable time (for at least the statutory notice period) will be allowed in redeployment, but if dismissal stage is reached it will NOT be delayed, and the employee's notice period will NOT be extended.
- 12.5 Priority matching will apply if a poor performer is also at risk of redundancy as part of a restructuring

Click on [Improving Performance Procedure](#) for more information.

13. Notice

- 13.1 a) Upon being advised that an employee is being displaced from their current job, the individual concerned will be assessed (at the outset by the NOP team in liaison with the referring HR team and line manager) as to their suitability for redeployment based upon their skills, aptitude/ability to undertake retraining, and the likelihood of suitable alternative posts being available elsewhere in BCC, during the redeployment period.
- b) Once this assessment has taken place, the employee will be notified as to when they will enter redeployment, and the anticipated date when notice will be formally issued. Normally this would not be within the initial 3 months departmental redeployment.
- c) An additional factor which could influence the serving of notice, would be an employee's health, where it could be in the interests of the individual and the council, for the notice period to be implemented as quickly as possible.

13.2 The total redeployment period will not exceed 52 weeks - this includes the employee's contractual notice period.

14. Ill Health Retirement

14.1 Redeployment must be considered before Occupational Health are able to confirm that the employee satisfies the rules of the LGPS for the early release of pension on grounds of ill health retirement. Confirmation that the employee has been considered for new posts through engaging with the New Opportunities Procedure, together with details of matched jobs stating reasons why the matches were unsuccessful should accompany any such requests.

15. Alternative Employment and Contractual Pay Protection

15.1 A redeployee's pay will not be affected during their period in the New Opportunities Procedure, even if the individual is temporarily 'seconded' into a lower graded post.

Where an employee is offered and accepts a suitable alternative post as a result of organisational change (including re-evaluation of their existing post) and they have not received a redundancy payment:

- a) Contractual (hourly) pay will be protected. Please see paragraphs below on increasing and reducing hours.
- b) The employee's contractual pay will be frozen at this protected amount for either three years or until their contractual pay in the new post would meet/exceed their current contractual pay, whichever the sooner.
- c) Pay awards and increments will not be payable during the period of protection.
- d) The employee will be paid at the top spinal column point of the grade for the post once the three-year period of protection ends.

15.2 NB: Pay protection applies to all redeployees, including medical redeployees, with the following exceptions:

Pay Protection Exemptions:

15.3 Pay Protection does not usually apply to employees on fixed term or temporary contracts who would be at risk of redundancy at the expiry of their contract (or their notice period), or;

15.4 Employees entering NOP as a result of Improving Performance (see Section 12) are not entitled to pay protection. Click here to access [Improving Performance Procedure](#).

15.5 Who bears the cost of contractual pay protection?

The cost of contractual pay protection will be met by the substantive/releasing department.

15.6 Increasing working hours during period of pay protection

Where an employee increases their working hours in the post during the period of protection, the additional hours (including any overtime) will be paid at the unprotected rate for the job (overtime will be enhanced in accordance with the employee's conditions of service and the council's Working Arrangements Policy).

15.7 Reducing working hours during the period of pay protection

Where an employee reduces their working hours in the post upon commencement of the new post or during the period of protection, their contractual pay (including the element of protection) will be reduced accordingly (on a pro rata basis).

15.8 Pay protection for teachers

Teachers will receive pay protection in accordance with the "safeguarding" provisions set out in the School Teachers' Pay and Conditions Document.

15.9 Protection of pension benefits

Employees who are members of the Local Government Pension Scheme and whose contractual pay reduces as a result of organisational change will be issued with a statement of the pension protection arrangements of the scheme by the HR advisor. Different arrangements apply for members of the Teachers' Pension Scheme, who should seek advice from HR.

16. Dismissal

16.1 Bristol City Council employees have the right of appeal against dismissal in accordance with the relevant procedure.

17. Variations

17.1 In exceptional cases the Head of Paid Service/Head of HR retains the right to vary some of the provisions of the New Opportunities Procedure should this be required.

Appendix A

Roles and Responsibilities of Corporate Human Resources (New Opportunities)

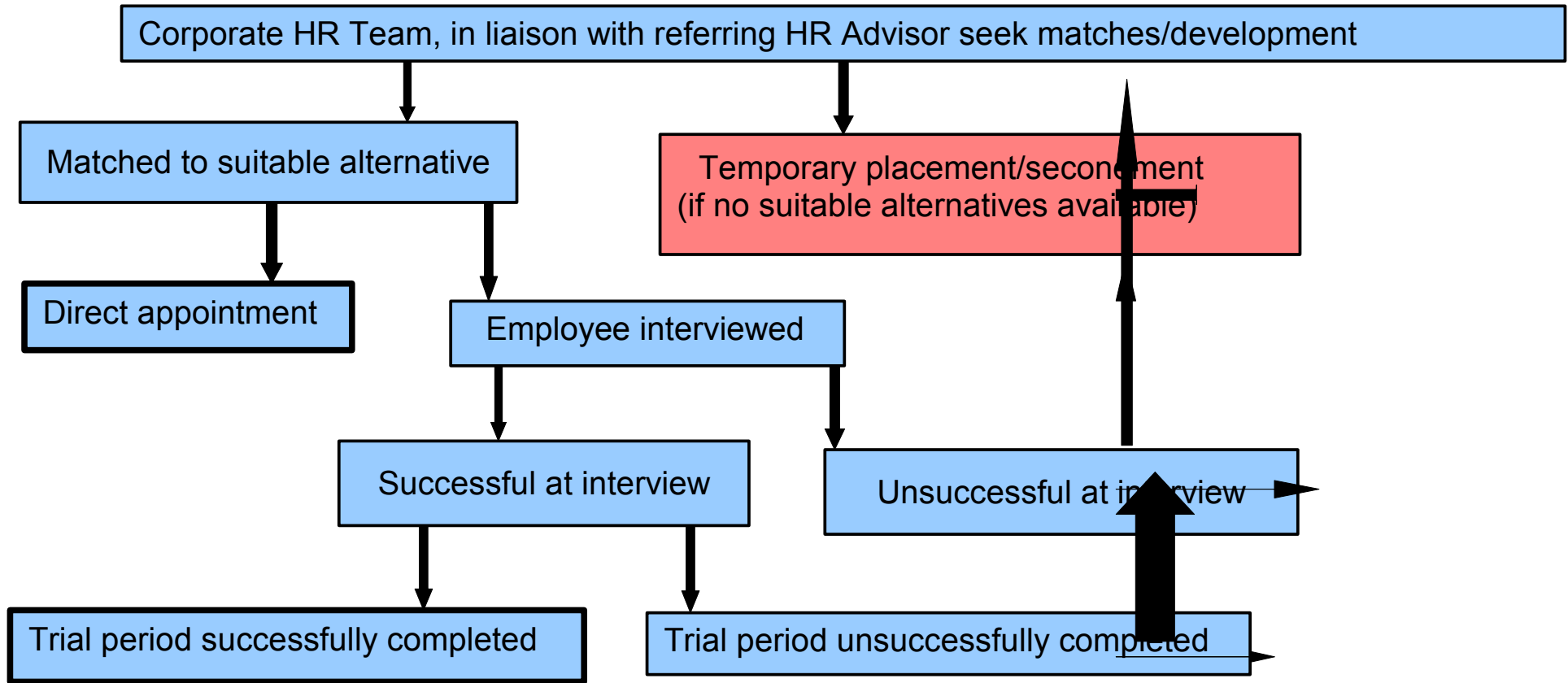
The Corporate Redeployment Team vet vacancies for permanent redeployment prior to advert; and find placements and secondments for staff who are at risk of redundancy; and assess anticipated turnover and future vacancies.

They also ensure that employees who are displaced are given the opportunity to access the council's JSSP.

Notwithstanding the centralisation of the redeployment process, Chief Officers are still required to endeavour to find alternative job opportunities, secondments, and alternative placements for displaced employees, to maximise employment opportunities as an alternative to redundancy.

Appendix B

Corporate Redeployment





JOB SEARCH SUPPORT PROGRAMME (JSSP)

What is the purpose of the Job Search Support Programme?

The purpose is to help employees find alternative employment within the City Council. With the introduction of the New Opportunities procedures there is now a two stage process for this support. First phase is departmentally based and for information or enquiries regarding the New Opportunities Procedure you will need to contact the HR Team Leader (New Opportunities) on (0117) 9224280 or your departmental HR Advisor who will be working with you and your employing department to find an alternative job in the City Council.

The second Corporate phase will bring you into contact with the Corporate Development team (cdt) in the HR division of Central Support Services. They offer a programme of job search support to assist employees whose posts are at risk to find a new job by providing training and development support opportunities. The new job can be either with the Council or elsewhere.

While under notice you are entitled to up to 40 hours of practical training support to

enhance your re-employment prospects. You may wish to do some information technology (IT) training which ranges from basic skills to more advanced skills and packages. Or maybe you feel you that a course from the open programme which includes Time Management, Presentation Skills and Writing Effectively would be beneficial (details on the Intranet or from cdt). A comprehensive interview preparation package is also available. All these programmes are funded from central sources at no cost to you or your department.

What support is available?

A discussion with you, either by telephone or in person to identify your needs.

- A package of training and development tailored to meet your needs. See overleaf for details.

JSSP entitlement is for up to forty hours of support overall. We will monitor hours used with you so you can track the use of your entitlement and make sure this is not exceeded.

Who should you call?

If you would like to take advantage of this service or need further information please contact the CDT Administrator on ext. 23536

Time for research

Undertaking job search tasks such as visiting Job Centre plus, writing to other organisations and completing job application forms.

- Arrangements:
This is self directed and individuals will need to agree with their line managers when this can be done, keeping a record of the time used.

Skills enhancement

Access to courses on the open programme or IT skills programmes that range from introductory programmes to refreshers on packages you may already be familiar with. It could also include Skills for Life related learning e.g. help with words and numbers in the workplace etc. if this would help you to find alternative work.

- Arrangements:
Access to courses is via **cdt** who manage the programmes. Details of courses can be found on the Intranet. Others can be arranged via **cdt**

- Delivered by:
A range of associate trainers managed by **cdt**

Preparing for the job market (internal support)

The programme provides practical support to identify skills and achievements, how to present these in internal or external application forms and CV's and how to prepare for interviews. Sessions can be arranged for you on a one-to-one coaching basis, or you can attend a one-day 'Self-marketing and interview preparation' course, or a two day 'Preparation for interview' course, which includes supported practice interviews.

- Arrangements:
Access to programme options is via **cdt** who will work with employees to maximise their potential in job seeking.

- Delivered by:
Consultants from **cdt**

Preparing for the job market (external support)

If employees are considering career options other than their current career then support is offered via an external adviser who can give careers advice on a wide range of employment alternatives.

- Arrangements:
Accessed via **cdt**.

Appendix D

ADDENDUM TO NEW OPPORTUNITIES PROCEDURE – Employees of schools with “delegated budgets”

This addendum does not form part of an employee’s contract of employment and does not create any contractual rights.

All staff within locally managed schools will be given consideration under the New Opportunities Procedure as long as they meet the qualification criteria. The circumstances in which staff will have access to the procedure are set out below:-

Where it has been agreed in writing between with the School HR Advice and Support Team and the individual school, employees in a work group who are identified under the school’s Management of Change Procedure as being potentially at risk of redundancy, the employee/s affected will be considered for job matching opportunities in the CYPS department. This shall be in accordance with section 8 of the New Opportunities Procedure. This shall last until an employee has been redeployed or until an employee has been notified that they been selected for redundancy and issued with contractual notice. The other provisions set out in paragraphs 9,10 and 11 of the procedure shall also apply.

- Where an employee is issued with contractual notice of dismissal, they shall be referred to the Corporate New Opportunities Procedure for the duration of their contractual notice period. Notice can only be extended with the written agreement of the governing body.
- The arrangements for priority consideration (above) will also apply where an employee has been recommended for redeployment to a different post on the grounds of “ill health” in accordance with paragraph 6.1 c of the procedure and “in the interests of the efficiency of the service” where an employee is no longer able to reach the standard of performance required for their job, but may be suitable for redeployment to a less onerous post.

Where a School Based Employee Accepts Alternative Employment Within a Council Department.

Where an employee is offered and accepts post (including on a trial period) they will cease to work at the school and become a direct employee of the Council.

Appeal Rights

Appeals against the decision to dismiss on the grounds of redundancy

If an employee wishes to appeal against the decision of the governing body to dismiss them on the grounds of “redundancy” or “efficiency”, then this will be considered by a committee of the governing body in accordance with the management of change procedure.

Appeals Against an Unsuccessful Trial Period

The employee shall have the right of appeal to the Director of Central Support Services within five working days of receiving written notification of the decision to end the trial period.

Failure to satisfy the requirements of the trial period will mean that the dismissal decision of the governing body stands. Where a trial period has extended beyond the employee's contractual notice, the dismissal shall take effect from either:

- a) the end of the trial period; or
- b) with immediate effect.

In all circumstances, any pensions and severance costs shall be met by the governing body or the CYPS Pensions and Severance Budget.

Redeployment Between Schools

Redeployment between schools is not part of the New Opportunities Procedure.

Time Period

There is no entitlement for an LMS employee to be given a temporary work placement for 3-12 months, unless the governing body is prepared to underwrite the cost. In exceptional circumstances the Head of the Paid Service, or his nominee has the discretion to vary these arrangements.

Full Equalities Impact Assessment

This toolkit has been developed to use as a guide when conducting a Full Equalities Impact Assessment (EqIA) on a policy, service or function. It includes questions that need to be answered by the person/team conducting the EqIA, plus questions that could be asked of key stakeholders during consultation phases. It is intended that this is used as a working document throughout the EqIA process: the final written report of the EqIA should follow the same format and cover each of the sections within it.

It is important to consider all available information that could help determine both whether the policy could have any potential adverse impact and whether it meets the particular needs of different equalities groups. Please attach examples of any monitoring information, research and consultation reports that you have used to assess the potential impact upon the six equalities strands.

NB - Only fill in the sections that are relevant

Title of service, function or policy being assessed	New Opportunities Procedure
Name of directorate and service	CSS/HR
Name and role of officers completing the assessment	Jackie Johnstone
Contact telephone number	07825 979 514
Date assessment completed	August 2008

1.	Identify the aims of the policy/service/function and how it is implemented.		
	Key questions	Answers / Notes	Actions required
1.1	Is this a new a new policy / function or service or a review of an existing one?	Existing Policy	
1.2	What is the aim, objective or purpose of the policy/service/function?	To improve council services by maximising the level of successful redeployment and retention of all staff, and increasing training and development opportunities by reducing the use of redundancy; to facilitate workforce planning and to maintain medical redeployees as an alternative to dismissal.	
1.3	Whose needs is it designed to meet? who are the main stakeholders?	Bristol City Council employees Bristol City Council Managers Trade Unions	
1.4	Who defines or defined the policy/function? How much room for manoeuvre is there?	This is a Corporate policy, led by the Corporate HR Team	
1.5	Who implements the policy function? Is it possible for bias/prejudice to creep into the process?	Corporate HR Team. NOP relies on a well-established referral process which allows very little room for bias but bias is possible (see 1.6).	Review policy impact in October 2009. Will continue to collect and monitor equalities data regarding equalities groups referred to NOP, and make amendments as outlined below.
1.6	Are there any areas of the policy or function that are governed by discretionary powers or judgement? If so is there clear guidance on how to exercise these?	Yes - time periods in NOP will vary according to how transferable skills are. Some employees may enter for statutory notice period and others for up to 12 months -this will be assessed by the NOP team in liaison with referring HR team and line manager.	Monitoring of this provision required.

		<p>For medical redeployees - time periods within NOP will be for a minimum of the statutory notice period - any extension beyond this is determined by medical evidence/opinion and Occupational Health Guidance.</p> <p>Although matching relies on a set of general criteria which are applied throughout i.e. Matching to suitable alternatives is based on skills matching and a 20% pay boundary, an element of subjective judgement exists.</p> <p>Redeployees can indicate on a voluntary basis that they wish to be considered for posts which are 'non-suitable alternatives' i.e. Lower graded posts on a voluntary basis (as well as suitable alternatives) - this is entirely at the employee's discretion</p>	<p>To continue monitoring matching process</p> <p>Monitoring required to see if any groups accessing this provision more or less than other groups.</p>
1.7	What factors or forces are at play that could contribute or detract from the outcomes identified earlier in 1.2?	N/A	
1.8	How do these outcomes meet or hinder other policies, values or objectives of the public authority (this question will not always apply)	N/A	
1.9	How does the local authority interface with other bodies in relation to the implementation of this policy function? (this question will not always apply)	N/A	
1.10	Consider if any of the six equalities strands have particular needs relevant to the policy.	Although this policy is applicable to all employees it may be of particular interest to those covered by the DDA.	
1.11	Taking the six strands of equalities, is there anything in the policy that could discriminate or	Not within the policy but it is possible that indirect discrimination could arise through	Monitoring (as per 1.6 above).

disadvantage any groups of people?	application of discretion as described in 1.6
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2. Consideration of available data, research and information			
	Key questions	Answers / Notes	Actions required
2.1	What do you already know about who uses and delivers this service or policy?	New Opportunities is open to all Bristol City Council employees	
2.2	What quantitative data do you already have? (e.g census data, employee data, customer profile data etc)	Information is currently available - referrals to NOP i.e. equalities statistics are recorded on a quarterly basis - Gender, Disability, Age and Ethnicity are recorded and provided to TUs.	Comparison of NOP equalities data with Bristol City Council's Workforce Diversity Statistics; Currently, NOP Age Diversity Criteria does not match with Bristol City Council's Workforce Diversity Statistics - NOP to be harmonised with immediate effect; Monitor all Diversity groups - will consult with SOGs and Equalities team; NOP ethnicity figures to correspond with Council's Workforce Diversity Statistics i.e. Less undeclared returns, with immediate effect.
2.3	What qualitative data do you already have? (e.g results of customer satisfaction surveys, results of previous consultations, staff survey findings etc).	Currently, there is no qualitative evidence to suggest that any of the equalities groups believe they are treated less favourably, with the exception of BME SOGs who state BMEs are concentrated in Temporary/fixed term contracts, and when linked to NOP/Managing Change	Customer satisfaction survey (i.e. Redeployee survey in terms of equality group) Further research is required to establish the number of BME staff in FTCs and

		<p>they suffer/are discriminated against disproportionately.</p> <p>Similarly, feedback from SOGs suggests the remit of NOP requires further clarification, as some points raised are beyond the remit of the NOP policy.</p> <p>However, those covered by DDA are more likely to be affected (see 4.2)</p>	<p>NOP team will monitor NOP destination in terms of equality group.</p> <p>Have requested dates of next group meeting so can discuss concerns raised.</p>
2.4	What additional information is needed to ensure that all equality groups' needs are taken into account? Do you need to collect more data, carry out consultation at this stage?	Current base-line data (see 2.2) is not sufficient. Will revise as per 1.6 and 2.2	Customer satisfaction survey (as per above) or some such.
2.5	How are you going to go about getting the extra information that is required?	<p>Break down customer satisfaction survey by equality group</p> <p>Ask further questions/consult as part of 2009 review</p> <p>Review breakdown of employees within NOP and monitoring provision (as per 1.6 and 2.2) and will regularly analyse data.</p>	Suggested ideas: survey redeployees as part of NOP process; further feedback from SOGs and recommendations from Equalities team

3. Formal consultation (include within this section any consultation you are planning along with the results of any consultation you undertake)

	Key questions	Answers/notes	Actions required
3.1	Who do you need to consult with?	<p>TUs</p> <p>SOGs</p> <p>HRMT</p> <p>HRC</p> <p>HR Teams (Advisors)</p> <p>Corporate NOP Team</p>	SOGs - continue trying to obtain dates for next SOG meeting, in order to get slot on agenda - so can respond to concerns raised as part of this EIA.

3.2	What method / form of consultation can be used?	Face-to-face Via email if agreed/appropriate	
3.3	What consultation was actually carried out as part of this EqlA and with which groups?	See Actions required in 3.1	
3.4	What were the main issues arising from the consultation?	TBA	

Recording the consultation

You must ensure that you record all the main areas of concern raised by equality and customer groups during consultations and how you will address these concerns. You may wish to consider using a template such as the one below:

Group consulted	Date, Venue and number of people attending consultation	Area of concern from Group	How will this be addressed and fed back to the group?
e.g. BSL Forum	BSL Users meeting Council House, 30 August 2007 25 people in attendance.	Deaf people may be unaware of new service as information not available on BSL video.	We will work with BSL forum to develop suitable material to promote the service to Deaf people and monitor take up of services users by impairment group to ensure Deaf people are using our services. We will meet again with the BSL forum in November to provide an update on progress.

Please attach the results of your consultations here:

Group consulted	Date, Venue and number of people attending consultation	Area of concern from Group	How will this be addressed and fed back to the group?
TBA			
TBA			
TBA			

4. Assessment of impact		
	Based upon any data you have analysed, or the results of consultation or research, use the spaces below to list how the policy will or does actually work in practice for each equalities group. Identify any differential impact and consider whether the policy/function meets any particular needs of each of the six equalities groups. Also include any examples of how the policy or service helps to promote race, disability and gender equality.	
		Impact or potential impact (negative, positive or neutral)
4.1	Gender – identify the impact/potential impact of the policy on women, men and transgender people	<p>NB: Figs for Section 4 are based on data for April 07 - March 2008. All figures are rounded-up and are based on Bristol City Council's Workforce Diversity Statistics - March 2008; and NOP equalities data</p> <p>The council's workforce comprises 27% male and 73% female employees, compared to 32% male and 68% female redeployees for the same period - these figures are broadly similar - given that more women than men are employed by Bristol City Council, therefore, more women than men are referred to NOP; it appears that female redeployees do not suffer any detriment as a result of being referred to NOP.</p>
4.2	Disability - identify the impact/potential impact of the policy on disabled people (ensure consideration of a range of impairments including visual and hearing impairments, mobility impairments, learning disability etc)	<p>The council's workforce comprises 5% disabled employees, compared to 11% referred to NOP. This disparity is attributed to the number of medical redeployees referred to NOP, who are most likely to be covered by the Disability Discrimination Act.</p> <p>It is recognised that in general, it is more difficult for a disabled person to find</p>

		<p>alternative employment - as a large organisation, we have endeavoured to make reasonable adjustments to facilitate them remaining in work by matching those covered by the Disability Discrimination Act to posts one grade higher than their substantive grade.</p>																								
4.3	<p>Age – identify the impact/potential impact of the policy on different age groups</p>	<p>It is difficult to make a comparison between workforce figures and NOP equalities data, as the reporting categories do not correspond between the two sets of data (see 2.2). However, the following applies in NOP: those aged from 20-39 represent 26% of NOP referrals; those aged 40-59 represent 60%; and those aged 60+ account for 14% of referrals - this compares to the following for Bristol City Council: 16-24 represents 5% of our workforce; 25-49 represents 61%; 50-64 represents 33% and 65+ represents 2%.</p> <p>Although a direct comparison cannot be made, there appears to be a broad correlation between the workforce and NOP referrals, indicating that no age group suffers any detriment. However, further monitoring is required (see 2.2)</p>																								
4.4	<p>Race – identify the impact/potential impact on different black and minority ethnic groups</p>	<p>For ease of reference, the following information is provided in table form:</p> <table border="1" data-bbox="969 699 2069 1090"> <thead> <tr> <th data-bbox="969 699 1337 746">Ethnicity Group</th> <th data-bbox="1337 699 1704 746">Bristol City Council %</th> <th data-bbox="1704 699 2069 746">NOP referrals %</th> </tr> </thead> <tbody> <tr> <td data-bbox="969 746 1337 794">Asian/Asian British</td> <td data-bbox="1337 746 1704 794">1</td> <td data-bbox="1704 746 2069 794">0.5</td> </tr> <tr> <td data-bbox="969 794 1337 842">Black/Black British</td> <td data-bbox="1337 794 1704 842">4</td> <td data-bbox="1704 794 2069 842">8</td> </tr> <tr> <td data-bbox="969 842 1337 890">Chinese</td> <td data-bbox="1337 842 1704 890">0.2</td> <td data-bbox="1704 842 2069 890">0.4</td> </tr> <tr> <td data-bbox="969 890 1337 938">Mixed</td> <td data-bbox="1337 890 1704 938">1</td> <td data-bbox="1704 890 2069 938">0.2</td> </tr> <tr> <td data-bbox="969 938 1337 986">Other</td> <td data-bbox="1337 938 1704 986">0.3</td> <td data-bbox="1704 938 2069 986">1</td> </tr> <tr> <td data-bbox="969 986 1337 1034">White</td> <td data-bbox="1337 986 1704 1034">93</td> <td data-bbox="1704 986 2069 1034">80</td> </tr> <tr> <td data-bbox="969 1034 1337 1090">Undeclared</td> <td data-bbox="1337 1034 1704 1090">Data not recorded</td> <td data-bbox="1704 1034 2069 1090">10</td> </tr> </tbody> </table> <p>NB: Bristol City Council's workforce figures do not include undeclared returns, whereas NOP data does. Although NOP referrals are broadly correspondent with wider council figures - there does appear to be a slight disparity regarding Black/Black British referrals - this is attributed to the high number of undeclared returns for NOP which are included in NOP reporting - as such figures do not correlate and appear to pose a discrepancy with Bristol City Council's workforce figures . See 2.2.</p> <p>Response from SOG suggests BME groups are more concentrated in</p>	Ethnicity Group	Bristol City Council %	NOP referrals %	Asian/Asian British	1	0.5	Black/Black British	4	8	Chinese	0.2	0.4	Mixed	1	0.2	Other	0.3	1	White	93	80	Undeclared	Data not recorded	10
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Other	0.3	1																								
White	93	80																								
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		Temporary/Fixed term posts and when it's linked to NOP/Managing Change, they suffer/are discriminated against disproportionately (see 2.3 for actions).	
4.5	Sexual orientation - identify the impact/potential impact of the policy on lesbians, gay men, bisexual and heterosexual people	Data from this group is not collected by NOP (see 2.2). Workforce audit currently shows LGB representation of 3.02%	
4.6	Religion/belief – identify the impact/potential impact of the policy on people of different religious/faith groups and also upon those with no religion.	Data from this group is not collected by NOP (see 2.2). Workforce audit currently shows religion/belief representation as: Buddhist 0.68%, Christian 61.75%, Hindu 0.23%, Jewish 0.08%, Muslim 1.05%, None 31.73%, Other 4.14%, and Sikh 0.36%	
4.7	Have you identified any areas in which the policy/service or function is indirectly or directly discriminatory? If you answer yes to this please refer to legal services on whether this is justifiable within legislation.	No	
4.8	If you have identified any adverse impact(s) can it be avoided, can we make changes, can we lessen it etc? (NB: If you have identified a differential or adverse impact that amounts to unlawful discrimination, then you are duty bound to act to ensure that the Council acts lawfully by changing the policy or proposal in question).	No	
4.9	Are there additional measures that could be adopted to further equality of opportunity in the context of this policy/service/function and to meet the particular needs of equalities groups that you have identified?	Further research as indicated in 4.4	

5. Internal processes for the organisation – to be explored at the end of the monitoring process.

Making a decision in the light of data, alternatives and consultations

	Key questions	Answers/notes	Actions required
5.1	How will the organisations decision making process be used to take this forward?	TBA	

Monitoring for adverse impact in the future

	Key questions	Answers/notes	Actions required
5.2	What have we found out in completing this EqIA? What can we learn for the future?	As outlined above	
5.3	Who will carry out monitoring?	As outlined above	
5.4	What needs to be monitored?	As outlined above	
5.5	What method(s) of monitoring will be used?	As outlined above	
5.6	How will the monitoring information be published?	TBA	Establish what data will be published, by which date, how and when.

Publication of results of the equality impact assessment

	Key questions	Answers/notes	Actions required
5.7	Who will take responsibility for writing up the EqIA report?	Jackie Johnstone - HR Adviser	
5.8	How will the results of the EqIA be published?	On the internet and intranet	
5.9	Who will take responsibility for this?	Jackie Johnstone (in conjunction with designated HR Manager and Equalities Team)	Identify designated HR Manager

6. Equality Impact Assessment Improvement Plan

Please list actions that you plan to take as a result of this assessment (continue on separate sheets as necessary). These actions need to be built into the service planning framework and targets should be measurable, achievable, realistic and time bound.

Title of service/function or policy being assessed:

Name and role of officers completing assessment:

Date assessment completed:

Issues identified	Actions required	Progress milestones	Officer responsible	By when
More rigorous monitoring of equalities data	Full review of policy impact in Oct 2009. Liaise with Equalities team.		Jackie Johnstone	Oct 2009
Improved data recording required to show activity by equality group	Review data recording (see 1.6, 2.2, 2.3,2.4, 2.5, 4.1, 4.2, 4.3, 4.4, 4.5, 4.6) Liaise with Equalities team.	Implementation of revised data recording	Jackie Johnstone	Dec 2008
Allow more time for consultation with SOGs	Attend SOG meetings as part of on-going Equalities Impact Assessment (See 2.3)	Attendance at SOG meetings	Jackie Johnstone	Dec 2008

TBA				
TBA				

Once you have completed this form, keep a copy of the form as a record of the processes you have been through in carrying out the EqIA

Please sign and date this form, keep one copy and send one to the Corporate Equalities Team.

Signed Jackie Johnstone
Lead Officer
Date 22 August 2008

Signed
Departmental Equalities Contact
Date

Action Plan

Recommendation	Key activity	Progress milestones	Officer Responsible	Progress

Signed
Lead Officer
Date

Signed
Departmental Equalities Contact
Date